

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1986

## EIGHTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 6, 1986

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Don Sheffield, Golden Valley Methodist Church, Golden Valley, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Elioff	Kvam	Pauly	Skoglund
Anderson, R.	Erickson	Levi	Peterson	Solberg
Backlund	Fjoslien	Lieder	Piepho	Sparby
Battaglia	Forsythe	Long	Piper	Stanis
Beard	Frederick	Marsh	Poppenhagen	Staten
Becklin	Frederickson	McDonald	Price	Sviggum
Begich	Frerichs	McEachern	Quinn	Thiede
Bennett	Greenfield	McLaughlin	Quist	Thorson
Bishop	Gruenes	McPherson	Redalen	Tjornhom
Blatz	Hartinger	Miller	Rees	Tomlinson
Boerboom	Hartle	Minne	Rest	Tompkins
Boo	Haukoos	Munger	Rice	Tunheim
Brandl	Heap	Murphy	Richter	Uphus
Brinkman	Himle	Nelson, D.	Riveness	Valan
Brown	Jacobs	Nelson, K.	Rodosovich	Valento
Burger	Jaros	Neuenschwander	Rose	Vanasek
Carlson, D.	Jennings, L.	Norton	Sarna	Veilenga
Carlson, J.	Johnson	O'Connor	Schafer	Voss
Carlson, L.	Kahn	Ogren	Scheid	Waltman
Clark	Kalis	Olsen, S.	Schoenfeld	Welle
Clausnitzer	Kelly	Omann	Schreiber	Wenzel
Cohen	Kiffmeyer	Onnen	Seaberg	Wynia
Dempsey	Knickerbocker	Osthoff	Segal	Zaffke
DenOuden	Knuth	Otis	Shaver	Spk. Jennings, D.
Dimler	Kostohryz	Ozment	Sherman	
Dyke	Krueger	Pappas	Simoneau	

A quorum was present.

Gutknecht, Halberg, McKasy, Metzen and Olson, E., were excused.

Ellingson was excused until 3:05 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Waltman moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2471, 2472, 2501, 720, 1793, 2250, 1459, 2000, 2166, 2190, 2240, 2351, 2397, 2111, 2229, 2427, 1635, 1940, 2265, 2453, 2233, 1835, 2035, 2009 and 2012 and S. F. Nos. 1914, 2062, 1851, 1680, 1790, 1880, 1950, 1965, 1641, 1823, 2018, 51, 1613, 1733, 1797, 1850, 421, 1441, 1919, 1949, 496, 1794, 1910, 1643, 1742, 1793, 1642, 1810 and 2039 have been placed in the members' files.

S. F. No. 1742 and H. F. No. 1945, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Heap moved that S. F. No. 1742 be substituted for H. F. No. 1945 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1797 and H. F. No. 1912, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Frederickson moved that S. F. No. 1797 be substituted for H. F. No. 1912 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1823 and H. F. No. 1956, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Boo moved that S. F. No. 1823 be substituted for H. F. No. 1956 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1851 and H. F. No. 2168, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Miller moved that S. F. No. 1851 be substituted for H. F. No. 2168 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1642 and H. F. No. 2233, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Dyke moved that S. F. No. 1642 be substituted for H. F. No. 2233 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1880 and H. F. No. 2030, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Fjoslien moved that S. F. No. 1880 be substituted for H. F. No. 2030 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1914 and H. F. No. 2250, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Hartinger moved that S. F. No. 1914 be substituted for H. F. No. 2250 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1919 and H. F. No. 2082, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sviggum moved that S. F. No. 1919 be substituted for H. F. No. 2082 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1965 and H. F. No. 1951, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sviggum moved that S. F. No. 1965 be substituted for H. F. No. 1951 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1613 and H. F. No. 1846, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Redalen moved that the rules be so far suspended that S. F. No. 1613 be substituted for H. F. No. 1846 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 496 and H. F. No. 720, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Quist moved that the rules be so far suspended that S. F. No. 496 be substituted for H. F. No. 720 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1441 and H. F. No. 2072, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Gruenes moved that the rules be so far suspended that S. F. No. 1441 be substituted for H. F. No. 2072 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1680 and H. F. No. 1785, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Backlund moved that the rules be so far suspended that S. F. No. 1680 be substituted for H. F. No. 1785 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1733 and H. F. No. 1883, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Uphus moved that the rules be so far suspended that S. F. No. 1733 be substituted for H. F. No. 1883 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1950 and H. F. No. 2077, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Bishop moved that the rules be so far suspended that S. F. No. 1950 be substituted for H. F. No. 2077 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 1101, A bill for an act relating to administrative procedures; clarifying provisions relating to emergency rules; amending Minnesota Statutes 1984, section 14.29, subdivisions 1 and 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1985 Supplement, section 14.02, subdivision 4, is amended to read:

Subd. 4. [RULE.] "Rule" means *the whole or a part of every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by it or to govern its organization or procedure. Every agency statement that meets this definition is a rule, regardless of whether the agency labels the statement with another term, such as a policy, informational, interpretive, or instructional bulletin or statement.* (IT) Rule does not include (a) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; (b) rules of the commissioner of corrections relating to the internal management of institutions under the commissioner's control and those rules governing the inmates thereof prescribed pursuant to section 609.105; (c) rules of the division of game and fish published in accordance with section 97.53; (d) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs; (e) opinions of the attorney general; (f) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931; (g) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932; (h) the comprehensive statewide plan of the crime control planning board provided in section 299A.03; or (i) occupational safety and health standards provided in section 182.655.

Sec. 2. [14.045] [RULEMAKING PLANNING PROCESS.]

*Subdivision 1. [PURPOSE.] In order to create a coordinated process for developing on an annual basis Minnesota's rulemaking program, establish the state's rulemaking priorities, increase the accountability of agency heads for the rulemaking actions of their agencies, provide for executive and legislative oversight of the*

rulemaking process, reduce the burdens of existing and future rules, minimize duplication and conflict of rules, and enhance public, executive, and legislative understanding of the state's rulemaking objectives, there is established a rulemaking planning process by which agencies will develop and publish a rulemaking program for each year.

**Subd. 2. [AGENCY SUBMISSION OF RULEMAKING PROGRAM.]** (a) *The head of each agency shall submit to the legislative commission to review administrative rulemaking a rulemaking program consisting of information summarizing all actions of the agency relating to rulemaking, planned or underway. These actions include actions taken to consider whether to initiate rulemaking, requests for public comment, the development of documents that may influence, anticipate, or could lead to the commencement of rulemaking at a later date, actions taken to seek new rulemaking authority from the legislature, or any agency action designated by the commission as related to rulemaking. An action relating to rulemaking does not include a contested case proceeding or other agency enforcement proceeding. The rulemaking program must include a concise statement summarizing the need for the proposed rules and the costs and benefits expected to result from the rules that may be proposed. The rulemaking program shall be submitted to the legislative commission each year on January 1, unless otherwise determined by the commission, and shall cover the period January 1 to December 31 of that year. After the end of each regular legislative session, each agency head shall review the agency's rulemaking program in light of action taken by the legislature and, if necessary, shall submit a revised rulemaking program to the commission by July 1.*

(b) *The agency's submission must explain how the proposed rulemaking program is consistent with the agency's authorizing legislation. The rulemaking program must specifically discuss the actions of the agency to amend or repeal existing rules.*

(c) *Each agency head shall summarize the rulemaking actions described in paragraph (a) in the format that the legislative commission specifies, and provide additional information that the commission requests.*

*The legislative commission may exempt from the requirements of this section any class or category of actions that the commission determines is not necessary to review in order to achieve the effective implementation of the program.*

**Subd. 3. [REVIEW OF THE RULEMAKING PROGRAM.]**

(a) *In reviewing each agency's rulemaking program, the legislative commission shall (i) consider the consistency of the rulemaking program with the legislature's policies and priorities and the rulemaking programs submitted by other agencies; and (ii)*

*identify further actions that may, in the commission's view, be necessary to achieve this consistency. The commission may make recommendations to any agency concerning its rulemaking program. The commission may publish parts or all of any rulemaking program along with the commission's recommendations.*

*(b) If the agency head proposes to take an action relating to rulemaking not previously submitted for review under this section, or if the agency head proposes to take an action relating to rulemaking that is materially different from the action described in the agency's rulemaking program, the agency head shall immediately submit the action to the commission for review. Except in the case of emergency situations, as defined by the commission or statutory or judicial deadlines, the agency head shall not take the proposed rulemaking action until 20 days after this submission to the legislative commission. The commission may make recommendations concerning these proposed rulemaking actions.*

*Subd. 4. [JUDICIAL REVIEW.] This section is intended only to improve the internal management of state government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the state, its agencies, its officers, or any person.*

### Sec. 3. [14.116] [REVIEW OF PROPOSED RULES.]

*Subdivision 1. [PROPOSED RULEMAKING NOTICE.] Before an agency orders the publication of a notice of intent to adopt rules, the agency shall send the legislative commission to review administrative rulemaking a notice of intent to proceed with rulemaking, including adoption, suspension, amendment, or repeal of any rule. The notice shall include the text of the proposed rule. Except in the case of emergency rules or other cases specified by the commission, the agency must wait 30 days for any comment or objections to the proposed rule from the commission before publishing notice of intent to adopt rules. In the case of emergency rules, the agency must wait five working days.*

*Subd. 2. [COMMISSION REVIEW.] (a) The commission shall prescribe procedures for reviewing proposed agency rules and may hold public meetings on proposed rules.*

*(b) Commission meetings must be open to the public. Subject to commission procedures, persons may present oral or written data or views at those meetings. The commission may require a representative of an agency whose proposed rule is under examination to attend a commission meeting to answer relevant questions. The commission may also communicate to the agency its comments on any proposed rule and require the agency to respond to them in writing. Unless impracticable, advance notice must be given of the time and place of each commission meeting and the specific subject matter to be considered.*

(c) *The commission may request the attorney general to issue an opinion on whether or not an agency has statutory authority to adopt a proposed rule. The attorney general shall assure that persons responsible for assisting in the preparation of the opinion are not responsible for advising or assisting the agency in the adoption of the proposed rules. The attorney general shall respond to the commission within ten days of receipt of the commission's request for an opinion.*

(d) (1) *If the commission objects to all or some portion of a proposed rule the commission shall file that objection with the agency proposing the rule and with the revisor of statutes. The filed objection must contain a concise statement of the commission's reasons for its action. The commission shall maintain a permanent register of all objections by the commission.*

(2) *Within 14 days after the commission files an objection to a rule, the issuing agency shall respond in writing to the commission. After receipt of the response, the commission may withdraw or modify its objection.*

(3) *If the agency decides to proceed with adopting the portion of the rule that the commission objects to, the agency must publish notice of the commission's objection as soon as possible in the state register. If the commission does not withdraw its objection and if the agency adopts the rule, existence of the objection shall be indicated adjacent to any rule published in Minnesota Rules.*

(4) *After the commission files an objection that is not subsequently withdrawn, the burden is upon the agency, in any proceeding for judicial review or for enforcement of the rule, to establish that the whole or portion of the rule objected to is procedurally and substantively valid.*

(5) *The failure of the commission to object to a rule is not an implied legislative authorization of its procedural or substantive validity.*

#### Sec. 4. [14.117] [RULEMAKING ANALYSIS.]

(a) *An agency shall issue a rulemaking analysis of a proposed rule if, within 20 days after the notice of proposed rule adoption under section 14.14, subdivision 1a, or 14.22 is published, a written request for the analysis is filed with the agency by the commission to review administrative rulemaking or the governor.*

(b) *Except to the extent that the written request expressly waives one or more of the following, the rulemaking analysis must contain:*



(1) *a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and classes that will benefit from the proposed rule;*

(2) *a description of the probable quantitative and qualitative impact of the proposed rule, economic and otherwise, upon affected classes of persons;*

(3) *the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;*

(4) *a comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction;*

(5) *a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;*

(6) *a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule; and*

(7) *a description of how the proposed rule is different from any federal laws regulating the same activity, and why it is necessary and reasonable to have different state rules.*

(c) *Each rulemaking analysis must include quantification of the data to the extent practicable and must take account of both short-term and long-term consequences.*

(d) *A concise summary of the rulemaking analysis must be published in the state register and an agency may not proceed with a proposed rulemaking until at least 20 days after publication in the state register.*

(e) *The published summary of the rulemaking analysis must indicate where persons may obtain copies of the full text of the analysis and where, when, and how persons may present their views on the proposed rule and make a written request for a public hearing.*

(f) *If the agency has made a good faith effort to comply with the requirements of clauses (a) to (c), the rule may not be invalidated on the grounds that the contents of the rulemaking analysis are insufficient or inaccurate.*

#### Sec. 5. [14.121] [SUSPENSION OF PROCEDURES.]

*When compliance with the rulemaking provisions of the administrative procedure act would result in a denial of funds or*

services from the United States government that would otherwise be available to the state, upon written request of an agency, the attorney general, by order, may suspend one or more of the rulemaking provisions of the administrative procedure act. The written request must contain a full explanation of the grounds for the request, and a copy of the request must be sent to persons who have requested to be notified of agency rulemaking actions under section 14.14, subdivision 1a, at the time the request is provided to the attorney general. An order must suspend the minimum number of portions of the administrative procedure act for the minimum time necessary to avoid a denial of federal funds or services. The attorney general must issue an order terminating the suspension as soon as the suspension is no longer necessary to prevent the loss of funds or services from the United States government. The issuance of an order under this section is not subject to chapter 14, except as specifically provided in this section.

Before issuing an order suspending provisions of the administrative procedure act, the attorney general must notify the legislative commission to review administrative rulemaking. The notification must include a list of the rulemaking provision that the attorney general intends to suspend and any comments received from members of the public. If any of the rulemaking provisions of the administrative procedure act are suspended under this section, the attorney general shall promptly publish the order of suspension in the state register and report the suspension to the legislative commission to review administrative rules. Notwithstanding any suspension of portions of the rulemaking provisions of the administrative procedure act under this section, an agency must submit proposed rules to the legislative commission to review administrative rulemaking at least five working days before it begins the process of adopting the rules and the commission may object to the rules under section 3.

Any suspension issued under this section shall apply only to the agency requesting the suspension and only to the rules required to be adopted, amended, suspended, or repealed. An agency that receives a suspension order or an order terminating a suspension from the attorney general must immediately publish notice of the suspended or reinstated portions of the administrative procedure act in the state register and give immediate notice to all persons whose names are registered with the agency to receive rulemaking notices.

Sec. 6. Minnesota Statutes 1984, section 14.29, subdivision 1, is amended to read:

Subdivision 1. (WHEN) An agency shall adopt emergency rules in accordance with sections 14.29 to 14.36 if: (1) an agency is directed by statute, federal law or court order to adopt, amend, suspend or repeal a rule in a manner that does not allow for compliance with sections 14.14 to 14.28 (,); or (IF) (2) an

agency is expressly required or authorized by statute to adopt emergency rules (, THE AGENCY SHALL ADOPT EMERGENCY RULES IN ACCORDANCE WITH SECTIONS 14.29 TO 14.36).

Sec. 7. Minnesota Statutes 1984, section 14.29, subdivision 2, is amended to read:

Subd. 2. (UNLESS AN AGENCY IS DIRECTED BY FEDERAL LAW OR COURT ORDER TO ADOPT, AMEND, SUSPEND, OR REPEAL A RULE IN A MANNER THAT DOES NOT ALLOW FOR COMPLIANCE WITH SECTIONS 14.14 TO 14.28, NO) *If an agency is expressly required or authorized by statute to adopt emergency rules under subdivision 1, clause (2), the agency may not adopt an emergency rule later than 180 days after the effective date of the statutory authority, except as provided in subdivision 3. If emergency rules are not adopted within the time allowed, the authority for the rules expires. The time limit of this section does not include any days used for review by the attorney general. If the 180-day period expires while the attorney general is reviewing the rule and the attorney general disapproves the rule, the agency may resubmit the rule to the attorney general after taking corrective action. The resubmission must occur within five working days after the agency receives written notice of disapproval. If the rule is again disapproved by the attorney general, it is withdrawn.*

Sec. 8. Minnesota Statutes 1984, section 14.39, is amended to read:

14.39 [LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE (RULES) RULEMAKING; COMPOSITION; MEETINGS.]

