

Sec. 14. Minnesota Statutes 1976, Section 340.11, Subdivision 11a, is amended to read:

Subd. 11a. **ON-SALE LICENSES TO CERTAIN SPORTS COMMISSIONS.** Notwithstanding any law or municipal charter provision to the contrary, on-sale licenses for the sale of intoxicating liquor may be issued to establishments located on lands owned ~~jointly by more than one municipality~~ the commission created in sections 1 to 12 and which are used primarily for sports and recreational purposes upon payment of the regular on-sale license fee therefor to the municipality wherein the licensed premises are located. Such licenses shall authorize the sale of intoxicating liquor to club members and guests only.

Sec. 15. This act is effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 16. This act is effective on the day following final enactment.

Approved May 16, 1977.

CHAPTER 90—S.F.No.32

[Coded in Part]

An act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; authorizing a shade tree disease control research program; appropriating money; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7, 8 and 11, and adding a subdivision; 116.07, Subdivision 4; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

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

Section 1. Minnesota Statutes 1976, Section 18.023, Subdivision 1, is amended to read:

18.023 MUNICIPALITIES; 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

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398; or any special purpose park ~~district 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 which makes request to and has consent of the commissioner to come within the provisions of this section 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 a ~~system~~ facilities, equipment or systems 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) "~~Subsidy program~~" means a ~~municipal program of financial assistance to private property owners for the removal of diseased elm and or oak shade trees.~~

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

(~~h~~) (g) "Disease control area" means an area approved by the commissioner within which a municipality will conduct a ~~shade tree~~ 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 as part of an approved 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 1976, Section 18.023, Subdivision 1a, is amended to read:

Subd. 1a. **METROPOLITAN SHADE TREE DISEASE CONTROL PROGRAM; PURPOSE.** The legislature finds that an epidemic of Dutch elm disease and oak wilt disease is occurring in Minnesota which threatens the natural environment. Immediate action is therefore necessary to provide funds to assist local units of government in the implementation of shade tree disease control programs by conducting sanitation and reforestation programs, expanding diseased wood destruction programs, increasing public awareness of shade tree disease, accelerating training of tree inspectors and research for disease prevention and subsidizing private property owners for the removal of diseased elm and oak trees.

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Sec. 3. Minnesota Statutes 1976, Section 18.023, Subdivision 2, is amended to read:

Subd. 2. **COMMISSIONER TO ADOPT RULES.** The commissioner shall adopt and from time to time may amend; rules and regulations relating to shade tree disease control in the metropolitan area in accordance with sections 15.0411 to 15.0422 any municipality, as defined in subdivision 1. Such The rules and regulations shall prescribe control measures to be used to prevent the spread of shade tree diseases and shall include the following: (a) A definition of shade tree, (b) qualifications for tree inspectors, (c) methods of identifying diseased shade trees, (d) procedures for giving reasonable notice of inspection of private real property, (e) measures for the treatment and removal of any shade tree which may contribute to the spread of shade tree disease, and for reforestation of disease control areas, (f) approved methods of treatment of shade trees, (g) criteria for priority designation areas in an approved disease control program, and (h) such any other matters as shall be determined to be necessary by the commissioner to prevent the spread of shade tree disease and enforce the provisions of this section. In accordance with the rules and regulations adopted by the commissioner, and After reasonable notice of inspection having been given to the an owner of the real property, diseased shade trees shall be removed or treated by the owner of the real property on which such a diseased shade trees are tree is located shall remove or treat the tree within a the period of time as may be and in the manner established by the commissioner. In the case of the expense of removing or treating diseased shade trees located on street terraces or boulevards; not more than 50 percent of such expense may be assessed to the abutting properties by the municipality which expense shall become a lien on the property. Trees which are not removed or treated shall be declared a public nuisance and removed by the municipality which may assess the total expense or any part thereof to the property which expense shall become a lien on the property. Diseased shade trees which are not removed or treated in compliance with the commissioner's rules shall be declared a public nuisance and removed or treated by approved methods by the municipality which may assess the total expense, which shall be limited to the lowest contract rates available, provided said rates include wage levels which meet Minnesota minimum wage standards, or any part thereof to the property and the expense shall become a lien on the property. A municipality may assess not more than 50 percent of the expense of treating with an approved method or removing diseased shade trees located on street terraces or boulevards to the abutting properties and the assessment shall become a lien on the property.

