

**Sec. 9. FORMER TERMINATION NOTICE LAW VALID.**

The legislature hereby reaffirms the validity of Laws 1985, First Special Session chapter 18, sections 6 to 11, with respect to all termination notices served after July 31, 1985, and before August 1, 1986. Nothing contained in sections 1 to 7 shall be construed to invalidate any contract termination made in accordance with Laws 1985, First Special Session chapter 18, sections 6 to 11, when the termination notice was first served on any party or first published before August 1, 1986.

**Sec. 10. APPLICABILITY.**

Sections 1 to 8 apply to termination notices first served on any party or first published on or after August 1, 1986.

**Sec. 11. APPROPRIATION.**

\$25,000 the first year and \$25,000 the second year is appropriated from the real estate education, research, and recovery account in the special revenue fund to the commissioner of commerce for the purposes of Minnesota Statutes, section 82.34, subdivision 6, and must be added to the appropriation for the same purpose in Laws 1985, First Special Session chapter 10, section 7, subdivision 3.

Approved March 25, 1986

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**CHAPTER 439—S.F.No. 1949**

*An act relating to natural resources; requiring public access restrictions to be the same as lake use restrictions; amending Minnesota Statutes 1984, sections 378.32, subdivisions 2, 6, and 7; and 459.20; proposing coding for new law in Minnesota Statutes, chapter 378.*

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

Section 1. Minnesota Statutes 1984, section 378.32, subdivision 2, is amended to read:

Subd. 2. To regulate and police public beaches, public docks and other public facilities for access to the body of water, except that regulations are subject to section 4 and a county board may not regulate state accesses and a municipality may by ordinance forbid the exercise of this preempt the county from exercising power under this subdivision within its jurisdiction;

Sec. 2. Minnesota Statutes 1984, section 378.32, subdivision 6, is amended to read:

Subd. 6. Except as provided in section 4, to regulate the type and size of watercraft, as defined in section 361.02, subdivision 7, permitted to use the body of water and set access fees;

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

Sec. 3. Minnesota Statutes 1984, section 378.32, subdivision 7, is amended to read:

Subd. 7. Subject to section 4, to limit the types and horsepower of motors used on the body of water;

**Sec. 4. [378.32] PUBLIC ACCESS RESTRICTIONS.**

The county board must allow the same types and sizes of watercraft and horsepower of motors to access and enter the lake or water body as are generally allowed to be operated on the lake or water body. Special use exceptions that are not dependent on lakeshore or property ownership may be granted by permit.

Sec. 5. Minnesota Statutes 1984, section 459.20, is amended to read:

**459.20 AUTHORITY OVER PUBLIC WATERS.**

The governing body of any home rule charter or statutory city or town in the state has, with respect to any body of water situated wholly within its boundaries, all the powers to improve and regulate the use of such body of water subject to section 4, as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts under sections 378.41 to 378.57. With respect to any body of water situated wholly within the contiguous boundaries of two or more home rule charter or statutory cities or towns or any combination thereof, the city councils and town boards may, under the provisions of section 471.59, jointly exercise such powers to improve and regulate the use of the body of water subject to section 4, as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts as provided under sections 378.41 to 378.57, provided that, no home rule charter or statutory city or town may establish and administer a lake improvement district or exercise any of the powers granted in this section if a lake improvement district covering the same territory has been created by a county board under sections 378.41 to 378.57. References in sections 378.31 to 378.35 and 378.41 to 378.57 to the county board shall be construed to refer to the governing body of a home rule charter or statutory city or the board of supervisors of a town.

**Sec. 6. EFFECTIVE DATE.**

This act is effective the day after final enactment, except that section 4 does not apply to ordinances adopted pursuant to contracts providing for a public access to a body of water entered into by a county or municipality with the commissioner of natural resources that have been executed prior to the effective date of this act, but section 4 will apply to all public accesses after June 1, 1993.

Approved March 25, 1986

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