A legislative commission (FOR REVIEW OF ADMINISTRATIVE RULES, CONSISTING OF FIVE SENATORS APPOINTED BY THE COMMITTEE ON COMMITTEES OF THE SENATE AND FIVE REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES) *to review administrative rulemaking shall be appointed. The commission consists of the chair of the house rules and legislative administration committee or the chair's designee, the chair of the house governmental operations committee or the chair's designee, a member of the house minority caucus appointed by the house minority leader, the chair of the senate rules and legislative administration committee or the chair's designee, the chair of the senate governmental operations committee or the chair's designee, a member of the minority caucus appointed by the senate minority leader, two members of the house appointed by the speaker, and two members of the senate appointed by the committee on committees. The commission shall meet at the call of its chairman or upon a call signed by two of its members or signed*

by five members of the legislature. The legislative commission chairmanship shall alternate between the two houses of the legislature every two years.

Sec. 9. Minnesota Statutes 1985 Supplement, section 14.40, is amended to read:

14.40 [REVIEW OF RULES BY COMMISSION.]

*Subdivision 1. [PURPOSES.]* The commission shall promote adequate and proper rules by agencies and an understanding upon the part of the public respecting them.

*Subd. 2. [REVIEW OF ADOPTED RULES.]* The jurisdiction of the commission includes all rules as defined in section 14.02, subdivision 4. The commission also has jurisdiction of rules which are filed with the secretary of state in accordance with section 14.38, subdivisions 5, 6, 7, 8, 9, and 11 or were filed with the secretary of state in accordance with the provisions of section 14.38, subdivisions 5 to 9, which were in effect on the date the rules were filed. It may hold public hearings to investigate complaints with respect to rules if it considers the complaints meritorious and worthy of attention. If the rules that are the subject of the public hearing were adopted without a rulemaking hearing, it may request the office of administrative hearings to hold the public hearing and prepare a report summarizing the testimony received at the hearing. The office of administrative hearings shall assess the costs of the public hearing to the agency whose rules are the subject of the hearing.

*Subd. 3. [SUSPENSION OF ADOPTED RULES.]* The commission may, on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of section 14.42 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is not enacted in that year's session, the rule is effective upon adjournment of the session unless the agency has repealed it. If the bill is enacted, the rule is repealed.

*Subd. 4. [REVIEW OF PROPOSED RULEMAKING ACTION.]* The commission shall review agency rulemaking programs under section 2. The commission shall review proposed rules as specified in section 3.

*Subd. 5. [OTHER ACTION.]* The commission has jurisdiction to hear complaints alleging that an agency was required to, but did not, comply with rulemaking procedures before taking an action. The commission may hold public hearings to investigate these complaints. The commission may object to an agency action on the ground that the agency was required to, but did not, comply with rulemaking procedures before taking an action.

*The commission must file any objection with the agency taking the action. An agency must submit notice of the objection to the state register within 20 days of receiving the objection from the commission. The agency must respond in writing to the commission concerning the objection. The commission may withdraw or modify its objection. If an objection is withdrawn or modified, the commission shall file notice of this with the agency. The agency must submit notice of the withdrawal or modification to the state register within 20 days of receiving notice.*

*When the commission files an objection that is not withdrawn, the burden is on the agency in any proceeding for judicial review of the action to establish that the action can lawfully be taken without complying with rulemaking procedures. A court shall award reasonable attorney fees to a prevailing party for that portion of a lawsuit in which the court determines that an agency was required to, but did not, comply with rulemaking procedures before taking an action.*

*Subd. 6. [RECOMMENDED LEGISLATION.] The commission may recommend enactment of a statute to improve the operation of an agency. The commission may also recommend that a rule be repealed in whole or in part by statute. The commission shall request the speaker of the house and the majority leader of the senate to refer these recommendations to the appropriate standing committees for their consideration.*

*Subd. 7. [REPORT.] The commission shall make a biennial report to the legislature and governor of its activities and include its recommendations to promote adequate and proper rules and public understanding of the rules.*

*Subd. 8. [STAFF ASSISTANCE.] At the request of the commission, other legislative staff shall assist the commission in carrying out its duties.*

#### **Sec. 10. [EFFECTIVE DATE.]**

*Section 1 is effective the day following final enactment. Sections 2 to 5, 8 and 9 are effective January 1, 1987, and apply to rulemaking proceedings commenced after that date. Rulemaking planning programs required by section 2 must be submitted January 1, 1987."*

**Delete the title and insert:**

**"A bill for an act relating to administrative procedures; providing increased legislative oversight of administrative rulemaking; defining a rule; providing for exceptions to the rulemaking provisions of the administrative procedure act; clarifying provisions relating to emergency rules; amending Minnesota Statutes 1984, sections 14.29, subdivisions 1 and 2; 14.39; Minne-**

sota Statutes 1985 Supplement, sections 14.02, subdivision 4; 14.40; proposing coding for new law in Minnesota Statutes, chapter 14."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1652, A bill for an act relating to natural resources; recodifying laws governing wild animals in general, the taking and possession of game and fish, and the management of natural resources; providing penalties; amending Minnesota Statutes 1984, sections 9.071; 14.02, subdivision 4; 14.38, subdivision 6; 18.021, subdivision 3; 84.0274, subdivision 6; 84.88, subdivision 2; 84.89; 84A.02; 85.018, subdivision 8; 86A.06; 97.42; 98.45, subdivision 1; 105.391, subdivisions 3 and 12; 105.417, subdivision 4; 105.74; 111.81, subdivision 1; 343.21, subdivision 8; 343.30; 347.011; 352B.01, subdivision 2; 361.25; 383C.13; 477A.12; 477A.13; 609.661; 624.719; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97B; 97C; 347; 609; and 624; repealing Minnesota Statutes 1984, sections 97.40; 97.41; 97.43 to 97.47; 97.48, subdivisions 1 to 17 and 19 to 28; 97.481 to 97.487; 97.49 to 97.54; 97.55, subdivisions 1 to 6 and 8 to 16; 98.45, subdivisions 2, 3, and 5 to 8; 98.455 to 98.457; 98.46, subdivisions 1 to 2b, 4 to 17, and 19 to 26; 98.465 to 98.47; 98.48, subdivisions 1 to 8 and 10 to 16; 99.25; and 99.26 to 99.29; and chapters 100; 101; and 102.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

#### CHAPTER 97A

#### GAME AND FISH LAWS

#### GENERAL PROVISIONS

Section 1. [97A.011] [CITATION.]

*Chapters 97A, 97B, and 97C may be cited as the "game and fish laws."*

Sec. 2. [97A.015] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] The terms defined in this section apply to chapters 97A, 97B, and 97C. [97.40 s. 1]*

Subd. 2. [ANGLING.] "*Angling*" means taking fish with a hook and line. An "*angler*" is a person who takes fish by angling. [97.40 s. 32]

Subd. 3. [BIG GAME.] "*Big game*" means deer, moose, elk, bear, antelope, and caribou. [97.40 s. 8]

Subd. 4. [BUY.] "*Buy*" includes barter, exchange for consideration, offer to buy, or attempt to buy. [97.40 s. 19]

Subd. 5. [CAMP.] "*Camp*" means the temporary abode of a hunter, fisherman, trapper, tourist or vacationist while on a trip or tour including resorts, tourist camps, and other establishments providing temporary lodging. [97.40 s. 30]

Subd. 6. [CHUB.] "*Chub*" means shortnose cisco, shortjaw cisco, longjaw cisco, bloater, kiyi, blackfin cisco, and deepwater cisco.

Subd. 7. [CISCO.] "*Cisco*" means *Coregonus artedii* and includes lake herring and tullibee.

Subd. 8. [CLOSED SEASON.] "*Closed season*" means the period when a specified protected wild animal may not be taken. [97.40 s. 14]

Subd. 9. [COMMERCIAL FISHING.] "*Commercial fishing*" means taking fish, except minnows, for sale. [97.40 s. 33]

Subd. 10. [COMMISSIONER.] "*Commissioner*" means the commissioner of natural resources. [97.40 s. 2]

Subd. 11. [CONDEMNATION.] "*Condemnation*" means the exercise of the right of eminent domain in the manner provided under chapter 117.

Subd. 12. [CONTRABAND.] "*Contraband*" means a wild animal taken, bought, sold, transported, or possessed in violation of the game and fish laws, and all instrumentalities and devices used in taking wild animals in violation of the game and fish laws that are subject to confiscation. [97.40 s. 24]

Subd. 13. [CONVICTION.] "*Conviction*" means: (1) a final conviction after a trial or a plea of guilty; (2) a forfeiture of cash or collateral deposited to guarantee an appearance of a defendant in court, if the forfeiture has not been vacated or the court has not reinstated the trial within 15 days after the forfeiture; or (3) a breach of a condition of release without bail. [97.40 s. 35]

Subd. 14. [DARK HOUSE.] "*Dark house*" means a structure set on the ice of state waters that is darkened to view fish in the water beneath the structure. [97.40 s. 23]

Subd. 15. [DESIGNATED TROUT LAKE; DESIGNATED TROUT STREAM.] "*Designated trout lake or designated trout stream*" means a lake or stream designated by the commissioner as a trout lake or a trout stream under article 3, section 1.

Subd. 16. [DIRECTOR.] "*Director*" means the director of the division of fish and wildlife. [97.40 s. 4]

Subd. 17. [DIVISION.] "*Division*" means the division of fish and wildlife of the department of natural resources. [97.40 s. 3]

Subd. 18. [ENFORCEMENT OFFICER.] "*Enforcement officer*" means the commissioner, the director, a conservation officer, or a game refuge manager. [97.48]

Subd. 19. [FIREARM.] "*Firearm*" means a gun that discharges shot or a projectile by means of an explosive, a gas, or compressed air. [97.40 s. 34]

Subd. 20. [FIREARMS SAFETY CERTIFICATE.] "*Firearms safety certificate*" means the certificate issued under article 2, section 4.

Subd. 21. [FISH HOUSE.] "*Fish house*" means a structure set on the ice of state waters to provide shelter while taking fish by angling.

Subd. 22. [FUR-BEARING ANIMALS.] "*Fur-bearing animals*" means mammals that are protected wild animals, except big game. [97.40 s. 7]

Subd. 23. [GAME.] "*Game*" means big game and small game.

Subd. 24. [GAME BIRDS.] "*Game birds*" means migratory waterfowl, pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, chukar partridge, gray partridge, quail, turkeys, coots, gallinules, sora and Virginia rails, American woodcock, and common snipe.

Subd. 25. [GAME FISH.] "*Game fish*" means walleye, sauger, yellow perch, channel catfish, flathead catfish; members of the pike family, *Esocidae*, including muskellunge and northern pike; members of the sunfish family, *Centrarchidae*, including largemouth bass, smallmouth bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family,



*Percichthyidae*, including white bass and yellow bass; members of the salmon and trout subfamily, *Salmoninae*, including atlantic salmon, chinook salmon, coho salmon, pink salmon, kokanee salmon, lake trout, brook trout, rainbow (steelhead) trout, and splake; members of the paddlefish family, *Polyodontidae*; members of the sturgeon family, *Acipenseridae*, including lake sturgeon, and shovelnose sturgeon. "Game fish" includes hybrids of game fish.

Subd. 26. [HUNTING.] "Hunting" means taking birds or mammals. [97.40 s. 31]

Subd. 27. [LICENSE.] "License" means a license or stamp issued under the game and fish laws.

Subd. 28. [MIGRATORY WATERFOWL.] "Migratory waterfowl" means brant, ducks, geese, and swans. [97.4841 s. 1]

Subd. 29. [MINNOWS.] "Minnows" means: (1) members of the minnow family, *Cyprinidae*, except carp and goldfish; (2) members of the mudminnow family, *Umbridae*; (3) members of the sucker family, *Catostomidae*, not over 12 inches in length; (4) bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not over seven inches long; and (5) leeches. [97.40 s. 12]

Subd. 30. [MINNOW DEALER.] "Minnow dealer" means a person taking minnows for sale, buying minnows for resale, selling minnows at wholesale, or transporting minnows for sale. [97.40 s. 27]

Subd. 31. [MINNOW RETAILER.] "Minnow retailer" means a person selling minnows at retail from an established place of business. [97.40 s. 27]

Subd. 32. [MOTOR VEHICLE.] "Motor vehicle" means a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle that is operated on a highway, on a railroad track, on the ground, in the water, or in the air. [97.40 s. 29]

Subd. 33. [NONRESIDENT.] "Nonresident" means a person who is not a resident.

Subd. 34. [OPEN SEASON.] "Open season" means the period when a specified protected wild animal may be taken. [97.40 s. 13]

Subd. 35. [PERSON.] "Person" means only an individual if used in reference to issuing licenses to take wild animals, but otherwise means an individual, firm, partnership, joint stock company, association, or public or private corporation. [97.40 s. 20]

Subd. 36. [POSSESSION.] *"Possession" means both actual and constructive possession and control of the things referred to.* [97.40 s. 16]

Subd. 37. [PREDATOR.] *"Predator" means a timber wolf, coyote, fox, lynx, or bobcat.* [97.487 s. 2]

Subd. 38. [PROTECTED BIRDS.] *"Protected birds" means all birds except unprotected birds.*

Subd. 39. [PROTECTED WILD ANIMALS.] *"Protected wild animals" are the following wild animals: big game, small game, game fish, rough fish, minnows, leeches, alewives, ciscoes, chubs, and lake whitefish, and the subfamily Coregoninae, rainbow smelt, frogs, turtles, clams, mussels, timber wolf, mourning doves, and wild animals that are protected by a restriction in the time or manner of taking, other than a restriction in the use of artificial lights, poison, or motor vehicles.* [97.40 s. 6]

Subd. 40. [PUBLIC ACCESS.] *"Public access" means an access that is owned by the state or a political subdivision and accessible to the public without charge.*

Subd. 41. [PUBLIC WATERS.] *"Public waters" means waters defined in section 105.37, subdivision 14.*

Subd. 42. [RESIDENT.] *"Resident" means: (1) an individual who is a citizen of the United States or a resident alien, and has maintained a legal residence in the state at least the immediately preceding 60 days; (2) a nonresident under the age of 21 who is the child of a resident; (3) a domestic corporation; or (4) a foreign corporation authorized to do business in the state that has conducted a licensed business at a location within the state for at least ten years.* [97.40 s. 21; 98.45 s. 6]

Subd. 43. [ROUGH FISH.] *"Rough fish" means carp, buffalo, sucker, sheepshead, bowfin, burbot, ciscoe, gar, goldeye, and bullhead.* [97.40 s. 11]

Subd. 44. [SALE.] *"Sale" means an exchange for consideration, and includes barter, offer to sell, and possession with intent to sell.* [97.40 s. 18]

Subd. 45. [SMALL GAME.] *"Small game" means game birds, gray squirrel, fox squirrel, cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, fox, fisher, pine marten, opossum, badger, cougar, wolverine, muskrat, mink, otter, and beaver.*

Subd. 46. [SUNFISH.] *"Sunfish" means bluegill, pumpkinseed, green sunfish, orange spotted sunfish, longear sunfish, and warmouth. "Sunfish" includes hybrids of sunfish.*

Subd. 47. [TAKING.] *"Taking" means pursuing, shooting, killing, capturing, trapping, snaring, angling, spearing, or netting wild animals, or placing, setting, drawing, or using a net, trap, or other device to take wild animals. Taking includes attempting to take wild animals, and assisting another person in taking wild animals.* [97.40 s. 15]

Subd. 48. [TRANSPORT, TRANSPORTATION.] *"Transport, transportation" means causing or attempting to cause wild animals to be carried or moved by a device and includes accepting or receiving wild animals for transportation or shipment.* [97.40 s. 17]

Subd. 49. [UNDRESSED BIRD.] *"Undressed bird" means:*

(1) *a bird, excluding migratory waterfowl, with feet and feathered head intact; or*

(2) *a migratory waterfowl with a fully feathered wing attached.* [97.40 s. 25]

Subd. 50. [UNDRESSED FISH.] *"Undressed fish" means fish with heads, tails, fins and skins intact, whether entrails, gills, or scales are removed or not.* [97.40 s. 26]

Subd. 51. [UNLOADED.] *"Unloaded" means, with reference to a firearm, without ammunition in the barrels and magazine. A muzzle loading firearm with a flintlock ignition is unloaded if it does not have priming powder in a pan. A muzzle loading firearm with percussion ignition is unloaded if it does not have a percussion cap on a nipple.* [100.29 s. 5]

Subd. 52. [UNPROTECTED BIRDS.] *"Unprotected birds" means English sparrow, blackbird, crow, starling, magpie, cor-morant, common pigeon, and great horned owl.* [100.26 s. 2]