Sec. 4. Minnesota Statutes 1976, 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 shade tree disease control program for the partial funding of municipal subsidy programs for the removal of diseased shade trees by owners of residential property pursuant to subdivision 4 sanitation and reforestation programs. The commissioner may make grants-in-aid to any city of more than 80,000 population or any special purpose park district organized under the charter of a city of the first class or any non-profit corporation serving a city of the first class or any county having a disease control program approved by the commissioner home rule charter or statutory city of

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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 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 facilities or equipment or the implementation of wood utilization or disposal systems system.

(b) The commissioner shall promulgate 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;

(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 facilities, equipment and systems and grants for public subsidy programs~~ made by the commissioner pursuant to this subdivision shall not exceed 50 percent of the total cost of the ~~facility equipment or system or municipal subsidy program, or both.~~ Grants to any municipality for sanitation shall not exceed 45 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 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 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 as described in subdivision 1 of less than 1,000 population with an approved disease control program may include up to 90 percent of the first 50 trees planted on public property. 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.

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(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. 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.

~~(d) (e) A municipality home rule charter or statutory city, or county outside the metropolitan area or any municipality, as defined in subdivision 1, which has received the consent of the commissioner to come within the provisions of Laws 1975, Chapter 253 may receive grants authorized by this subdivision; and may submit an application for a grant authorized by this subdivision concurrently with its request for inclusion approval of a disease control program.~~

Sec. 5. Minnesota Statutes 1976, Section 18.023, Subdivision 4, is amended to read:

Subd. 4. **SUBSIDIES TO PRIVATE PROPERTY OWNERS.** ~~(a) A municipality may provide subsidies to nonprofit organizations, owners of private residential property owners of five acres or less and to nonprofit cemeteries, however organized, for the approved treatment or removal of diseased shade trees provided; however, that the cost to the municipality for providing such subsidies shall be within the limitations set forth in sections 275.50 to 275.56.~~

~~(b) Notwithstanding any law to the contrary, an owner of property on which shade trees are located may contract with a municipality to provide protection against the cost of approved treatment or removal of diseased shade trees or shade trees that will contribute to the spread of shade tree diseases. Under such contracts, the municipality shall pay for the removal or approved treatment under such terms and conditions as may be determined by the governing body of the municipality.~~

Sec. 6. Minnesota Statutes 1976, Section 18.023, Subdivision 7, is amended to read:

Subd. 7. **FINANCING.** (a) A municipality may collect the amount assessed against the property under subdivision 2 as a special assessment and may issue obligations as provided in section 429.101, subdivision 1, provided that a municipality as at its option make any assessment levied payable with interest in installments not to exceed five years from the date of the assessment.

~~(b) After a contract for the removal or sanitation or approved treatment of trees on private property has been let, or the work commenced, the municipality may issue obligations to defray the expense of any such work financed by special assessments imposed upon private property. Section 429.091 shall apply to such obligations with the following modifications:~~

~~(1) Such obligations shall be payable not more than five years from the date of issuance; and~~

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(2) No election shall be required.

Obligations issued under the provisions of this clause shall not be considered bonded indebtedness for the purposes of section 273.13, subdivisions 6 and 7. The certificates shall not be included in the net debt of the issuing municipality.

Sec. 7. Minnesota Statutes 1976, Section 18.023, Subdivision 8, is amended to read:

Subd. 8. **DEPOSIT OF PROCEEDS IN SEPARATE FUND.** The proceeds of any tax levied, assessments and interest collected, or any bonds or certificates of indebtedness issued under subdivisions 6 and subdivision 7 and section 11 of this act, and any grants received under subdivision 3a, shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.

Sec. 8. Minnesota Statutes 1976, Section 18.023, is amended by adding a subdivision to read:

Subd. 10a. The commissioner may establish experimental programs for sanitation or treatment of shade tree diseases. The commissioner may make grants to municipalities, or enter into contracts with municipal, state or federal agencies in connection with experimental shade tree programs including research to assist municipalities in establishing priority designation areas in an approved disease control program.

