

correctional institutions located in its county or municipality.

Sec. 12. [3.755] **DAMAGE BY ESCAPING INMATES.** The department of corrections and the department of public welfare are directed to pay all claims involving property damage, not covered by insurance, resulting from actions of escaping inmates or runaway patients occurring while perfecting their escape, provided that the departments have verified the reasonableness of the amounts claimed.

Sec. 13. [3.753] **CLAIMS; DAMAGE BY WILD ANIMALS.** It is the determination of the legislature that the state of Minnesota, a sovereign body, is not liable for the acts of its wild animals and therefore no claims involving damage by wild animals will be paid.

Sec. 14. [3.754] **BUDGET REQUESTS; PROPERTY IMPROVEMENT CLAIMS.** All state departments and agencies including the state college board and the community college board shall include in their budget requests the amounts necessary to reimburse counties and municipalities for claims involving assessments for improvements benefiting state owned property located in their communities.

Sec. 15. Unless otherwise specified, payment pursuant to this act shall constitute full and final release of any and all claims against the state of Minnesota.

Sec. 16. This act takes effect upon final enactment.

Approved April 11, 1974.

---

**CHAPTER 558—S.F.No.734**  
[Coded in Part]

*An act relating to water and related land resources; imposing certain duties in relation thereto on the commissioner of natural resources, counties, and municipalities; providing for the development of state, regional, and local water and related land resources plans; providing standards for permits for appropriation and use of public waters, and for changing the course, current, or cross-section of public waters; changing the controlling statute for planning and development in Mower county; amending Minnesota Statutes 1971, Sections 105.44, by adding a subdivision; and 105.49; Minnesota Statutes, 1973 Supplement, Sections 105.41, Subdivision 1, and by adding subdivisions; and 105.42, by adding a subdivision; repealing Minnesota Statutes 1971, Sections 113.01 to 113.06; and Laws 1959, Chapter 101, as amended.*

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

Section 1. [105.403] **WATER AND LAND RESOURCES PLANS; REGULATION.** The commissioner of natural resources, in cooperation

Changes or additions indicated by underline deletions by ~~strikeout~~

with other state and federal agencies, regional development commissions, the metropolitan council, local governmental units, and citizens, shall prepare a statewide framework and assessment water and related land resources plan for presentation to the legislature by November 15, 1975, for its review and approval or disapproval. This plan shall relate each of the programs of the department of natural resources for specific aspects of water management to the others. The statewide plan shall include but not be limited to provisions for the following:

(a) Regulation of improvements and land development by abutting landowners of the beds, banks, and shores of lakes, streams, watercourses, and marshes by permit or otherwise in order to preserve them for beneficial use;

(b) Regulation of construction of improvements on and prevention of encroachments in the flood plains of the rivers, streams, lakes, and marshes of the state;

(c) Reclamation or filling of wet and overflowed lands;

(d) Repair, improvement, relocation, modification or consolidation in whole or in part of previously established public drainage systems within the state;

(e) Preservation of wetland areas;

(f) Management of game and fish resources as related to water resources;

(g) Control of water weeds;

(h) Control or alleviation of damages by flood waters;

(i) Alteration of stream channels for conveyance of surface waters, navigation, and any other public purposes;

(j) Diversion or changing of watercourses in whole or in part;

(k) Regulation of the flow of streams and conservation of the waters thereof;

(l) Regulation of lake water levels;

(m) Maintenance of water supply for municipal, domestic, industrial, recreational, agricultural, aesthetic, wildlife, fishery, or other public use;

(n) Sanitation and public health and regulation of uses of streams, ditches, or watercourses for the purpose of disposing of waste and maintaining water quality;

Changes or additions indicated by underline deletions by ~~strikeout~~

(o) Preventive or remedial measures to control or alleviate land and soil erosion and siltation of watercourses or bodies of water affected thereby;

(p) Regulation of uses of water surfaces.