Subd. 53. [UNPROTECTED WILD ANIMALS.] *"Unprotected wild animals" means wild animals that are not protected wild animals including weasel, coyote (brush wolf), gopher, porcupine, skunk, and civet cat, and unprotected birds.* [100.26 s. 1, 2]

Subd. 54. [WATERS OF THIS STATE, STATE WATERS.] *"Waters of this state, state waters" includes all boundary and inland waters.* [97.40 s. 22]

Subd. 55. [WILD ANIMALS.] *"Wild animals" means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.* [97.40 s. 5]

## Sec. 3. [97A.021] [CONSTRUCTION.]

*Subdivision 1. [CODE OF CRIMINAL PROCEDURE.] A provision of the game and fish laws that is inconsistent with the code of criminal procedure or of penal law is only effective under the game and fish laws. [97.41 s. 1]*

*Subd. 2. [AUTHORITY OF COMMISSIONER.] A provision of the game and fish laws is subject to, and does not change or modify the authority of the commissioner to delegate powers, duties, and functions under sections 84.083 and 84.088. [97.41 s. 2]*

*Subd. 3. [PARTS OF WILD ANIMALS.] A provision relating to a wild animal applies in the same manner to a part of the wild animal. [97.40 s. 10]*

*Subd. 4. [DATES AND OPEN SEASONS.] The dates specified in the game and fish laws and time periods prescribed for certain activities or as open season are inclusive, unless otherwise specified. [97.40 s. 28]*

## Sec. 4. [97A.025] [OWNERSHIP OF WILD ANIMALS.]

*The ownership of wild animals of the state, is in the state, in its sovereign capacity for the benefit of all the people of the state. A person may not acquire a property right in wild animals, or destroy them, unless authorized under the game and fish laws or sections 84.09 to 84.15. [97.42]*

## Sec. 5. [97A.031] [WANTON WASTE.]

*Unless expressly allowed, a person may not wantonly waste or destroy a usable part of a protected wild animal. [97.47]*

## Sec. 6. [97A.035] [REMOVAL OF SIGNS PROHIBITED.]

*A person may not remove or deface a department of natural resources sign, without approval of the commissioner. [99.26 s. 3]*

## Sec. 7. [97A.041] [EXHIBITION OF WILDLIFE.]

*Subdivision 1. [DEFINITION.] For the purposes of this section, "wildlife" means any wild mammal, wild bird, reptile, or amphibian. [97.611 s. 1]*

*Subd. 2. [POSSESSION.] A person connected with a commercial enterprise may not possess wildlife in captivity for public exhibition purposes, except under permit as provided in this section. [97.611 s. 2]*

**Subd. 3. [PERMIT.]** *The commissioner may issue a permit to possess wildlife for public exhibition to an applicant qualified by education or experience in the care and treatment of wildlife. The permit fee is \$10. The commissioner may prescribe terms and conditions of the permit. A permit issued under this section shall include a condition that allows an enforcement officer to enter and inspect the facilities where the wildlife covered by the permit are held in captivity. [97.611 s. 2, 3]*

**Subd. 4. [PERMIT APPLICATION.]** *An application for a permit must include:*

(1) *a statement regarding the education or experience in the care and treatment of wildlife of the applicant and each individual employed by the applicant for that purpose;*

(2) *a description of the facilities used to keep the wildlife in captivity;*

(3) *a statement of the number of species or subspecies of wildlife to be covered by the permit and a statement describing where and from whom the wildlife was acquired;*

(4) *a signed agreement that the standards prescribed by the commissioner will be followed; and*

(5) *other information requested by the commissioner. [97.-611 s. 2]*

**Subd. 5. [CARE AND TREATMENT.]** *The commissioner shall adopt, under chapter 14, reasonable standards for the care and treatment of captive wildlife for public display purposes, including standards of sanitation. [97.611 s. 2]*

**Subd. 6. [VIOLATION OF POSSESSION STANDARDS.]** *If a violation is found during an inspection, the commissioner shall give the permittee notice to abate the violation within an adequate time determined by the commissioner. If the violation has not been abated when the time expires, the commissioner may request the attorney general to bring an action to abate the violation. [97.611 s. 4]*

**Subd. 7. [EXEMPTION FOR ZOOS, CIRCUSES, PET SHOPS.]** *This section does not apply to a publicly owned zoo or wildlife exhibit, privately owned traveling zoo or circus, or a pet shop. [97.611 s. 5]*

**Sec. 8. [97A.045] [COMMISSIONER, GENERAL POWERS AND DUTIES.]**

**Subdivision 1. [DUTIES; GENERALLY.]** *The commissioner shall do all things the commissioner determines are neces-*

sary to preserve, protect, and propagate desirable species of wild animals. The commissioner shall make special provisions for the management of fish and wildlife to insure recreational opportunities for anglers and hunters. The commissioner shall acquire wild animals for breeding or stocking and may dispose of or destroy undesirable or predatory wild animals. [97.48 s. 8, 9, 10]

*Subd. 2. [POWER TO PROTECT WILD ANIMALS BY SEASONS AND LIMITS.] The commissioner may protect a species of wild animal in addition to the protection provided by the game and fish laws, by further limiting or closing seasons or areas of the state, or by reducing limits in areas of the state, if the commissioner determines the action is necessary to prevent unnecessary depletion or extinction, or to promote the propagation and reproduction of the animal. [97.48 s. 1]*

*Subd. 3. [POWER TO MODIFY DATES OF SEASONS.] If the statutory opening date of a season for taking protected wild animals, except a season prescribed under federal regulations, is not on a Saturday, the commissioner may designate the nearest Saturday to the statutory date as the opening day of the season. If the statutory closing date falls on a Saturday, the commissioner may extend it through the following day. [97.48 s. 23]*

*Subd. 4. [BOUNDARY WATERS.] The commissioner may regulate the taking, possession, and transportation of wild animals from state and international boundary waters. The regulations may include restrictions on the limits of fish that may be taken, possessed, or transported from international boundary waters by a person possessing both a Minnesota angling license and an angling license from an adjacent Canadian province. [97.48 s. 3]*

*Subd. 5. [POWER TO PRESCRIBE THE FORM OF PERMITS AND LICENSES.] The commissioner may prescribe the form of permits, licenses, and tags issued under the game and fish laws. [97.4841 s. 2; 97.4842 s. 1; 97.4843 s. 2; 98.48 s. 14]*

*Subd. 6. [DUTY TO DISSEMINATE INFORMATION.] The commissioner shall collect, compile, publish, and disseminate statistics, bulletins, and information related to conservation. [97.48 s. 19]*

*Subd. 7. [DUTY TO ENCOURAGE STAMP PURCHASES.] The commissioner shall encourage the purchase of:*

*(1) Minnesota migratory waterfowl stamps by nonhunters interested in the migratory waterfowl preservation and habitat development; [97.4841 s. 2]*

*(2) pheasant stamps by persons interested in pheasant habitat improvement; and [97.4843 s. 2]*

(3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement. [97.4842 s. 1]

**Subd. 8. [HUNTING AND FISHING LICENSE RECI-  
PROCITY WITH WISCONSIN.]** *The commissioner may enter into an agreement with game and fish licensing authorities in the state of Wisconsin under which Wisconsin residents owning real property in Minnesota are allowed to purchase annual non-resident game and fish licenses at fees required of Minnesota residents, provided Minnesota residents owning real property in Wisconsin are allowed to purchase identical nonresident licenses in Wisconsin upon payment of the Wisconsin resident license fee. The commissioners of natural resources in Minnesota and Wisconsin must agree on joint standards for defining real property ownership. The commissioner shall present the joint standards to the senate agriculture and natural resources and house environment and natural resources committees.* [98.465]

**Sec. 9. [97A.051] [PUBLICATION OF ORDERS AND LAWS.]**

**Subdivision 1. [COMPILATION OF LAWS.]** *As soon as practicable after each legislative session, the commissioner, under the direction of the attorney general, shall assemble the current laws relating to wild animals and index the laws properly. This compilation shall be printed in pamphlet form of pocket size, and 50 copies distributed to each senator, 25 copies to each representative, and ten copies to each county auditor. Up to 10,000 additional copies may be printed for general distribution.* [97.53 s. 1]

**Subd. 2. [SUMMARY OF FISH AND GAME LAWS.]** *The commissioner shall prepare a summary of the hunting and fishing laws and deliver a sufficient supply to county auditors to furnish one copy to each person obtaining a hunting, fishing, or trapping license. At the beginning of the summary, under the heading "Trespass," the commissioner shall summarize the trespass provisions under article 2, state that conservation officers and peace officers must enforce the trespass laws, and state the penalties for trespassing.* [97.53 s. 1]

**Subd. 3. [PUBLICATION OF ORDERS AND RULES.]** *All orders and rules promulgated by the commissioner or the director that affect matters in more than three counties must be published once in a legal newspaper in Minneapolis, St. Paul, and Duluth. The orders and rules that do not affect more than three counties must be published once in a legal newspaper in each county affected. An order or rule is not effective until seven days after the publication.* [97.53 s. 2]

**Subd. 4. [ORDERS AND RULES HAVE FORCE AND EFFECT OF LAW.]** *When the order or rule is executed and published, it has the force and effect of law. Violation of an order or rule has the same penalty as a violation of the law.* [97.53 s. 2]

## Sec. 10. [97A.055] [GAME AND FISH FUND.]

*Subdivision 1. [ESTABLISHMENT; PURPOSES.] The game and fish fund is established as a fund in the state treasury. The money in the fund is annually appropriated to the commissioner for the activities of the division. [97.49 s. 1]*

*Subd. 2. [RECEIPTS.] The state treasurer shall credit to the game and fish fund all money received under the game and fish laws including receipts from:*

- (1) licenses issued;*
- (2) fines and forfeited bail;*
- (3) sales of contraband, wild animals, and other property under the control of the division;*
- (4) fees from advanced education courses for hunters and trappers;*
- (5) reimbursements of expenditures by the division; and*
- (6) contributions to the division. [97.49 s. 1]*

## Sec. 11. [97A.061] [PAYMENT IN LIEU OF TAXES.]

*Subdivision 1. [APPLICABILITY; AMOUNT.] (a) The commissioner shall annually make a payment from the game and fish fund to each county having public hunting areas and game refuges. This section does not apply to state trust fund land and other state land not purchased for game refuge or public hunting purposes. The payment shall be the greatest of:*

*(1) 35 percent of the gross receipts from all special use permits and leases of land acquired for public hunting and game refuges;*

*(2) 50 cents per acre on land purchased actually used for public hunting or game refuges; or*

*(3) three-fourths of one percent of the appraised value of purchased land actually used for public hunting and game refuges.*

*(b) the payment must be reduced by the amount paid under subdivision 3 for croplands managed for wild geese. [97.49 s. 7]*

*(c) The appraised value is the purchase price for five years after acquisition. The appraised value shall be determined by the county assessor every five years after acquisition. [97.49 s. 3]*

*Subd. 2. [ALLOCATION.] (a) Except as provided in subdivision 3, the county treasurer shall allocate the payment among*



*the county, towns, and school districts on the same basis as if the payments were taxes on the land received in the current year. The county's share of the payment shall be deposited in the county general revenue fund. [97.49 s. 3]*

*(b) The county treasurer of a county with a population over 39,000 but less than 42,000 in the 1950 federal census, shall allocate the payment only among the towns and school districts on the same basis as if the payments were taxes on the lands received in the current year. [97.49 s. 6]*

**Subd. 3. [GOOSE MANAGEMENT CROPLANDS.]** *(a) The commissioner shall make a payment on July 1 of each year from the game and fish fund, to each county where the state owns more than 1,000 acres of crop land, for wild goose management purposes. The payment shall be equal to the taxes assessed on comparable, privately owned, adjacent land. The county treasurer shall allocate the payment as provided in subdivision 2.*

*(b) The land used for goose management under this subdivision is exempt from taxation as provided in sections 272.01 and 273.19. [97.49 s. 7]*

**Sec. 12. [97A.065] [DEDICATION OF CERTAIN RECEIPTS.]**

**Subdivision 1. [FISH AND TURTLES FROM ROUGH FISH REMOVAL.]** *Money received from the sale of fish and turtles taken under rough fish removal operations is continuously available for rough fish removal. [97.49 s. 4]*

**Subd. 2. [FINES AND FORFEITED BAIL.]** *(a) Fines and forfeited bail collected from prosecutions of violations of the game and fish laws, sections 84.09 to 84.15, and 84.81 to 84.88, chapter 34B, and any other law relating to wild animals, and aquatic vegetation must be paid to the treasurer of the county where the violation is prosecuted. The county treasurer shall submit one-half of the receipts to the commissioner and credit the balance to the county general revenue fund except as provided in paragraph (b). [97.49 s. 5]*

*(b) The commissioner must reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations under this section if the county board, by resolution, directs: (1) the county treasurer to submit all fines and forfeited bail to the commissioner; and (2) the county auditor to certify and submit monthly itemized statements to the commissioner. [97.49 s. 5]*

**Subd. 3. [FISHING LICENSE SURCHARGE.]** *(a) The commissioner may use the revenue from the fishing license surcharge for:*

(1) *rehabilitation and improvement of marginal fish producing waters, administered on a cost-sharing basis, under agreements between the commissioner and other parties interested in sport fishing;*

(2) *expansion of fishing programs including aeration, stocking of marginal fishing waters in urban areas, shore fishing areas, and fishing piers, with preference given to local units of government and other parties sharing costs;*

(3) *upgrading of fish propagation capabilities to improve the efficiency of fish production, expansion of walleye production by removal from waters subject to winter kill for stocking in more suitable waters, introduction of new biologically appropriate species, and purchase of fish from private hatcheries for stocking;*

(4) *financing the preservation and improvement of fish habitat, with priority given to expansion of habitat improvement programs implemented with other interested parties;*

(5) *increasing enforcement with covert operations, work-teams, and added surveillance, communication, and navigational equipment; and*

(6) *purchase of the walleye quota of commercial fishing operators under article 3, section 65, subdivision 9.*

(b) *Not more than ten percent of the money available under this subdivision may be used for administrative and permanent personnel costs. [97.86 s. 1]*

(c) *The commissioner shall prepare an annual work plan for the use of the revenue and provide copies of the plan, and amendments, to the house environment and natural resources committee, senate agriculture and natural resources committee, and other interested parties. The committees must review issues and trends in the management and improvement of fishing resources using information obtained by and presented to the committees by public and private agencies and organizations and other parties interested in management and improvement of fishing resources. [97.86 s. 2]*

### **Sec. 13. [97A.071] [WILDLIFE ACQUISITION ACCOUNT.]**

*Subdivision 1. [ACCOUNT ESTABLISHED.] The wildlife acquisition account is established as an account in the game and fish fund. [97.483]*

*Subd. 2. [REVENUE FROM THE SMALL GAME LICENSE SURCHARGE.] Revenue from the small game surcharge shall*

*be credited to the wildlife acquisition account and the money in the account shall be used by the commissioner for the purposes of this section, and acquisition of wildlife lands under section 28, in accordance with appropriations made by the legislature. [97-483]*

*Subd. 3. [USE OF WILDLIFE ACQUISITION ACCOUNT MONEY.] The wildlife acquisition account may be used for developing, preserving, restoring, and maintaining waterfowl breeding grounds in Canada under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. The commissioner may execute agreements and contracts if the commissioner determines that the use of the funds will benefit the migration of waterfowl into the state. [97.482 s. 2]*

*Subd. 4. [ASSESSMENTS TO BE PAID FROM FUND.] An assessment against the state under sections 106A.015, subdivision 2, 106A.025, or 106A.615 on lands acquired for wildlife habitat shall be paid from the wildlife acquisition account. [97-484]*

#### **Sec. 14. [97A.075] [USE OF LICENSE REVENUES.]**

*Subdivision 1. [DEER AND BEAR LICENSES.] (a) For purposes of this subdivision, "deer license" means a license issued under section 68, subdivision 2, clauses (4) and (5) and subdivision 3, clauses (2) and (3).*

*(b) At least \$2 from each deer license shall be used for deer habitat improvement. At least \$1 from each resident deer license and each resident bear license shall be used for deer and bear management programs, including a computerized licensing system. [97.49 s. 1a, 1b]*

*Subd. 2. [MINNESOTA MIGRATORY WATERFOWL STAMP.] The commissioner may use the revenue from the Minnesota migratory waterfowl stamps for:*

*(1) development of wetlands in the state and designated waterfowl management lakes for maximum migratory waterfowl production including the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites and facilities necessary for development and management of existing migratory waterfowl habitat and the creation of migratory waterfowl management lakes;*