Sec. 9. Minnesota Statutes 1976, Section 18.023, Subdivision 11, is amended to read:

Subd. 11. **REPORT TO THE LEGISLATURE.** On or before January 31 of each ~~succeeding~~ year, the commissioner shall report to the legislature on the preceding year's ~~plans and approved disease control programs which have been implemented for shade tree diseases in the metropolitan area and any experimental programs conducted pursuant to subdivision 10a.~~

Sec. 10. Minnesota Statutes 1976, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. **REGULATIONS AND STANDARDS.** Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the
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pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to collection, transportation, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, and disposal of solid waste, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, regulations or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of this chapter for the identification, labeling, classification, storage, collection, treatment, and disposal of hazardous waste and location of hazardous waste disposal facilities. A regulation or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 11. Minnesota Statutes 1976, Section 275.50, is amended by adding a subdivision 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"

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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 1977, payable in 1978. 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 275.51, for levy year 1977, taxes payable 1978, there shall be subtracted from the levy limit base of any governmental subdivision an amount equal to 112 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. 12. The commissioner of agriculture shall adopt emergency rules pursuant to section 15.0412, subdivision 5, concerning grants to municipalities for reforestation and sanitation which shall be effective until either September 1, 1977, or the effective date of the amended permanent rules to be promulgated pursuant to section 3 of this act, whichever occurs first.

Sec. 13. The commissioner may employ and prescribe the duties of three permanent employees in the unclassified service as may be necessary to administer the provisions of section 18.023, subject to appropriation, until June 30, 1978. Thereafter, the three positions shall be in the classified service.

Sec. 14. APPROPRIATIONS. Subdivision 1. There is appropriated from the general fund to the commissioner of agriculture the following amounts for the following purposes, for the period from January 1, 1977 to December 31, 1978. The sum of \$13,762,500 shall be available for expenditure from January 1, 1977 to December 31, 1977 and \$13,762,500 shall be available for expenditure from January 1, 1978 to December 31, 1978:

<u>(a) For grants for sanitation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a,</u>	<u>\$21,650,000</u>
<u>(b) For grants for reforestation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a,</u>	<u>\$ 4,400,000</u>
<u>(c) For grants-in-aid for wood utilization and disposal systems pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a,</u>	<u>\$ 550,000</u>
<u>(d) For public information</u>	<u>\$ 225,000</u>
<u>(e) For experimental programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 10a,</u>	<u>\$ 400,000</u>
<u>(f) For administration</u>	<u>\$ 300,000</u>

The commissioner shall not make grants for sanitation and reforestation for wood utilization and disposal systems in excess of 67 percent of the amounts specified in clauses (a) to (c) to the municipalities located within the metropolitan area, as defined in section 18.023, subdivision 1.

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Subd. 2. There is appropriated from the general fund to the university of Minnesota the following amounts for the following purposes, for the period from January 1, 1977, to December 31, 1978:

<u>(a) For research by the agricultural experimental station, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10,</u>	\$ 100,000
<u>(b) For continuing education and training by the agricultural extension service, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10,</u>	\$ 250,000

Subd. 3. The sum of \$625,000 is appropriated from the general fund to the commissioner of natural resources for the expenses of sanitation of diseased shade trees on lands which the commissioner administers within 1,000 feet of any municipality with an approved disease control program and within camp sites, picnic areas, waysides and parking areas.

This appropriation is in lieu of all other appropriations to the commissioner of natural resources for the same purposes for the period from January 1, 1977 to December 31, 1978.

Subd. 4. The appropriations in this section shall not cancel but shall remain available until expended.

Sec. 15. REPEALER. Minnesota Statutes 1976, Section 18.023, Subdivision 6, is repealed.

Sec. 16. EFFECTIVE DATE. This act is effective January 1, 1977.

Approved May 18, 1977.

CHAPTER 91—S.F.No.51

[Coded in Part]

An act relating to elections; election officers; procedures for counting ballots; recounts in legislative races on request; prohibiting certain public meetings and school events on election days; duties of the secretary of state; and preparation and reception of absentee ballots; amending Minnesota Statutes 1976, Sections 204A.17, Subdivision 5; 204A.39, Subdivision 2; 204A.41; 206.026, Subdivision 5; 206.03; 206.075; 206.19, Subdivision 1; 206.23; 207.11; 207.19, Subdivision 1; and Chapter 204A, by adding a section.

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

Section 1. Minnesota Statutes 1976, Section 204A.17, Subdivision 5, is amended to
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