Sec. 2. Minnesota Statutes, 1973 Supplement, Section 105.41, Subdivision 1, is amended to read:

**105.41 APPROPRIATION AND USE OF WATERS.** Subdivision 1. It shall be unlawful for the state, any person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state to appropriate or use any waters of the state, surface or underground, without the written permit of the commissioner, previously obtained upon written application therefor to the commissioner. ~~The commissioner may give such permit subject to such conditions as he may find advisable or necessary in the public interest.~~ Nothing in this section shall be construed to apply to the use of water for domestic purposes serving less than 25 persons.

Sec. 3. Minnesota Statutes, 1973 Supplement, Section 105.41, is amended by adding subdivisions to read:

Subd. 1a. The commissioner shall submit to the legislature by January 1, 1975, for its approval, proposed rules governing the allocation of waters among potential water users. These rules shall be based on the following priorities for appropriation and use of water:

First priority. Domestic water supply, excluding industrial and commercial uses of municipal water supply. Agricultural irrigation, involving consumption in excess of 10,000 gallons per day.

Second priority. Any use of water that involves consumption of less than 10,000 gallons of water per day. For purposes of this section "consumption" shall mean water withdrawn from a supply which is lost for immediate further use in the area.

Third priority. Power production, involving consumption in excess of 10,000 gallons per day.

Fourth priority. Industrial and commercial uses, involving consumption in excess of 10,000 gallons per day.

Fifth priority. Other uses, involving consumption in excess of 10,000 gallons per day.

Appropriation and use of surface water from streams during periods of flood flows and high water levels shall be encouraged subject to consideration of the purposes for use, quantities to be used, and the number of persons appropriating water.

Changes or additions indicated by underline deletions by ~~strikeout~~

Appropriation and use of surface water from lakes of less than 500 acres in surface area shall be discouraged.

Diversions of water from the state for use in other states or regions of the United States or Canada shall be discouraged, subject to the jurisdiction of the United States government.

No permit shall be issued under this section unless it is consistent with state, regional, and local water and related land resources management plans, provided that regional and local plans are consistent with statewide plans.

Subd. 1b. No permit shall be required for the appropriation and use of less than a minimum amount to be established by the commissioner by regulation. Permits for more than the minimum amount but less than an intermediate amount to be specified by the commissioner by regulation shall be processed and approved at the municipal, county, or regional level based on regulations to be established by the commissioner by January 1, 1977. The regulations shall include provisions for reporting to the commissioner the amounts of water appropriated pursuant to local permits.

Nothing in this section shall be construed to apply to the use of water for domestic purposes serving at any time less than 25 persons, and nothing in this subdivision shall apply to any beneficial uses and rights, outside the geographical limits of any municipality, in existence on July 1, 1937, or to any beneficial uses and rights, within the geographical limits of any municipality, in existence on July 1, 1959.

Sec. 4. Minnesota Statutes, 1973 Supplement, Section 105.42, is amended by adding a subdivision to read:

Subd. 1a. The commissioner shall recommend by January 15, 1975, to the legislature a comprehensive law containing standards and criteria governing the issuance and denial of permits under this section. These standards and criteria shall relate to the diversion of water from other uses and changes in the level of public waters to insure that projects will be completed and maintained in a satisfactory manner. After November 15, 1975, a permit shall be granted under this section only when the project conforms to state, regional, and local water and related land resources management plans, and only when it will involve a minimum of encroachment, change, or damage to the environment, particularly the ecology of the waterway. In those instances where a major change in the resource is justified, permits shall include provisions to compensate for the detrimental aspects of the change.

In unincorporated areas and, after January 1, 1976, in incorporated areas, permits that will involve excavation in the beds of public waters shall be granted only where the area in which the excavation will take place is covered by a shoreland conservation ordinance approved by the commissioner and only where the work to be authorized

Changes or additions indicated by underline deletions by ~~strikeout~~

is consistent with the shoreland conservation ordinance. Each permit that will involve excavation in the public waters shall include provisions governing the deposition of spoil materials.