*(2) protection and propagation of migratory waterfowl;*

*(3) development, restoration, maintenance, or preservation of migratory waterfowl habitat;*

(4) *acquisition of and access to structure sites; and*

(5) *necessary related administrative costs not to exceed ten percent of the annual revenue.* [97.4841 s. 1, 4]

*Subd. 3. [TROUT AND SALMON STAMP.] The commissioner may use the revenue from trout and salmon stamps for:*

(1) *the development, restoration, maintenance, and preservation of trout streams and lakes;*

(2) *rearing and stocking of trout and salmon in trout streams and lakes and Lake Superior; and*

(3) *necessary related administrative costs not to exceed ten percent of the annual revenue.* [97.4842 s. 3]

*Subd. 4. [PHEASANT STAMP.] The commissioner may use the revenue from pheasant stamps for:*

(1) *the development, restoration, maintenance, and preservation of suitable habitat for ringnecked pheasants on public and private land including the establishment of nesting cover, winter cover, and reliable food sources;*

(2) *reimbursement of landowners for setting aside lands for pheasant habitat;*

(3) *reimbursement of expenditures to provide pheasant habitat on public and private land;*

(4) *the promotion of pheasant habitat development, maintenance, and preservation; and*

(5) *necessary related administrative and personnel costs not to exceed ten percent of the annual revenue.* [97.4843 s. 1(c), 4]

**Sec. 15. [97A.081] [POSTING LAND.]**

*The commissioner may post land acquired for public hunting grounds, food and cover planting areas, game refuges, wildlife lands, and conservation area lands so as to identify and indicate the management purpose.* [97.48 s. 25]

**Sec. 16. [97A.085] [GAME REFUGES.]**

*Subdivision 1. [STATE PARKS.] All state parks are designated as game refuges.* [99.25 s. 1]

*Subd. 2. [ESTABLISHMENT BY COMMISSIONER'S ORDER.] The commissioner may designate, by order, a contig-*

uous area of at least 640 acres as a game refuge if more than 50 percent of the area is in public ownership. [99.25 s. 2, 5]

**Subd. 3. [ESTABLISHMENT BY PETITION OF LAND HOLDERS.]** *The commissioner may designate by order land area described in a petition as a game refuge. The petition must be signed by the owner, the lessee, or the person in possession of each tract in the area. A certificate of the auditor of the county where the lands are located must accompany the petition stating that the persons named in the petition are the owners, lessees, or persons in possession of all of the land described according to the county records. The game refuge must be a contiguous area of at least 640 acres unless it borders or includes a marsh, or other body of water or watercourse suitable for wildlife habitat. [99.25 s. 3, 5]*

**Subd. 4. [ESTABLISHMENT BY PETITION OF COUNTY RESIDENTS.]** *The commissioner may, by order, designate as a game refuge a contiguous area of at least 640 acres, described in a petition, signed by 50 or more residents of the county where the area is located. Before designation, the commissioner must hold a public hearing on the petition. The notices of the time and place of the hearing must be posted in five of the most conspicuous places within the proposed game refuge at least 15 days before the hearing. A notice of the hearing must be published in a legal newspaper in each county where the area is located at least seven days before the hearing. The game refuge may be designated only if the commissioner finds that protected wild animals are depleted and are in danger of extermination, or that it will best serve the public interest. [99.25 s. 4, 5, 6]*

**Subd. 5. [SPECIES REFUGE FOR SPECIFIED GAME.]** *The commissioner may, by order, designate a species refuge for only specified species. The game refuge must be posted accordingly. [99.25 s. 6a, 7]*

**Subd. 6. [AREA INCLUDED IN GAME REFUGE.]** *A state game refuge includes all public lands, waters, highways, and railroad right-of-way within the refuge boundary and, in the discretion of the commissioner, may include adjacent public lands and waters. [99.25 s. 6]*

**Subd. 7. [GAME REFUGE BOUNDARY POSTING.]** (a) *The designation of a state game refuge is not effective until the boundary has been posted with notices that measure at least 12 inches. The notices posted on state park boundaries must have black letters on a yellow background stating that the area is a state park. The notices on other game refuges must have black letters on a white background stating that the area is a state game refuge.*

(b) *The notices must be posted at intervals of not more than 500 feet or less along the boundary. The notices must also be*

*posted at all public road entrances to the refuges, except where the boundary is also an international or state boundary in public waters. Where the boundary of a refuge extends more than 500 feet continuously through a body of water, instead of placing notices in the water, notices with the words, "Adjacent Waters Included," may be placed on the shoreline at the intersection of the boundary and the water 20 feet or less above the high water mark and at intervals of 500 feet or less along the shoreline.*

*(c) A certification by the commissioner or the director, or a certification filed with the commissioner or director by a conservation officer, refuge supervisor, or other authorized officer or employee, stating that the required notices have been posted is prima facie evidence of the posting. [99.25 s. 7]*

*Subd. 8. [MODIFICATION OR ABANDONMENT.] A state game refuge may be vacated or modified by order of the commissioner. The commissioner may not vacate or modify boundaries of a state game refuge established under subdivision 4 until the requirements of a petition, notice, and hearing have been complied with to vacate or modify the boundaries. [99.25 s. 8]*

**Sec. 17. [97A.091] [HUNTING ON GAME REFUGES.]**

*Subdivision 1. [HUNTING AND POSSESSION OF FIRE-ARMS.] Except as provided in subdivision 2, a person may not take a wild animal, except fish, within a state game refuge. A person may not carry a firearm within a refuge unless the firearm is unloaded and contained in a case, or unloaded and broken down. [99.26 s. 1]*

*Subd. 2. [WHEN HUNTING ALLOWED.] (a) The commissioner may allow hunting of a protected wild animal species within any portion of a state game refuge, including a state park, during the next regular open season. Hunting in a refuge may only be allowed if the commissioner finds:*

*(1) the population of the species exceeds the refuge's carrying capacity;*

*(2) the species is causing substantial damage to agricultural or forest crops in the vicinity;*

*(3) the species or other protected wild animals are threatened by the species population; or*

*(4) a harvestable surplus of the species exists.*

*(b) The commissioner may prescribe rules for any hunting allowed within a refuge. [99.26 s. 2]*

*Subd. 3. [TRAP OR TARGET SHOOTING.] The commissioner may issue special permits, without fee, to the owner or lessee of privately owned land within the boundaries of a state game refuge for trap or target shooting. [98.48 s. 8]*

**Sec. 18. [97A.095] [WATERFOWL PROTECTED AREAS.]**

*Subdivision 1. [MIGRATORY WATERFOWL REFUGES.] The commissioner shall designate by order any part of a state game refuge as a migratory waterfowl refuge if there is presented to the commissioner a petition signed by ten resident licensed hunters describing an area that is primarily a migratory waterfowl refuge. The commissioner shall post the area as a migratory waterfowl refuge. A person may not enter a posted migratory waterfowl refuge during the open migratory waterfowl season unless accompanied by a conservation officer or game refuge manager. [99.26 s. 4]*

*Subd. 2. [WATERFOWL FEEDING AND RESTING AREAS.] The commissioner may, by order designate any part of up to 13 lakes as a migratory feeding and resting area. Before designation, the commissioner must receive a petition signed by at least ten resident licensed hunters describing the area of the lake that is a substantial feeding and resting ground for migratory waterfowl, and find that the statements in the petition are correct, and that adequate, free public access to the lake exists near the designated area. The commissioner shall post the area as a migratory waterfowl feeding and resting area. A person may not enter a posted migratory waterfowl feeding and resting area during the open migratory waterfowl season with watercraft or aircraft propelled by a motor. [99.26 s. 5]*

*Subd. 3. [HUNTING ON MUSKRAT LAKE.] The commissioner may prohibit migratory waterfowl hunting on Muskrat Lake in Beltrami county by posting accordingly. [99.26 s. 5]*

**Sec. 19. [97A.101] [PUBLIC WATER RESERVES AND MANAGEMENT DESIGNATION.]**

*Subdivision 1. [RESERVES.] The commissioner may designate and reserve public waters of the state to propagate and protect wild animals. [97.48 s. 11]*

*Subd. 2. [MANAGEMENT DESIGNATION.] (a) The commissioner may designate, reserve, and manage public waters for wildlife after giving notice and holding a public hearing. The hearing must be held in the county where the major portion of the waters are located. Notice of the hearing must be published in a local newspaper within each county where the waters are located at least seven days before the hearing.*

*(b) The commissioner may contract with riparian owners for water projects under section 105.39, subdivision 5, and may ac-*

quire land, accept local funding, and construct, maintain, and operate structures to control water levels under section 105.48 to manage designated waters. [97.48 s. 11]

*Subd. 3. [FISHING MAY NOT BE RESTRICTED.] Seasons or methods of taking fish may not be restricted under this section. [97.48 s. 11]*

Sec. 20. [97A.105] [GAME AND FUR FARMS.]

*Subdivision 1. [LICENSE REQUIREMENTS.] A person may breed and propagate fur-bearing animals, game birds, bear, or deer only on privately owned or leased land and after obtaining a license. "Privately owned or leased land" includes waters that are shallow or marshy, are not actually navigable, and are not of substantial beneficial public use. Before an application for a license is considered, the applicant must enclose the area to sufficiently confine the animals to be raised in a manner approved by the commissioner. A license may be granted only if the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and the commissioner determines that the facilities are adequate for the business. [99.27 s. 1, 4]*

*Subd. 2. [TRANSFER OF LICENSE.] (a) A game or fur farm license is transferable with the transfer of all or a portion of the title or leasehold of the land if:*

*(1) the land transferred complies with the license requirements;*

*(2) the land is used for the purposes of the license; and*

*(3) a verified written report of the existing and intended land use is made to the commissioner, accompanied by a copy of deed, assignment, lease, or other instrument transferring the corresponding title or leasehold in the enclosed land.*

*(b) A transfer of less than the whole interest in the license is not valid. Each bona fide partner or associate in the ownership or operation of a game or fur farm must obtain a separate license. [99.27 s. 3, 4]*

*Subd. 3. [OWNERSHIP OF WILD ANIMALS.] All wild animals and their offspring, of the species identified in the license, that are within the enclosure are the property of the game and fur farm licensee. [99.27 s. 2]*

*Subd. 4. [SALE OF LIVE ANIMALS.] A sale of live animals from a licensed fur or game farm is not valid unless the animals are delivered to the purchaser or they are identified and kept separately. The sale agreement or contract must be in writ-*



*ing. The licensee must notify a purchaser of the death of an animal within 30 days and of the number of increase before July 20 of each year. [99.27 s. 6]*

*Subd. 5. [SALE OF PELTS.] The commissioner shall prescribe:*

*(1) the manner that pelts and products of wild animals raised on fur or game farms may be sold or transported; and*

*(2) the tags or seals to be affixed to the pelts and products. [99.27 s. 7]*

*Subd. 6. [FOX AND MINK.] Fox and mink may not be bought or sold for breeding or propagating unless they have been pen-bred for at least two generations. [99.27 s. 5]*

*Subd. 7. [TRANSPORTATION OF LIVE BEAVER.] Live beaver may not be transported without a permit from the commissioner. [99.27 s. 5]*

*Subd. 8. [PENALTY.] A licensee that does not comply with a provision of this section subjects all wild animals on the game or fur farm to confiscation. [99.27 s. 7]*

## **Sec. 21. [97A.111] [MUSKRAT FARMS.]**

*Subdivision 1. [APPLICATION FOR A LICENSE.] An owner of suitable land may operate a muskrat farm for breeding, raising, trapping, and dealing in muskrats in accordance with this section. A person may apply for a muskrat farm license by filing with the commissioner a signed statement describing the land, title, and number of acres where the farm is to be located. [99.28 s. 1, 2]*

*Subd. 2. [ISSUANCE OF LICENSE.] (a) The commissioner shall investigate the application filed and may require the applicant to produce evidence of the facts stated. The commissioner shall issue a muskrat farm license to an applicant if the commissioner determines that:*

*(1) the applicant is the owner of the land;*

*(2) the applicant intends to establish and operate a muskrat farm; and*

*(3) the establishment of a muskrat farm in the proposed area will conserve the natural resources.*

*(b) The license must describe the land and certify that the licensee is entitled to use the land to breed, raise, trap, and trade muskrats. The license expires on December 31 each year but may*

*be renewed annually at the discretion of the commissioner upon payment of the license fee. [99.28 s. 3, 7]*

**Subd. 3. [OWNERSHIP, TAKING, SALE, AND TRANSPORTATION.]** *A licensee is the owner of all muskrats on the licensed muskrat farm. The licensee may take and trap the muskrats at any time and in any manner, except by firearm or spear. Muskrats taken for pelting purposes may only be trapped under a permit issued by the commissioner. The licensee may sell and transport the muskrats or their pelts from the muskrat farm at any time. The pelts must be tagged as prescribed by the commissioner. The commissioner shall furnish tags to the licensee at cost. The tags must be numbered to identify the muskrat farm license. [99.28 s. 4, 11]*

**Subd. 4. [POSTING NOTICE.]** *Within 30 days after a muskrat farm license is issued, the licensee must post and maintain notices on posts, stakes, or enclosures on the boundary of the farm at intervals of not more than 70 feet. The notices stating the existence of a muskrat farm must be furnished by the commissioner to the licensee for 12 cents each. [99.28 s. 6]*

**Subd. 5. [ALTERATION OF BOUNDARIES.]** *The licensee may not alter the boundaries of the muskrat farm without consent of the commissioner. [99.28 s. 12]*

**Subd. 6. [ILLEGAL TAKING.]** *An unauthorized person who takes muskrats from a muskrat farm is liable to the licensee for \$25 and all damages. An action for the trespass and taking must be brought by the licensee. [99.28 s. 8]*

**Subd. 7. [ANNUAL REPORT.]** *By March 1 of each year, the licensee must submit a signed report to the commissioner covering the preceding calendar year. The report must be completed on a form furnished by the commissioner stating the license number, the number and value of muskrats killed, transported, and sold from the muskrat farm, and other information required by the commissioner. [99.28 s. 9]*

**Sec. 22. [97A.115] [ESTABLISHMENT OF PRIVATE SHOOTING PRESERVES.]**

**Subdivision 1. [LICENSES; RULES.]** *A person must be licensed to operate a private shooting preserve. The commissioner may issue a license for a privately owned and operated shooting preserve if the commissioner determines that it is in the public interest. The commissioner may make rules to implement this section and section 23. [100.32]*

**Subd. 2. [GAME AVAILABLE.]** *Game that may be released and hunted in a licensed shooting preserve must be specified in the license and is limited to pheasant, quail, chukar par-*

*tridge, turkey, mallard duck, black duck, and other species designated by the commissioner. These game birds must be pen hatched and raised. [100.33, 100.35 s. 2]*

*Subd. 3. [SIZE OF PRESERVE.] A private shooting preserve must be at least 100 but not more than 1,000 contiguous acres, including any water area. A preserve limited to duck hunting may be a minimum of 50 contiguous acres including water area. [100.34 s. 3]*

*Subd. 4. [POSTING OF BOUNDARIES.] The boundaries of a private shooting preserve must be clearly posted in a manner prescribed by the commissioner. [100.34 s. 4]*

*Subd. 5. [REVOCAION OF LICENSE.] The commissioner may revoke a private shooting preserve license if the licensee or persons authorized to hunt in the preserve have been convicted of a violation under this section or section 23. After revocation, a new license may be issued in the discretion of the commissioner. [100.37]*

**Sec. 23. [97A.121] [HUNTING IN PRIVATE SHOOTING PRESERVES.]**

*Subdivision 1. [HUNTER'S LICENSE.] A person hunting in a private shooting preserve must have the licenses required by law for the hunting of game birds. A nonresident may obtain a special private shooting preserve license that is valid for the entire preserve season for the same fee as a resident small game hunting license. [100.35 s. 3]*

*Subd. 2. [SEASON.] The season for hunting in private shooting preserves is from September 7 through March 31. The commissioner may restrict the season after receiving a complaint, holding a public hearing, and finding that the population of wild game birds is in danger by hunting in the preserve. [100.36]*

*Subd. 3. [OPERATOR MAY ESTABLISH RESTRICTIONS.] A private shooting preserve licensee may determine who is allowed to hunt in the preserve. In each preserve the licensee may establish the charge for taking game, the shooting hours, the season, limitations, and restrictions on the age, sex, and number of each species that may be taken by a hunter. These provisions may not conflict with this section or section 22 and may not be less restrictive than any rule or order. [100.35 s. 4]*

