

extent practicable, encourage utilization of diseased trees including but not limited to making the trees available to the public for use as firewood.

Approved May 31, 1979.

CHAPTER 300—H.F.No.1241

An act relating to natural resources; reducing local match required for dam repair and reconstruction grants; authorizing loans for local share of project costs; authorizing sale of bonds for loan program; appropriating money; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 3 and 5, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1978, 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. No grant to a local governmental unit shall exceed the amount contributed to the project by the local governmental unit from funds raised locally ~~exclusive of~~ 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. 2. Minnesota Statutes 1978, Section 105.482, Subdivision 5, is amended to read:

Subd. 5. **LIMITATIONS.** If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is less than ~~\$50,000~~ \$75,000 , the commissioner may direct that the state owned dam be repaired or reconstructed or that a grant be made to repair or reconstruct a dam owned by a local governmental unit without the approval of the state executive council. If the cost of repair or reconstruction of a state owned dam, or a grant to a local governmental unit is ~~\$50,000~~ \$75,000 or more but less than ~~\$100,000~~ \$150,000 , the expenditure shall be made only with the approval of the state executive council. If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is ~~\$100,000~~ \$150,000 or more, the commissioner may recommend the project to the legislature for its consideration and action, except in the following emergency situations. With the approval of the executive council, the commissioner may direct that a state owned dam be repaired or reconstructed or a grant be made to a local governmental unit where he determines that an emergency condition exists and that there is danger that life will be lost or that substantial property losses will be suffered if such action is not promptly taken.

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

Sec. 3. Minnesota Statutes 1978, Section 105.482, is amended by adding a subdivision 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. 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. 4. APPROPRIATIONS. Subdivision 1. SMALL STATE AND LOCAL DAM PROJECTS. The sums set forth in this subdivision are 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 the years indicated. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

<u>1980</u>	<u>1981</u>
<u>\$250,000</u>	<u>\$250,000</u>

Subd. 2. STATE DAM. The sum of \$325,000 is appropriated from the state building fund to the commissioner of natural resources for reconstruction of the state owned dam at Cold Spring, Stearns County, to be available until expended.

Subd. 3. LOCAL DAM GRANTS. The sum of \$1,551,500 is appropriated from the state building fund to the commissioner of natural resources for grants-in-aid for dam repair and reconstruction on the dams and in the amounts indicated in this subdivision, to be available until expended.

<u>(a) King's Mill Dam, Rice County</u>	<u>\$ 475,000</u>
<u>(b) Orong Dam, City of Elk River</u>	<u>344,000</u>
<u>(c) Byllesby Dam, Dakota and Goodhue Counties</u>	<u>433,000</u>
<u>(d) Fish Hook River Dam, City of Park Rapids</u>	<u>299,500</u>

Subd. 4. LOCAL DAM LOANS. The sum of \$1,396,350 is appropriated from the state building fund to the commissioner of finance for loans to local government units approved and made pursuant to section 105.482, subdivision 5a, for the dam repair and

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reconstruction projects designated in subdivision 3 of this section.

Subd. 5. BOND SALE; DEBT SERVICE. To provide the money appropriated from the state building fund in subdivisions 2, 3 and 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 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. 5. EFFECTIVE DATE. This act is effective the day following final enactment.

Approved May 31, 1979.

CHAPTER 301—H.F.No.1253

An act relating to open space and recreation; providing for the acquisition and betterment of open space lands, state trails, forests, fish and wildlife management, natural and scientific areas, and accesses to public waters; payments to counties in lieu of taxes on public hunting grounds and game refuges; establishing Tettegouche State Park; prescribing the powers and duties of the commissioner of natural resources in relation to Tettegouche State Park; establishing a citizen's advisory task force on the Boundary Waters Canoe Area; authorizing the issuance of bonds; appropriating money; amending Minnesota Statutes 1978, Section 97.49, Subdivision 3; and Laws 1977, Chapter 421, Section 13, Subdivision 3.

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

Section 1. OUTDOOR RECREATION BONDING. To provide the money appropriated by this act from the state building fund, the commissioner of finance, upon request of the governor, shall sell and issue bonds of the state in the amount of \$48,065,000 in the manner and upon the terms prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67, and the Minnesota Constitution, Article XI, Sections 4 to 7.

Sec. 2. METROPOLITAN AREA RECREATION OPEN SPACE; APPROPRIATION FOR ACQUISITION AND DEVELOPMENT. \$27,000,000 is appropriated from the Minnesota state building fund to the state planning agency for payment to the metropolitan council, established under Minnesota Statutes, Section 473.123. The state planning agency shall transfer the amount to the metropolitan council, upon receipt of a certified copy of a council resolution requesting payment. The appropriation shall be used to pay the cost of the acquisition and betterment by the metropolitan council and local governmental units of regional recreation open space in accordance with the council's policy plan, as provided in Minnesota Statutes, Sections 473.301 to 473.341 including relocation costs and tax equivalents required to be paid by sections 473.315 and 473.341. Of the amount appropriated by this section, the metropolitan council may expend no more than \$200,000 for staff and independent professional services necessary to acquire and better open space and for the performance

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