No permit affecting flood waters shall be granted except where the area covered by the permit is governed by a flood plain management ordinance approved by the commissioner and the conduct authorized by the permit is consistent with the flood plain management ordinance, provided that the commissioner has determined that sufficient information is available for the adoption of a flood plain ordinance. No permit involving the control of flood waters by structural means, such as dams, dikes, levees, and channel improvements, shall be granted until after the commissioner has given due consideration to all other flood damage reduction alternatives. In developing his policy with regard to placing emergency levees along the banks of public waters under flood emergency conditions, the commissioner shall consult and cooperate with the office of civil defense.

No permit that will involve a change in the level of public waters shall be granted unless the shoreland adjacent to the waters to be changed is governed by a shoreland conservation ordinance approved by the commissioner and the change in water level is consistent with that shoreland conservation ordinance. Standards and procedures for use in deciding the level of a particular lake must insure that the rights of all persons are protected when lake levels are changed and shall include provisions for providing technical advice to all persons involved, for establishing alternatives to assist local agencies in resolving water level conflicts, and mechanics necessary to provide for local resolution of water problems within the state guidelines.

Sec. 5. Minnesota Statutes 1971, Section 105.44, is amended by adding a subdivision to read:

Subd. 1b. EXCAVATION CHARGES. The commissioner shall impose charges for the excavation of minerals from the beds of public waters, as provided in chapter 93.

Sec. 6. Minnesota Statutes 1971, Section 105.49, is amended to read:

**105.49 COOPERATION WITH OTHER AGENCIES.** The commissioner may cooperate and enter into agreements with the United States government, any department of the state of Minnesota, or any state or country adjacent to the state of Minnesota for the purpose of effecting any of the provisions of sections 105.37 to 105.55. He may cooperate with any department of the government of the United States in the execution of surveys within the state.

Personnel of the pollution control agency, the health department, and county and municipal governments shall cooperate with the commissioner in monitoring and enforcing water permits. It shall be the

Changes or additions indicated by underline deletions by ~~strikeout~~

duty of all county attorneys, sheriffs, and other peace officers and other officers having authority to take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of any of the provisions, regulations, standards, orders, or permits specified in sections 105.37 to 105.55.

Sec. 7. [105.484] LAKE IMPROVEMENTS; GRANTS IN AID; PRIORITIES. The commissioner of natural resources with the assistance of the pollution control agency and the state planning agency shall make an assessment of the need for particular kinds of lake improvements including improvements related to pollution problems, high or low water levels, and any other resource management considerations and to develop by January 1, 1975, criteria for allocating state aid funds among proposed projects. Where these relate to control of or studies of sources and effects of wastes per se, any grant funds for such work shall be under the pollution control agency directly or subject to the pollution control agency priority system. Provisions shall be included to insure that any federal program of aid to local lake improvement projects serves to reduce the local share of project costs rather than reducing only the state's share.

Sec. 8. Minnesota Statutes, Sections 394.21 to 394.37 shall control zoning in Mower county. Existing zoning regulations, planning commission members, officers, and staff shall remain, subject to change under the provisions of sections 394.21 to 394.37. The county board shall retain authority to regulate domestic water supply and the size of lots on which private sewage disposal systems are installed.

This section is effective upon approval by the governing body of Mower county and upon compliance with Minnesota Statutes, Section 645.021.

Sec. 9. Minnesota Statutes 1971, Sections 113.01; 113.02; 113.03; 113.04; 113.05; and 113.06 are repealed. Laws 1959, Chapter 101, as amended by Extra Session Laws 1959, Chapter 63, as amended by Laws 1965, Chapter 349, is repealed.

Approved April 12, 1974.

---

CHAPTER 559—S.F.No.988  
[Coded]

*An act relating to inheritance taxes; providing for notification of certain transfers resulting in inheritance tax liability or potential inheritance tax liability; amending Minnesota Statutes 1971, Section 291.20, by adding a subdivision.*

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

Changes or additions indicated by underline deletions by ~~strikeout~~