*Subd. 4. [LIMITS AND MARKING OF GAME BIRDS.] The commissioner shall prescribe the minimum number of each authorized species that may be released and the percentage of each species that may be taken. The commissioner shall prescribe methods for identifying birds to be released. [100.35 s. 7]*

*Subd. 5. [MARKING HARVESTED GAME.] Harvested game, except ducks that are marked in accordance with regulations of the United States fish and wildlife service, must be tagged with a self-sealing tag, identifying the private shooting preserve. The commissioner shall issue the tags at a cost of 15 cents each. The tag must remain attached on the bird until the bird is actually prepared for consumption. [100.35 s. 5]*

*Subd. 6. [RECORDKEEPING.] A private shooting preserve licensee must maintain a registration book listing the names, addresses, and hunting license numbers of all hunters, the date when they hunted, the amount and species of game taken, and the tag numbers affixed to each bird. A record must be kept of the number of each species raised and purchased and the date and number of each species released. The records must be open to inspection by the commissioner at all reasonable times. [100.35 s. 6]*

**Sec. 24. [97A.125] [WILDLIFE HABITAT ON PRIVATE LAND.]**

*The commissioner may enter into agreements with landowners to develop or improve wildlife habitat on private land and provide financial, technical, and professional assistance and material. [97.48 s. 27]*

**Sec. 25. [97A.131] [GAME FARMS AND HATCHERIES.]**

*The commissioner may acquire property by gift, lease, purchase, or condemnation and may construct, maintain, operate, and alter facilities for game farms and hatcheries. [97.48 s. 12]*

**Sec. 26. [97A.135] [ACQUISITION OF WILDLIFE LANDS.]**

*Subdivision 1. [PUBLIC HUNTING AND WILDLIFE AREAS.] (a) The commissioner or the commissioner of administration shall acquire and improve land for public hunting, game refuges, and food and cover planting. The land may be acquired by a gift, lease, easement, or condemnation. At least two-thirds of the total area acquired in a county must be open to public hunting. The commissioner may designate land acquired under this subdivision a wildlife management area for the purposes of the outdoor recreation system. [97.48 s. 13]*

*(b) The commissioner of administration may transfer money to the commissioner for acquiring wetlands to qualify for Pittman-Robertson funds. The transferred money is reappropriated to the commissioner for the wetland acquisition. [97.48 s. 28]*

*Subd. 2. [DISPOSAL OF UNSUITABLE HUNTING AREAS.] The commissioner shall sell or exchange land acquired*

*for public hunting that is unnecessary or unsuitable. The land may not be sold for less than its purchase price. The land may be exchanged for land of equal value that adds to existing public hunting areas. The sales and exchanges must be approved by the executive council. [97.48 s. 14]*

**Sec. 27. [97A.141] [PUBLIC WATER ACCESS SITES.]**

*Subdivision 1. [ACQUISITION; GENERALLY.] The commissioner shall acquire access sites adjacent to public waters and easements and rights-of-way necessary to connect the access sites with public highways. The land may be acquired by gift, lease, or purchase, or by condemnation with approval of the executive council. An access site may not exceed seven acres and may only be acquired where access is inadequate. [97.48 s. 15]*

*Subd. 2. [ACQUISITION; LIMITATIONS.] Access sites may not be acquired under this section adjacent to public waters that are unmeandered or completely surrounded by land owned and maintained for the purpose of an educational or religious institution. Access sites adjacent to public waters that contain less than 200 acres within the meander lines may not be acquired by condemnation and may only be acquired if:*

*(1) the public water contains at least 150 acres within the meander lines; or*

*(2) the public waters are to be managed intensively for fishing. [97.48 s. 15]*

*Subd. 3. [MAINTENANCE.] The commissioner shall maintain the sites, easements, and rights-of-way acquired under this section. The commissioner may make an agreement for the maintenance of the site easements and rights-of-way with a county board if the connecting public highway is a county state-aid highway or county highway, or the town board if the connecting highway is a town road. The county board and town board may spend money from its road and bridge funds for maintenance under the agreement. [97.48 s. 15]*

**Sec. 28. [97A.145] [WETLANDS FOR WILDLIFE.]**

*Subdivision 1. [ACQUISITION; GENERALLY.] (a) The commissioner or the commissioner of administration may acquire wetlands and bordering areas, including marshes, ponds, small lakes, and stream bottoms for water conservation relating to wildlife development. The lands that are acquired may be developed for wildlife, recreation, and public hunting. The wetlands may be acquired by gift, lease, purchase, or exchange of state lands.*

*(b) The commissioner may also acquire land owned by the state and tax-forfeited land that is suitable for wildlife devel-*

opment. The wetlands may not be acquired unless public access by right-of-way or easement from a public road is also acquired or available. In acquiring wetlands under this section the commissioner shall assign highest priority to type 3 and 4 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), that are public waters. Lands purchased or leased under this section may not be used to produce crops unless needed for wildlife. The commissioner may designate land acquired under this section as a wildlife management area for purposes of the outdoor recreation system. [97.48 s. 28; 97.481 s. 1]

Subd. 2. [ACQUISITION PROCEDURE.] (a) Lands purchased or leased under this section must be acquired in accordance with this subdivision.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board must approve or disapprove the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

(c) If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land.

(d) If the county board disapproves the acquisition, it must state valid reasons. The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period. The landowner or the commissioner may appeal the disapproval to the district court having jurisdiction where the land is located.

(e) The commissioner or the owner of the land may submit the proposed acquisition to the land exchange board if: (1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.

(f) The land exchange board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The land exchange board must give notice of the hearing to the county board, the commissioner, the landowner, and other interested parties. The land exchange board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the land exchange board members approves the acquisition, the commissioner may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land. [97.481 s. 2]

*Subd. 3. [MANAGEMENT.] If a drainage outlet is petitioned and drainage proceedings are conducted under the drainage code, chapter 106A, the commissioner should not interfere with or unnecessarily delay the proceedings. [97.481 s. 1]*

**Sec. 29. [97A.151] [LEECH LAKE INDIAN RESERVATION AGREEMENT.]**

*Subdivision 1. [PURPOSE.] The purpose of this section is to give recognition and effect to the rights of the Leech Lake Band of Chippewa Indians that are preserved by federal treaty relating to hunting, fishing, and trapping, and to the gathering of wild rice on the Leech Lake Indian reservation. These rights have been recognized and given effect by the decision of the United States District Court in the following entitled actions: Leech Lake Band of Chippewa Indians, et al v. Robert L. Herbst, No. 3-69 Civ. 65; and United States of America v. State of Minnesota, No. 3-70 Civ. 228. The state of Minnesota desires to settle all outstanding issues and claims relating to the above rights. [97.431 s. 1]*

*Subd. 2. [DEFINITIONS.] The definitions in this subdivision apply to this section.*

*(a) "Band" means the Leech Lake Band of Chippewa Indians.*

*(b) "Committee" means the reservation business committee of the Leech Lake Band of Chippewa Indians.*

*(c) "Reservation" means the Leech Lake Indian reservation described in the settlement agreement.*

*(d) "Settlement agreement" means the document entitled "Agreement and Settlement" on file and of record in the United States District Court for the District of Minnesota, Third Division, in the following entitled actions: Leech Lake Band of Chippewa Indians, et al v. Robert L. Herbst, No. 3-69 Civ. 65; and United States of America v. State of Minnesota, No. 3-70 Civ. 228. [97.431 s. 2]*

*Subd. 3. [RATIFICATION OF SETTLEMENT AGREEMENT.] Notwithstanding the provisions of any other law to the contrary, the state of Minnesota by this section ratifies and affirms the agreement set forth in the settlement agreement. [97.431 s. 3]*

*Subd. 4. [COMMISSIONER'S POWERS AND DUTIES.] (a) Notwithstanding the provisions of any other law to the contrary, the commissioner, on behalf of the state of Minnesota, shall take all actions, by order or otherwise, necessary to carry out the duties and obligations of the state of Minnesota arising from the agreement entered into by the parties to the settlement agreement.*

(b) *These actions include but are not limited to the following:*

(1) *the implementation of the exemption of members of the band and other members of the Minnesota Chippewa tribe from state laws relating to hunting, fishing, trapping, the taking of minnows and other bait, and the gathering of wild rice within the reservation, together with exemption from related possession and transportation laws, to the extent necessary to effectuate the terms of the settlement agreement;*

(2) *the establishment of a system of special licenses and related license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait within the reservation. All money collected by the commissioner for special licenses shall be deposited in the state treasury and credited to the Leech Lake Band and White Earth Band special license account, which is hereby created. All money in the state treasury credited to the Leech Lake Band and White Earth Band special license account, less any deductions for administrative costs authorized by the terms of the settlement agreement, is appropriated to the commissioner who shall remit the money to the committee pursuant to the terms of the settlement agreement;*

(3) *to the extent necessary to effectuate the terms of the settlement agreement, the promulgation of rules for the harvesting of wild rice within the reservation by non-Indians;*

(4) *to the extent necessary to effectuate the terms of the settlement agreement, the establishment of policies and procedures for the enforcement by conservation officers of the conservation code adopted by the band; and*

(5) *the arbitration of disputes arising under the terms of the settlement agreement.* [97.431 s. 4]

### Sec. 30. [97A.155] [AMENDMENTS TO LEECH LAKE INDIAN RESERVATION AGREEMENT.]

*Subdivision 1. [PAYMENT IN LIEU OF SPECIAL LICENSES.] The commissioner may enter into an agreement with authorized representatives of the Leech Lake Band of Chippewa Indians to amend the settlement agreement adopted by section 29 by providing that in lieu of the system of special licenses and license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait within the reservation, five percent of the proceeds from all licenses sold in the state for hunting, fishing, trapping, and taking minnows and other bait shall be credited to the special license account established by section 29. The funds shall be remitted to the Leech Lake Band in the manner and subject to the terms and conditions that may be mutually agreed upon.* [97.433 s. 2]



*Subd. 2. [PAYMENT IN LIEU OF MIGRATORY WATERFOWL STAMP FEE.] The commissioner may enter into an agreement with the reservation business committee of the Leech Lake Indian Reservation to amend the settlement agreement adopted in section 29 by providing that in lieu of collecting an additional fee in connection with the state migratory waterfowl stamp for the privilege of hunting waterfowl on the Leech Lake Indian Reservation five percent of the proceeds from the sale of state migratory waterfowl stamps shall be credited to the special license account established by section 29. The funds shall be remitted to the Leech Lake reservation business committee in the manner and subject to the terms and conditions provided in section 29. [97.432]*

**Sec. 31. [97A.161] [AGREEMENT WITH WHITE EARTH INDIANS.]**

*The commissioner may enter into an agreement with authorized representatives of the White Earth Band of Chippewa Indians on substantially the same terms as the agreement adopted by section 29 and amended under section 30; except that the agreement shall provide that 2-1/2 percent of the proceeds from all licenses sold in the state for hunting, fishing, trapping, and taking of minnows and other bait shall be credited to the special license account established by section 29. The funds shall be remitted to the White Earth Band in the manner and subject to the terms and conditions that may be mutually agreed upon. An agreement negotiated under this section shall be for a term of at least four years following the date of its execution. [97.433 s. 1]*

**Sec. 32. [97A.165] [SOURCE OF PAYMENTS FOR INDIAN AGREEMENT.]**

*Money to make payments to the Leech Lake Band and White Earth Band special license account under sections 94.16 and section 29, subdivision 4, is annually appropriated for that purpose in a ratio of 60 percent from the game and fish fund and 40 percent from the general fund. [97.433 s. 3]*

**ENFORCEMENT**

**Sec. 33. [97A.201] [ENFORCEMENT.]**

*Subdivision 1. [ENFORCEMENT BY THE COMMISSIONER.] The commissioner shall execute and enforce the laws relating to wild animals. The commissioner may delegate execution and enforcement of the wild animal laws to the director, game refuge managers, and conservation officers. [84.083, 97.48 s. 7]*

*Subd. 2. [DUTY OF COUNTY ATTORNEYS AND PEACE OFFICERS.] County attorneys and all peace officers must enforce the game and fish laws. [97.52 s. 1]*

Sec. 34. [97A.205] [ENFORCEMENT OFFICER POWERS.]

*An enforcement officer is authorized to:*

(1) *execute and serve court issued warrants and processes relating to wild animals, wild rice, public waters, water pollution, conservation, and use of water, in the same manner as a constable or sheriff; [97.50 s. 1]*

(2) *enter any land to carry out the duties and functions of the division; [97.50 s. 2]*

(3) *make investigations of violations of the game and fish laws; [97.50 s. 2]*

(4) *take an affidavit, if it aids an investigation; [97.50 s. 2]*

(5) *arrest, without a warrant, a person that is detected in the actual violation of the game and fish laws, a provision of chapters 84A, 85, 86A, 88 to 106A, 361, and sections 18.341 to 18.436; 609.66, subdivision 1, clauses (1), (2), (5), and (7); and 609.68; and [97.50 s. 1]*

(6) *take an arrested person before a court in the county where the offense was committed and make a complaint. [97.50 s. 1]*

Sec. 35. [97A.211] [ARREST PROCEDURES.]

*Subdivision 1. [NOTICE TO APPEAR IN COURT.] (a) A person must be given notice to appear in court for a misdemeanor violation of the game and fish laws, chapters 84, 105, or 106, or section 609.68 if:*

(1) *the person is arrested and is released from custody prior to appearing before a court; or*

(2) *the person is subject to a lawful arrest and is not arrested because it reasonably appears to the enforcement officer that arrest is unnecessary to prevent further criminal conduct and that there is a substantial likelihood that the person will respond to a notice.*

(b) *The enforcement officer shall prepare, in quadruplicate, a written notice to appear in court. The notice must be in the form and has the effect of a summons and complaint. The notice must contain the name and address of the person charged, the offense, and the time and the place to appear in*

*court. The court must have jurisdiction within the county where the offense is alleged to have been committed. [97.50 s. 1]*

*Subd. 2. [RELEASE AFTER ARREST.] A person arrested for a misdemeanor violation of the game and fish laws, chapters 84, 105, or 106 or section 609.68 may obtain release by signing the written notice prepared by the arresting officer promising to appear in court. The officer shall deliver a copy marked "SUMMONS" to the person arrested. The officer must then release the person from custody. [97.50 s. 1]*

*Subd. 3. [COURT APPEARANCE.] On or before the court appearance date, the enforcement officer must deliver the summons and complaint to the court. If the person summoned fails to appear in court on the day specified, the court shall issue a warrant for the person's arrest. [97.50 s. 1]*

#### **Sec. 36. [97A.215] [INSPECTIONS.]**

*Subdivision 1. [STORAGE OF WILD ANIMALS.] (a) An enforcement officer may enter and inspect any commercial cold storage warehouse, hotel, restaurant, ice house, locker plant, butcher shop, and other building used to store dressed meat, game, or fish, to determine whether wild animals are kept and stored in compliance with the game and fish laws.*

*(b) When an enforcement officer has probable cause to believe that wild animals taken or possessed in violation of the game and fish laws are present, the officer may:*

- (1) enter and inspect any place or vehicle; and*
- (2) open and inspect any package or container. [97.45 s. 14; 97.50 s. 3]*

*Subd. 2. [RECORDS.] An enforcement officer may inspect the relevant records of any person that the officer has probable cause to believe has violated the game and fish laws. [97.50 s. 3]*

*Subd. 3. [LICENSED ACTIVITY.] An enforcement officer may, at reasonable times:*

- (1) enter and inspect the premises of an activity requiring a license under the game and fish laws; and [97.50 s. 4]*
- (2) stop and inspect a motor vehicle requiring a license under the game and fish laws. [97.50 s. 9]*

#### **Sec. 37. [97A.221] [CONFISCATION OF PROPERTY.]**

*Subdivision 1. [PROPERTY SUBJECT TO CONFISCATION.] (a) An enforcement officer may confiscate:*

(1) *wild animals, wild rice, and other aquatic vegetation taken, bought, sold, transported, or possessed in violation of the game and fish laws or chapter 84; and*

(2) *firearms, bows and arrows, nets, boats, lines, poles, fishing rods and tackle, lights, lanterns, snares, traps, spears, dark houses, fish houses, and wild rice harvesting equipment used, with the owner's knowledge to unlawfully take or transport wild animals, wild rice, or other aquatic vegetation.*

(b) *An enforcement officer must confiscate nets and equipment unlawfully possessed within 10 miles of Lake of the Woods or Rainy Lake.*

(c) *Confiscated property may be disposed of, retained for use by the division, or sold at the highest price obtainable as prescribed by the commissioner. [97.50 s. 5, 102.26 s. 5]*

**Subd. 2. [CONFISCATION OF COMMINGLED SHIPMENTS.]** *A whole shipment or parcel is contraband if two or more wild animals are shipped or possessed in the same container, vehicle, or room, or in any way commingled, and any of the animals are contraband. Confiscation of any part of a shipment includes the entire shipment. [97.46]*

**Sec. 38. [97A.225] [SEIZURE AND CONFISCATION OF MOTOR VEHICLES AND BOATS.]**

**Subdivision 1. [SEIZURE.]** (a) *An enforcement officer must seize all motor vehicles used to:*

(1) *shine wild animals in violation of article 2, section 17, subdivision 1;*

(2) *transport big game animals illegally taken or furbearing animals illegally purchased; or*

(3) *transport minnows in violation of article 3, sections 46, 49, or 51.*

(b) *An enforcement officer must seize all boats and motors used in netting fish on Lake of the Woods, Rainy Lake, Lake Superior, Namakan Lake, and Sand Point Lake in violation of licensing or operating requirements of section 68, subdivisions 31, 32, 33, or 37, or article 3, sections 65, 66, or 67, or an order or rule of the commissioner relating to these provisions. [97.50 s. 6]*

**Subd. 2. [PROCEDURE FOR CONFISCATION OF PROPERTY SEIZED.]** *The enforcement officer must hold the seized property, subject to the order of the court having jurisdiction where the offense was committed. The property*

*held is confiscated when the commissioner complies with this section and the person from whom it was seized is convicted of the offense. [97.50 s. 6]*

*Subd. 3. [COMPLAINT AGAINST PROPERTY.] The commissioner shall file with the court a separate complaint against the property held. The complaint must identify the property, describe its use in the violation, and specify the time and place of the violation. A copy of the complaint must be served upon the defendant or the owner of the property. [97.50 s. 6]*

*Subd. 4. [RELEASE OF PROPERTY AFTER POSTING BOND.] At any time after seizure of the property specified in this section, the property must be returned to the owner or person having the legal right to possession upon execution of a valid bond to the state with a corporate surety. The bond must be approved by a judge of the court of jurisdiction, conditioned to abide by an order and judgment of the court and to pay the full value of the property at the time of seizure. The bond must be for \$100 or for a greater amount not more than twice the value of the property seized. [97.50 s. 6]*

*Subd. 5. [COURT ORDER.] (a) If the person arrested is acquitted, the court shall dismiss the complaint against the property and order it returned to the person legally entitled to it.*

*(b) Upon conviction of the person, the court shall issue an order directed to any person that may have any right, title, or interest in, or lien upon, the seized property. The order must describe the property and state that it was seized and that a complaint against it has been filed. The order shall require a person claiming right, title, or interest in, or lien upon, the property to file with the clerk of court an answer to the complaint, stating the claim, within ten days after the service of the order. The order shall contain a notice that if the person fails to file an answer within the time limit, the property may be ordered sold by the commissioner.*

*(c) The court order must be served upon any person known or believed to have any right, title, interest, or lien in the same manner as provided for service of a summons in a civil action, and upon unknown persons by publication, in the same manner as provided for publication of a summons in a civil action. [97.50 s. 6]*

*Subd. 6. [COURT ORDERED SALE AFTER NO ANSWER.] If an answer is not filed within the time provided in subdivision 5, the court administrator shall notify the court and the court shall order the commissioner to sell the property. The net proceeds of the sale shall be deposited in the state treasury and credited to the game and fish fund. [97.50 s. 6]*

*Subd. 7. [HEARING AFTER ANSWER.] If an answer is filed within the time provided in subdivision 5, the court shall schedule a hearing within ten to 30 days after the time expired for filing the answer. The court, without a jury, shall determine whether any of the property was used in a violation specified in the complaint and whether the owner had knowledge or reason to believe that the property was being used, or intended to be used, in the violation. The court shall order the commissioner to sell the property that was unlawfully used with knowledge of the owner and to return to the owner property that was not unlawfully used with the knowledge of the owner. If the property is to be sold, the court shall determine the priority of liens against the property and whether the lienholders had knowledge that the property was being used or was intended to be used. Lienholders that had knowledge of the property's use in the violation are not to be paid. The court order must state the priority of the liens to be paid. [97.50 s. 6]*

*Subd. 8. [PROCEEDS OF SALE.] After determining the expense of seizing, keeping, and selling the property, the commissioner must pay the liens from the proceeds according to the court order. The remaining proceeds shall be deposited in the state treasury and credited to the game and fish fund. [97.50 s. 6]*

*Subd. 9. [CANCELLATION OF SECURITY INTERESTS.] A sale under this section cancels all liens on and security interests in the property sold. [97.50 s. 6]*

#### **Sec. 39. [97A.231] [SEARCH WARRANTS.]**

*Upon complaint establishing that the complainant has probable cause to believe that a wild animal taken, bought, sold, transported, or possessed in violation of the game and fish laws, or contraband is concealed or illegally kept in a place, a judge, authorized to issue warrants in criminal cases, may issue a search warrant. The judge may direct that the place be entered, broken open, and examined. Property seized under the warrant shall be safely kept under the direction of the court so long as necessary for the purpose of being used as evidence in a trial and subsequently disposed of as otherwise provided. [97.50 s. 7]*

#### **Sec. 40. [97A.235] [JURISDICTION OVER BOUNDARY WATERS.]**

*Courts in counties having jurisdiction adjacent to boundary waters and enforcement officers have jurisdiction over the entire boundary waters. The courts and enforcement officers of North Dakota, South Dakota, Iowa, Wisconsin, and Michigan have concurrent jurisdiction over boundary waters. [97.50 s. 8]*

Sec. 41. [97A.241] [RECIPROCITY WITH OTHER STATES IN APPOINTING OFFICERS.]

*Subdivision 1. [OFFICERS OF OTHER JURISDICTIONS AS SPECIAL CONSERVATION OFFICERS.] With approval of the proper authority of another state or the United States, the commissioner may appoint any salaried and bonded officer of that jurisdiction authorized to enforce its wild animal laws a special conservation officer of this state. A special conservation officer is subject to the supervision and control of and serves at the pleasure of the commissioner, but may not be compensated by this state. A special conservation officer has powers of and is subject to the liabilities of conservation officers of this state, except as otherwise directed by the commissioner. [97.501 s. 2]*

*Subd. 2. [OFFICERS OF THIS STATE AS OFFICERS OF OTHER JURISDICTIONS.] An enforcement officer or peace officer of this state may enforce wild animal laws of another state, or the United States, under conditions prescribed by the commissioner. The officer may serve under the laws of another jurisdiction to the extent they are compatible with the duties of an officer of this state. [97.501 s. 3]*

*Subd. 3. [RECIPROCAL EFFECT.] This section is effective with respect to another state or the United States to the extent that there is a similar provision in effect in that jurisdiction with respect to this state. [97.501 s. 1]*

Sec. 42. [97A.245] [REWARDS.]

*The commissioner may pay rewards for information leading to the conviction of a person that has violated a provision of laws relating to wild animals or threatened or endangered species of wildlife. A reward may not exceed \$500, except a reward for information relating to big game or threatened or endangered species of wildlife, may be up to \$1,000. The rewards may only be paid from funds donated to the commissioner for these purposes and may not be paid to salaried conservation officers or peace officers. [97.51]*

Sec. 43. [97A.251] [OBSTRUCTION OF OFFICERS.]

*Subdivision 1. [UNLAWFUL CONDUCT.] A person may not:*

*(1) intentionally hinder, resist, or obstruct an enforcement officer, agent, or employee of the division in the performance of official duties;*

*(2) refuse to submit to inspection of firearms while in the field, licenses, or wild animals; or*

(3) *refuse to allow inspection of a motor vehicle, boat, or other conveyance used while taking or transporting wild animals.* [97.52 s. 2]

*Subd. 2. [CIVIL ACTIONS.] In addition to criminal prosecution, the state may bring a civil action to recover damages resulting from and enjoin the continuance of a violation of this section. The civil actions may be brought by the attorney general on the request of the commissioner.* [97.52 s. 3]

Sec. 44. [97A.255] [PROSECUTIONS.]

*Subdivision 1. [STATUTE OF LIMITATIONS.] A prosecution under the game and fish laws may not be brought more than three years after commission of the offense.* [97.54 s. 1]

*Subd. 2. [BURDEN OF PROOF.] In a prosecution that alleges animals have been taken, bought, sold, transported, or possessed in violation of the game and fish laws, the burden of establishing that the animals were domesticated, reared in a private preserve, raised in a private fish hatchery, taken for scientific purposes, or lawfully taken outside of this state, is on the defendant.* [97.54 s. 2]

*Subd. 3. [PRESUMPTION OF ILLEGAL TAKING.] Possession of protected wild animals more than five days after the close of the season, or in excess of the prescribed limits is presumptive evidence that the animals were unlawfully taken, except as to those tagged, sealed, or identified under the game and fish laws.* [97.54 s. 3]

*Subd. 4. [EACH VIOLATION A SEPARATE OFFENSE.] Each wild animal unlawfully taken, bought, sold, transported, or possessed is a separate offense. If acquitted, a person may not be prosecuted for a similar offense involving another animal in the same incident.* [97.55 s. 1]

PENALTIES

Sec. 45. [97A.301] [GENERAL PENALTY PROVISIONS.]

*Subdivision 1. [MISDEMEANOR.] Unless a different penalty is prescribed, a person is guilty of a misdemeanor if that person:*

(1) *takes, buys, sells, transports or possesses a wild animal in violation of the game and fish laws;*

(2) *aids or assists in committing the violation;*



(3) knowingly shares in the proceeds of the violation;

(4) fails to perform a duty or comply with a requirement of the game and fish laws;

(5) knowingly makes a false statement related to an affidavit regarding a violation of the game and fish laws; or

(6) violates or attempts to violate an order or rule under the game and fish laws. [97.55 s. 1, 2, 3, 4, 11]

*Subd. 2. [GROSS MISDEMEANOR.] Unless a different penalty is prescribed, a person convicted of violating a provision of the game and fish laws that is defined as a gross misdemeanor is subject to a fine of not less than \$100 nor more than \$3,000 and imprisonment in the county jail for not less than 90 days or more than one year. [97.55 s. 5]*

**Sec. 46. [97A.305] [IMPERSONATION OF AN ENFORCEMENT OFFICER.]**

*A person that purports to be acting in an official capacity and causes another to be injured or defrauded while falsely impersonating an enforcement officer or other officer acting under authority of the game and fish laws, or falsely claiming to have special authority under those laws, is guilty of a gross misdemeanor. [97.55 s. 6]*

**Sec. 47. [97A.311] [LICENSES.]**

*Subdivision 1. [ALTERATION OF A LICENSE.] A person that alters a license in a material manner is guilty of a misdemeanor. [97.55 s. 12]*

*Subd. 2. [FALSE STATEMENT.] A person that knowingly makes a false statement related to an application for a license, a license, or certificate, required by or issued under the game and fish laws, is guilty of a misdemeanor. [97.48 s. 22; 97.55 s. 11]*

*Subd. 3. [LICENSE AGENT VIOLATIONS.] A license agent that knowingly issues a license to an ineligible person or predates a license is guilty of a misdemeanor. [97.55 s. 11]*

*Subd. 4. [SUSPENSION OF LICENSE.] In addition to other penalties, a license agent that violates a law, rule, or order of the commissioner relating to license sales, handling, or accounting forfeits the right to sell and handle licenses for a period of one year. [98.50 s. 7]*

**Sec. 48. [97A.315] [TRESPASS.]**

*Subdivision 1. [CRIMINAL PENALTIES.] (a) A person that violates a provision of article 2, section 1, relating to trespass is guilty of a misdemeanor except as provided in paragraph (b).*

*(b) A person is guilty of a gross misdemeanor if the person:*

*(1) knowingly disregards signs prohibiting trespass;*

*(2) trespasses after personally being notified by the landowner or lessee not to trespass; or*

*(3) is convicted of violating this section more than once in a three-year period. [100.273 s. 9]*

*Subd. 2. [LICENSE REVOCATIONS.] (a) If a person convicted under subdivision 1 of trespassing while exercising or attempting to exercise an activity licensed under the game and fish laws or requiring snowmobile registration under section 84.82, the applicable license and registration are null and void. [100.273 s. 9]*

*(b) A person convicted of a gross misdemeanor under subdivision 1, paragraph (b), may not be issued a license to take game for two years after the conviction. [100.273 s. 9]*

**Sec. 49. [97A.321] [DOGS PURSUING OR KILLING BIG GAME.]**

*The owner of a dog that kills or pursues a big game animal is guilty of a petty misdemeanor and is subject to a civil penalty of up to \$500 for each violation. [100.29 s. 19]*

**Sec. 50. [97A.325] [PENALTIES FOR UNLAWFULLY BUYING OR SELLING WILD ANIMALS.]**

*Subdivision 1. [GROSS MISDEMEANOR FOR SALES OF \$300 OR MORE.] (a) A person that buys or sells protected wild animals in violation of the game and fish laws where the sales total \$300 or more is guilty of a gross misdemeanor. The person is subject to the penalty in section 45, subdivision 2, except that the fine is not less than \$3,000 or more than \$10,000.*

*(b) Licenses possessed by a person convicted under this subdivision are null and void and the person may not take wild animals for three years after the conviction. [97.55 s. 16]*

*Subd. 2. [DEER; MOOSE; ELK; CARIBOU.] Except as provided in subdivision 1, a person that violates a provision of the game and fish laws relating to buying or selling deer, moose, elk, or caribou is guilty of a gross misdemeanor. [97.55 s. 8, 9; 100.29 s. 11]*

*Subd. 3. [SMALL GAME AND GAME FISH.] Except as provided in subdivision 1, a person that buys or sells small game or game fish in violation of the game and fish laws where the sales total \$50 or more is guilty of a gross misdemeanor. [97.55 s. 15]*

*Subd. 4. [FUR-BEARING ANIMALS.] Except as provided in subdivision 1, a person that buys fur-bearing animals in violation of the game and fish laws is guilty of a gross misdemeanor. [100.29 s. 11; 97.55 s. 9]*

**Sec. 51. [97A.331] [PENALTIES RELATED TO HUNTING.]**

*Subdivision 1. [HUNTING WHILE INTOXICATED OR USING NARCOTIC DRUGS.] A person that violates a provision relating to hunting while visibly intoxicated or under the influence of a narcotic drug under article 2, section 14, is guilty of a gross misdemeanor. [97.55 s. 10]*

*Subd. 2. [SHINING.] A person that violates article 2, section 17, relating to the use of an artificial light to locate wild animals while in possession of a firearm, bow, or other implement capable of killing big game is guilty of a gross misdemeanor. [97.55 s. 9]*

*Subd. 3. [TRANSPORTING ILLEGAL BIG GAME.] A person that knowingly transports big game taken in violation of the game and fish laws is guilty of a gross misdemeanor. [97.55 s. 9]*

*Subd. 4. [TAKING AND POSSESSING BIG GAME OUT OF SEASON.] A person that takes or illegally possesses big game during the closed season is guilty of a gross misdemeanor. [97.55 s. 9]*

*Subd. 5. [MOOSE; ELK; CARIBOU.] A person that unlawfully takes, transports, or possesses moose, elk, or caribou in violation of the game and fish laws is guilty of a gross misdemeanor. [97.55 s. 8]*

*Subd. 6. [PINE MARTEN; OTTER; FISHER; WOLVERINE.] A person that takes, transports, or possesses pine marten, otter, fisher, or wolverine in violation of the game and fish laws is guilty of a gross misdemeanor. [97.55 s. 8]*

**Sec. 52. [97A.335] [PENALTIES RELATED TO FISHING.]**

*Subdivision 1. [TAKING FISH WITH ILLEGAL DEVICES OR SUBSTANCES.] A person that takes fish with devices, chemicals or substances in violation of article 3, section 27, is guilty of a gross misdemeanor. [97.55 s. 14]*

*Subd. 2. [ILLEGALLY TAKING OR POSSESSING MUSKELLUNGE.] A person who takes or possesses a muskellunge in violation of the game and fish laws is guilty of a misdemeanor and subject to a fine of up to \$1,000. [97.55 s. 17]*

## LICENSES AND PERMITS

### Sec. 53. [97A.401] [SPECIAL PERMITS.]

*Subdivision 1. [COMMISSIONER'S AUTHORITY.] The commissioner may issue special permits for the activities in this section. [98.48]*

*Subd. 2. [ZOOLOGICAL SPECIMEN COLLECTING.] Special permits may be issued without a fee to municipalities, incorporated natural history societies, high schools, colleges, and universities that maintain a zoological collection, to collect specimens of eggs, nests, and wild animals for scientific or exhibition purposes. [98.48 s. 1]*

*Subd. 3. [TAKING, POSSESSING, AND TRANSPORTING WILD ANIMALS FOR CERTAIN PURPOSES.] (a) Except as provided in paragraph (b), special permits may be issued without a fee to take, possess, and transport wild animals as pets and for scientific, educational, and exhibition purposes. The commissioner shall prescribe the conditions for taking, possessing, transporting, and disposing of the wild animals.*

*(b) A special permit may not be issued to take or possess wild or native deer for exhibition or propagation.*

*(c) The commissioner shall establish criteria for issuing special permits for persons to possess wild and native deer as pets. [98.48 s. 3]*

*Subd. 4. [TAKING WILD ANIMALS FROM GAME REFUGES AND WILDLIFE MANAGEMENT AREAS.] Special permits may be issued, with or without a fee, to take a wild animal from game refuges, wildlife management areas, and state parks. [98.48 s. 4]*

*Subd. 5. [WILD ANIMALS DAMAGING PROPERTY.] Special permits may be issued with or without a fee to take protected wild animals that are damaging property. A special permit issued under this subdivision to take beaver must state the number to be taken. [98.48 s. 5]*

*Subd. 6. [ENDANGERED MUSKRATS.] Special permits may be issued with or without a fee to take muskrats in danger of freezing out or starving in the winter. [98.48 s. 6]*

## Sec. 54. [97A.405] [LICENSE REQUIREMENTS.]

*Subdivision 1. [PROTECTED WILD ANIMALS.] Unless allowed under the game and fish laws, a person may not take, buy, sell, transport, or possess protected wild animals of this state without a license. [98.45 s. 1; 98.46 s. 24]*

*Subd. 2. [PERSONAL POSSESSION.] A person to whom a license is issued must have the license in personal possession while acting under the license and while traveling to and from the area where the licensed activity is performed. If possession of a license is required, a person must exhibit the proper license when requested by a conservation officer or peace officer. A receipt for license fees, a copy of a license, or evidence showing the issuance of a license does not entitle a licensee to exercise the rights or privileges conferred by a license. [98.45 s. 2]*

*Subd. 3. [DUPLICATE LICENSES.] The commissioner shall prescribe rules for issuing duplicate licenses to persons whose licenses are lost or destroyed. A duplicate license may not be issued unless the applicant takes an oath covering the facts of loss or destruction of the license. [98.50 s. 6]*

## Sec. 55. [97A.411] [VALIDITY OF LICENSES.]

*Subdivision 1. [LICENSE PERIOD.] A license is valid during the lawful time within the license year that the licensed activity may be performed. A license year begins on the first day of March and ends on the last day of February. [97.4841 s. 3; 97.4842 s. 2; 97.4843 s. 2; 98.45 s. 1]*

*Subd. 2. [SIGNATURE ON STAMPS.] A stamp issued under the game and fish laws must be signed by the licensee across the front of the stamp to be valid. [97.4841 s. 2; 97.4842 s. 1; 97.4843 s. 2]*

*Subd. 3. [ARCHERY DEER LICENSE.] A license to take deer by archery issued after the opening of the archery deer season is not valid until the fifth day after it is issued. [98.45 s. 1]*

## Sec. 56. [97A.415] [LICENSE RESTRICTIONS.]

*Subdivision 1. [ONE LICENSE PER PERSON.] Only one license of each kind may be issued to a person in a license year, except the nonresident short term angling license, unless authorized by commissioner's order. [98.45 s. 1]*

*Subd. 2. [TRANSFER PROHIBITED.] A person may not lend, transfer, borrow, or solicit a license, application for a license, coupon, tag, or seal, or use a license, coupon, tag, or seal not issued to the person unless otherwise expressly authorized. [98.45 s. 1, 3, 100.271 s. 5]*

*Subd. 3. [NONRESIDENTS.] Nonresidents may not obtain a license for an activity unless the activity is expressly authorized for nonresidents. [98.45 s. 4, 5]*

**Sec. 57. [97A.421] [VALIDITY AND ISSUANCE OF LICENSES AFTER CONVICTION.]**

*Subdivision 1. [GENERAL.] (a) The license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when: [98.52 s. 1]*

*(1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;*

*(2) a third conviction occurs within one year under a minnow dealer's license; or*

*(3) the conviction occurs under a license not described in clauses (1) or (2). [98.52 s. 1, 2]*

*(b) Except as provided in this section, and for one year after the conviction, the person may not obtain that kind of license.*

*Subd. 2. [ISSUANCE OF LICENSE AFTER CONVICTION FOR BUYING AND SELLING WILD ANIMALS.] A person may not obtain a license to take any wild animal for a period of three years after being convicted of buying or selling game fish, big game, or small game, and the total amount of the sale is \$300 or more. [98.52 s. 6]*

*Subd. 3. [ISSUANCE OF A BIG GAME LICENSE AFTER CONVICTION.] A person may not obtain any big game license for three years after the person is convicted of:*

*(1) a gross misdemeanor violation under the game and fish laws relating to big game;*

*(2) doing an act without a required big game license; or*

*(3) the second violation within three years under the game and fish laws relating to big game. [98.52 s. 1]*

*Subd. 4. [ISSUANCE AFTER INTOXICATION OR NARCOTICS CONVICTION.] A person convicted of a violation under article 2, section 14, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery for five years after conviction. [98.52 s. 4]*

*Subd. 5. [COMMISSIONER MAY REINSTATE CERTAIN LICENSES AFTER CONVICTION.] If the commissioner determines that the public welfare will not be injured, the com-*

*missioner may reinstate licenses voided under subdivision 1 and issue licenses to persons ineligible under subdivision 2. The commissioner's authority applies only to licenses to:*

*(1) maintain and operate fur or game farms or private fish hatcheries;*

*(2) take fish commercially in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;*

*(3) buy fish from Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior commercial fishermen; and*

*(4) sell live minnows. [98.52 s. 3]*

*Subd. 6. [APPLICABILITY TO MOOSE LICENSES.] In this section the term "license" includes an application for a license to take moose. [98.50 s. 9]*

**Sec. 58. [97A.425] [RECORD AND REPORTING REQUIREMENTS FOR DEALERS, TANNERS, AND TAXIDERMISTS.]**

*Subdivision 1. [REQUIREMENT.] A person required to have a license under the game and fish laws to buy or sell wild animals, to tan or dress raw furs, or to mount specimens of wild animals, must keep complete records in a book of all transactions and activities covered by the license and submit reports to the commissioner. [98.51 s. 2]*

*Subd. 2. [RECORDS.] (a) The records must show:*

*(1) the names and addresses of persons from whom wild animals were obtained and to whom they were transferred;*

*(2) the dates of receipt, shipment, and sale of wild animals;*

*(3) detailed descriptions of the number and type of wild animals purchased, sold, and shipped;*

*(4) serial numbers of seals, tags, or permits required to be attached to the wild animals; and*

*(5) trapping license numbers for protected fur-bearing animals, unless the trapper is exempt from the license requirement, which must be noted.*

*(b) A licensed fur dealer, buying for one employer at the employer's place of business is not required to keep separate records if the employer notifies the commissioner in writing that the employer will account for the fur dealer.*

(c) *The records required under this section must be available for inspection by the commissioner, the director, or their agents at all reasonable times. The records must be preserved and available for two years after the expiration of a license that required them.* [98.51 s. 2]

*Subd. 3. [REPORTS.] An annual notarized report covering the preceding calendar year must be submitted to the commissioner by January 15. The commissioner may require other reports for statistical purposes. The reports must be on forms supplied by the commissioner.* [98.51 s. 3]

**Sec. 59. [97A.431] [MOOSE LICENSES.]**

*Subdivision 1. [NUMBER OF LICENSES.] The commissioner shall include in an order setting the dates for a moose season the number of licenses to be issued.* [100.271 s. 1]

*Subd. 2. [ELIGIBILITY.] Persons eligible for a moose license shall be determined under this section and commissioner's order. A person is eligible for a moose license only if the person:*

- (1) is a resident;*
- (2) is at least age 16 before the season opens; and*
- (3) has not been issued a moose license for any of the last five seasons.* [100.271 s. 3, 3a.]

*Subd. 3. [APPLICATION FOR LICENSE.] An application for a moose license must be on a form provided by the commissioner and accompanied by a \$1 application fee. A person may not make more than one application for each season. If a person makes more than one application, the person is ineligible for a license for that season after determination by the commissioner, without a hearing.* [100.271 s. 2, 4]

*Subd. 4. [SEPARATE SELECTION; ELIGIBILITY.] The commissioner may conduct a separate selection for up to 20 percent of the moose licenses to be issued for an area. Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in the area are eligible for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses.* [100.271 s. 1]

**Sec. 60. [97A.435] [TURKEY LICENSES; APPLICATION AND ELIGIBILITY.]**

*Subdivision 1. [NUMBER OF LICENSES TO BE ISSUED.] The commissioner shall include in an order setting the dates for a turkey season the number of licenses to be issued.* [100.271 s. 1]



*Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey license shall be determined by this section and commissioner's order. A person is eligible for a turkey license only if the person is a resident and at least age 16 before the season opens. [100.271 s. 3]*

*Subd. 3. [APPLICATION FOR LICENSE.] An application for a turkey license must be on a form provided by the commissioner and accompanied by a \$3 application fee. A person may not make more than one application for each season. If a person makes more than one application the person is ineligible for a license for that season after determination by the commissioner, without a hearing. [100.271 s. 2, 4]*

*Subd. 4. [SEPARATE SELECTION OF ELIGIBLE LICENSEES.] The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons that are owners or tenants of and that live on at least 40 acres of agricultural or grazing land in the area are eligible applicants for turkey licenses for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons that obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season. [100.271 s. 1]*

**Sec. 61. [97A.441] [LICENSES TO BE ISSUED WITHOUT A FEE.]**

*Subdivision 1. [ANGLING AND SPEARING; DISABLED RESIDENTS.] Licenses to take fish by angling or spearing shall be issued without a fee to a resident that is:*

- (1) blind;*
- (2) a recipient of supplemental security income for the aged, blind, and disabled;*
- (3) a recipient of social security aid to the disabled under United States Code, title 42, section 416, paragraph (i)(1) or section 423(d); or*
- (4) is a recipient of workers' compensation based on a finding of total and permanent disability. [98.47 s. 8]*

*Subd. 2. [ANGLING; FOREIGN EXCHANGE STUDENTS.] A license to take fish by angling shall be issued without a fee to a citizen of a foreign country that is attending school in this state as an exchange student. [98.47 s. 11]*

*Subd. 3. [ANGLING; RESIDENTS OF STATE INSTITUTIONS.] The commissioner may issue a license, without a fee, to take fish by angling to a person that is a ward of the commis-*

sioner of human services and a resident of a state institution upon application by the commissioner of human services. [98.47 s. 13]

**Subd. 4. [ANGLING; MENTALLY RETARDED RESIDENTS.]** A person authorized to issue licenses must issue, without a fee, a permanent license to take fish by angling to a resident at least 16 years old that is mentally retarded upon being furnished satisfactory evidence of the disability. [98.47 s. 15]

**Subd. 5. [ANGLING; DISABLED VETERANS.]** A person authorized to issue licenses must issue, without a fee, a permanent license to take fish by angling to a resident that is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence. [98.47 s. 16]

**Subd. 6. [TAKING DEER; DISABLED VETERANS.]** A person authorized to issue licenses must issue, without a fee, a license to take deer with firearms or by archery to a resident that is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence. [98.47 s. 18]

**Sec. 62. [97A.445] [EXEMPTIONS FROM LICENSE REQUIREMENT.]**

**Subdivision 1. [ANGLING; TAKE A KID FISHING WEEKEND.]** A resident over age 18 may take fish by angling without a license during the second Saturday and Sunday of the angling season if accompanied by a child who is under age 16. The commissioner shall publicize the Saturday and Sunday as "Take a Kid Fishing Weekend." [98.45 s. 9]

**Subd. 2. [ANGLING; INSTITUTIONAL RESIDENTS.]** A license is not required to take fish by angling with the written consent of the superintendent or chief executive of the institution for the following persons:

- (1) a resident of a state hospital;
- (2) a patient of a United States Veterans Administration hospital; and
- (3) an inmate of a state correctional facility. [98.47 s. 12]

**Subd. 3. [ANGLING AND SPEARING; DISABLED RAILROAD AND POSTAL RETIREES.]** A license is not required to take fish by angling or spearing for a resident that is:

(1) *receiving aid under the federal Railroad Retirement Act of 1937, 45 United States Code Annotated, section 228b(a)5; or*

(2) *a former employee of the United States Postal Service receiving disability pay under United States Code Annotated, title 5, section 8337. [98.47 s. 17]*

**Sec. 63. [97A.451] [LICENSE REQUIREMENTS AND EXEMPTIONS RELATING TO AGE.]**

**Subdivision 1. [RESIDENTS OVER AGE 65; FISHING.]** *A resident age 65 or over may take fish by angling or spearing without a license if the resident has a valid driver's license, Minnesota identification card, or other document showing age and residency in possession while taking fish and while traveling to and from the location where fish are taken. The person must exhibit the proof of age at the request of a conservation officer or peace officer. [97.4842 s. 1, 98.45 s. 2, 98.47 s. 1]*

**Subd. 2. [RESIDENTS UNDER AGE 16; FISHING.]** *A resident under the age of 16 years may take fish without a license. [97.4842 s. 1; 98.47 s. 1]*

**Subd. 3. [PERSONS UNDER AGE 16; SMALL GAME.]** (a) *A person under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the person is a resident:*

(1) *age 14 or 15 and possesses a firearms safety certificate;*

(2) *age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian; or*

(3) *age 12 or under and is accompanied by a parent or guardian. [98.47 s. 1]*

(b) *A resident under age 16 may take small game by trapping without a small game license, but a resident over age 13 must have a trapping license. A resident under age 14 may trap without a trapping license.*

**Subd. 4. [PERSONS UNDER AGE 16; BIG GAME.]** *A person under the age of 16 may not obtain a license to take big game unless the person possesses a firearms safety certificate. A person under the age of 14 must be accompanied by a parent or guardian to hunt big game. [98.47 s. 1]*

**Subd. 5. [NONRESIDENTS UNDER AGE 16; FISHING WITH PARENTS.]** *A nonresident under the age of 16 may take fish by angling without a license if a parent or guardian has a nonresident fishing license. Fish taken by a nonresident under the age of 16 without a license must be included in the limit of the parent or guardian. [97.45 s. 6, 98.47 s. 1]*

**Subd. 6. [NONRESIDENTS UNDER AGE 16 ATTENDING CAMPS; FISHING.]** *A nonresident under the age of 16 that is attending a camp conducted by a nonprofit organization may take fish by angling in adjacent and connected public waters without a license. The organization must have a certificate from the commissioner that describes the public waters where the fishing is allowed. The nonresident must possess a document, prescribed by the commissioner, for identification of the nonresident and the authorized fishing waters. The document must be signed and dated within the current calendar year by the person in charge of the camp.* [98.47 s. 1]

**Sec. 64. [97A.455] [NONRESIDENT STUDENTS; FISHING AND SMALL GAME.]**

*A nonresident that is a full-time student at an educational institution in the state and resides in the state during the school year may obtain a resident license to take fish or small game by providing proof of student status as prescribed by the commissioner.* [98.45 s. 7]

**Sec. 65. [97A.461] [NONRESIDENT LICENSES FOR BOUNDARY WATER HUNTING OR FISHING.]**

*Licenses to take fish or small game in or on boundary waters may be granted to nonresidents upon the same terms and conditions as licenses granted by the adjacent state or province to nonresidents of the adjacent state or province for those boundary waters. The fees for a license granted by this state may not be less than the fees for a corresponding resident license.* [98.47 s. 5]

**Sec. 66. [97A.465] [MILITARY PERSONNEL; FISHING AND HUNTING.]**

**Subdivision 1. [RESIDENTS ON LEAVE.]** *A resident that is in the armed forces of the United States, stationed outside of the state, and in the state on leave, may hunt and fish without a license if the resident possesses official military leave papers. The resident must obtain the seals, tags, and coupons required of a licensee, which must be furnished without charge. This subdivision does not apply to the taking of moose.* [98.47 s. 2]

**Subd. 2. [CAMP RIPLEY PERSONNEL.]** *A nonresident who is in the military and in training at Camp Ripley may obtain a resident license to take fish.* [98.47 s. 3a]

**Subd. 3. [NONRESIDENTS STATIONED IN THE STATE.]** *The commissioner may issue a resident license to take fish or game to a person in the armed forces of the United States that is stationed in the state. This subdivision does not apply to the taking of moose.* [98.47 s. 3]

**Subd. 4. [DISCHARGED RESIDENT; OBTAINING DEER LICENSE DURING SEASON.]** *Notwithstanding section 69, subdivision 9, a resident that is discharged from the United States armed forces during, or within ten days before, the firearms deer season may, upon showing the official discharge paper, obtain a firearm deer license during the season. [98.45 s. 1]*

**Sec. 67. [97A.471] [NONRESIDENT COURTESY LICENSES.]**

**Subdivision 1. [GAME AND FISH OFFICERS OF OTHER JURISDICTIONS.]** *The commissioner may issue a courtesy nonresident license to take game or fish without charge to a game and fish or conservation employee of another state or of the United States that is in the state to assist or cooperate with the commissioner. [98.47 s. 4]*

**Subd. 2. [GUESTS OF THE GOVERNOR OR COMMISSIONER.]** *The commissioner may issue a nonresident courtesy license to take game or fish without charge to an official of another state, the United States, or foreign country and to a representative of a conservation organization or publication that is in the state as a guest of the governor or commissioner. [98.47 s. 4]*

**Subd. 3. [NONAPPLICABILITY TO MOOSE HUNTING.]** *This section does not apply to taking moose. [98.47 s. 4]*

**Sec. 68. [97A.475] [LICENSE FEES.]**

**Subdivision 1. [REQUIREMENTS FOR ISSUANCE.]** *A license shall be issued when the requirements of the law are met and the license fee specified in this section is paid. [98.46 s. 1]*

**Subd. 2. [RESIDENT HUNTING.]** *Fees for the following licenses, to be issued to residents only, are:*

- (1) for persons under age 65 to take small game, \$7;*
- (2) for persons age 65 or over, \$3.50;*
- (3) to take turkey, \$10;*
- (4) to take deer with firearms, \$15;*
- (5) to take deer by archery, \$15;*
- (6) to take moose, for a party of not more than four persons, \$200; and*
- (7) to take bear, \$25. [98.45 s. 8, 98.46 s. 2]*

*Subd. 3. [NONRESIDENT HUNTING.] Fees for the following licenses, to be issued to nonresidents, are:*

- (1) to take small game, \$46;*
- (2) to take deer with firearms, \$100;*
- (3) to take deer by archery, \$100;*
- (4) to take bear, \$150;*
- (5) to take turkey, \$30; and*
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$100. [98.-46 s. 14]*

*Subd. 4. [SMALL GAME SURCHARGE.] Fees for licenses to take small game must be increased by a surcharge of \$4. An additional commission may not be assessed on the surcharge and this must be stated on the back of the license with the following statement: "This \$4 surcharge is being paid by sportsmen for the acquisition and development of wildlife lands." [97.482 s. 1]*

*Subd. 5. [HUNTING STAMPS.] Fees for the following stamps are:*

- (1) migratory waterfowl stamp, \$5; and*
- (2) pheasant stamp, \$5. [97.4841 s. 3, 98.4843 s. 3]*

*Subd. 6. [RESIDENT FISHING.] Fees for the following licenses to be issued to residents only are:*

- (1) to take fish by angling, \$6.50;*
- (2) to take fish by angling, for a combined license for a married couple, \$10.50; and*
- (3) to take fish by spearing from a dark house, \$7.50. [98.-46 s. 2, 5]*

*Subd. 7. [NONRESIDENT FISHING.] Fees for the following licenses, to be issued to nonresidents, shall be:*

- (1) to take fish by angling, \$16;*
- (2) to take fish by angling limited to seven consecutive days, \$13;*
- (3) to take fish by angling for three days, \$10; and*

(4) to take fish by angling for a combined license for a family, \$27.50. [98.46 s. 15]

**Subd. 8. [MINNESOTA SPORTSMAN.]** The commissioner shall issue Minnesota sportsman licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is:

(1) for an individual, \$12; and

(2) for a combined license for a married couple to take fish and for one spouse to take small game, \$16. [98.46 s. 2a]

**Subd. 9. [FISHING SURCHARGE.]** The fees for the following licenses must be increased by a surcharge of \$2.50:

(1) resident angling, under subdivision 6, clauses (1) and (2);

(2) nonresident angling, under subdivision 7;

(3) Minnesota sportsman, under subdivision 8;

(4) nonresident fish houses, under subdivision 12; and

(5) to net fish for domestic use, under subdivision 13. [97.-86 s. 1]

**Subd. 10. [TROUT AND SALMON STAMP.]** The fee for a trout and salmon stamp is \$5. [97.4842 s. 2]

**Subd. 11. [FISH HOUSES AND DARK HOUSES; RESIDENTS.]** Fees for the following licenses are:

(1) for a fish house or dark house that is not rented, \$5; and

(2) for a fish house or dark house that is rented, \$15. [98.46 s. 5]

**Subd. 12. [FISH HOUSES; NONRESIDENT.]** The fee for a fish house license for a nonresident is \$15. [98.46 s. 15]

**Subd. 13. [NETTING WHITEFISH AND CISCOES FOR PERSONAL CONSUMPTION.]** The fee for a license to net whitefish and ciscoes in inland lakes and international waters for personal consumption is, for each net, \$3. [98.46 s. 5]

**Subd. 14. [ROUGH FISH; MINNESOTA AND MISSISSIPPI RIVERS.]** The fee for a license to take rough fish for domestic use with a set line, in the Minnesota and Mississippi rivers is \$13. [98.46 s. 9]

*Subd. 15. [LAKE SUPERIOR FISHING GUIDES.] The fee for a license to operate a charter boat and guide anglers on Lake Superior is:*

(1) *for a resident, \$25;*

(2) *for a nonresident, \$100; or*

(3) *if another state charges a Minnesota resident a fee greater than \$100 for a Lake Superior fishing guide license in that state, the nonresident fee for a resident of that state is that greater fee. [98.457]*

*Subd. 16. [RESIDENT HUNTING GUIDES.] The fees for the following resident guide licenses are:*

(1) *to guide bear hunters, \$75; and*

(2) *to guide turkey hunters, \$20. [98.46 s. 4]*

*Subd. 17. [NONRESIDENT BEAR GUIDES.] The fee for a license to guide bear hunters for a nonresident is \$400. [98.46 s. 16]*

*Subd. 18. [SHOOTING PRESERVES.] The fee for a shooting preserve license is \$75. [100.35 s. 1]*

*Subd. 19. [TAXIDERMISTS.] The fee for a taxidermist license, to be issued for a three-year period to residents only is:*

(1) *for persons age 18 and older, \$40; and*

(2) *for persons under age 18, \$25. [98.46 s. 5]*

*Subd. 20. [TRAPPING LICENSE.] The fee for a license to trap fur-bearing animals is:*

(1) *for persons over age 13 and under age 18, \$3.50; and*

(2) *for persons age 18 and older, \$13. [98.46 s. 4]*

*Subd. 21. [FUR BUYING AND SELLING; RESIDENTS.] (a) The fee for a license for a resident to buy and sell raw furs is \$100.*

(b) *The fee for a supplemental license to buy and sell furs is \$50. [98.46 s. 4]*

*Subd. 22. [FUR BUYING AND SELLING; NONRESIDENTS.] The fee for a license for a nonresident to buy and sell raw furs is \$500. [98.46 s. 16]*



*Subd. 23. [RAW FUR TANNING.] The fee for a license to tan and dress raw furs to be issued to residents and nonresidents is \$15. [98.46 s. 19(3)]*

*Subd. 24. [GAME AND FUR FARMS.] The fee for a game and fur farm license is \$15. [98.46 s. 5]*

*Subd. 25. [MUSKRAT FARMS.] The fee for a muskrat farm license is \$10. [99.28 s. 5]*

*Subd. 26. [MINNOW DEALERS.] The fees for the following licenses are:*

- (1) minnow dealer, \$70;*
- (2) minnow dealer's helper, \$5;*
- (3) minnow dealer's vehicle, \$10;*
- (4) exporting minnow dealer, \$250; and*
- (5) exporting minnow dealer's vehicle, \$10. [98.46 s. 5]*

*Subd. 27. [MINNOW RETAILERS.] The fees for the following licenses, to be issued to residents and nonresidents, are:*

- (1) minnow retailer, \$10; and*
- (2) minnow retailer's vehicle, \$10. [98.46 s. 17]*

*Subd. 28. [NONRESIDENT MINNOW HAULERS.] The fees for the following licenses, to be issued to nonresidents, are:*

- (1) exporting minnow hauler, \$525; and*
- (2) exporting minnow hauler's vehicle, \$10. [98.46 s. 5]*

*Subd. 29. [PRIVATE FISH HATCHERIES.] The fees for the following licenses to be issued to residents and nonresidents are:*

*(1) for a private fish hatchery, with annual sales under \$200, \$25;*

*(2) for a private fish hatchery, with annual sales of \$200 or more, \$50; and*

*(3) To take sucker eggs from public waters for a private fish hatchery, \$150, plus \$3 for each quart in excess of 100 quarts. [98.46 s. 17]*

*Subd. 30. [COMMERCIAL NETTING OF FISH IN INLAND WATERS.] The fee for a license to net commercial fish in inland waters, to be issued to residents and nonresidents is \$70, plus:*

- (1) for each hoop net pocket, 75 cents;
- (2) for each 1,000 feet of seine, \$15; and
- (3) for each helper's license, \$5. [98.46 s. 9a, 102.285 s. 1]

*Subd. 31. [COMMERCIAL NETTING OF FISH IN LAKE OF THE WOODS.] The fee for a license to commercially net fish in Lake of the Woods is:*

- (1) for each pound net or staked trap net, \$45;
- (2) for each fyke net, \$10, plus \$5 for each two-foot segment, or fraction, of the wings or lead in excess of four feet in height;
- (3) for each 100 feet of gill net, \$2.50;
- (4) for each submerged trap net, \$15; and
- (5) for each helper's license, \$15. [98.46 s. 10]

*Subd. 32. [COMMERCIAL NETTING OF FISH IN RAINY LAKE.] The fee for a license to commercially net fish in Rainy Lake is:*

- (1) for each pound net, \$45;
- (2) for each 100 feet of gill net, \$2.50; and
- (3) for each helper's license, \$15. [98.46 s. 11]

*Subd. 33. [COMMERCIAL NETTING OF FISH IN NAMAKAN AND SAND POINT LAKES.] The fee for a license to commercially net fish in Namakan Lake and Sand Point Lake is:*

- (1) for each 100 feet of gill net, \$1.50;
- (2) for each pound, fyke, and submerged trap net, \$15; and
- (3) for each helper's license, \$5. [98.46 s. 13]

*Subd. 34. [COMMERCIAL SEINE AND SET LINES TO TAKE FISH IN THE MISSISSIPPI RIVER.] (a) The fee for a license to commercially seine rough fish in the Mississippi river from St. Anthony Falls to the St. Croix river junction is:*

- (1) for a seine not exceeding 500 feet, \$25; or
- (2) for a seine over 500 feet, \$40, plus \$2 for each 100 foot segment or fraction over 1,000 feet.

(b) *The fee for each helper's license issued under paragraph (a) is \$5. [98.46 s. 8]*

**Subd. 35. [COMMERCIAL SEINING OF FISH IN WISCONSIN BOUNDARY WATERS.]** *The fee for a license to commercially seine fish in the boundary waters between Wisconsin and Minnesota from Taylors Falls to the Iowa border is:*

- (1) *for a seine not exceeding 500 feet, \$25; or*
- (2) *for a seine over 500 feet, \$40, plus \$2.50 for each 100 feet over 1,000 feet; and*
- (3) *for each helper's license to be issued to residents and non-residents, \$5. [98.46 s. 6]*

**Subd. 36. [COMMERCIAL NETTING IN WISCONSIN BOUNDARY WATERS.]** *The fee for a license to commercially net in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border is:*

- (1) *for each gill net not exceeding 500 feet, \$13;*
- (2) *for each gill net over 500 feet, \$25;*
- (3) *for each fyke net and hoop net, \$10;*
- (4) *for each bait net, \$1.50;*
- (5) *for each turtle net, \$1.50;*
- (6) *for each set line identification tag, \$13; and*
- (7) *for each helper's license to be issued to residents and non-residents, \$5. [98.46 s. 7]*

**Subd. 37. [COMMERCIAL NETTING OF FISH IN LAKE SUPERIOR.]** *The fee for a license to commercially net fish in Lake Superior is:*

- (1) *for each gill net, \$70 plus \$2 for each 1,000 feet over 1,000 feet;*
- (2) *for a pound or trap net, \$70 plus \$2 for each additional pound or trap net; and*
- (3) *for each helper's license, \$5. [98.46 s. 12a]*

**Subd. 38. [FISH BUYERS.]** *The fees for licenses to buy fish from licensed commercial fishermen to be issued residents and nonresidents are:*

- (1) for Lake Superior fish bought for sale to retailers, \$50;
- (2) for Lake Superior fish bought for sale to consumers, \$10;
- (3) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for sale to retailers, \$100; and
- (4) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for shipment only on international boundary waters, \$10. [98.46 s. 19]

Subd. 39. [FISH PACKER.] *The fee for a license to prepare dressed game fish for transportation or shipment is \$13.* [98.46 s. 5]

Subd. 40. [FISH VENDORS.] *The fee for a license to use a motor vehicle to sell fish is \$25.* [98.46 s. 19]

Subd. 41. [TURTLE SELLERS.] *The fee for a license to take, transport, purchase, and possess unprocessed turtles for sale is \$50.* [98.46 s. 5]

Subd. 42. [FROG DEALERS.] *The fee for the licenses to deal in frogs that are to be used for purposes other than bait are:*

- (1) for a resident to purchase, possess, and transport frogs, \$70;
- (2) for a nonresident to purchase, possess, and transport frogs, \$200; and
- (3) for a resident to take, possess, transport, and sell frogs, \$10. [101.44]

Sec. 69. [97A.481] [LICENSE APPLICATIONS UNDER OATH.]

*All information required on a license application form must be furnished. The application must be made in writing and under oath. A person authorized to issue licenses has the authority to administer oaths to applicants, and a license may not be issued without actually administering the oath.* [98.49 s. 2]

Sec. 70. [97A.485] [ISSUANCE OF LICENSES.]

Subdivision 1. [COMMISSIONER.] *The commissioner shall issue and sell licenses. The commissioner shall furnish licenses and applications to agents authorized to issue licenses.* [97.4841 s. 2; 97.4842 s. 1; 97.4843 s. 2; 98.49 s. 1; 98.50]

**Subd. 2. [COUNTY AUDITORS TO SELL LICENSES.]** *County auditors are agents of the commissioner for the issuance and sale of licenses. The commissioner may require a county auditor to provide a corporate surety bond in addition to the auditor's official bond. [98.50 s. 1, 2]*

**Subd. 3. [APPOINTMENT OF SUBAGENTS.]** *A county auditor may appoint residents to be subagents of the auditor within the county or adjacent counties to issue and sell licenses. The auditor shall notify the commissioner of the name and address of a subagent when appointed. The appointment may be revoked by the auditor at any time, and when directed by the commissioner, the auditor must revoke the appointment. [98.50 s. 1, 5]*

**Subd. 4. [APPLICATION TO SELL LICENSES BY SUB-AGENT.]** *To be a subagent, a person must apply in writing to an appropriate county auditor in a manner approved by the commissioner. The auditor may require a subagent to provide a bond or pay for licenses before furnishing the licenses. License application forms may only be furnished to subagents in groups of ten or more for resident licenses and five or more for non-resident licenses. [98.50 s. 1, 5, 10]*

**Subd. 5. [COUNTY AUDITORS RESPONSIBLE FOR LICENSES AND FEES.]** *(a) The county auditor is responsible for licenses and fees received by the subagents, except in a county that has a population over 150,000 and an area greater than 5,000 square miles and in a county where the county auditor does not retain fees paid for licenses. In these counties the responsibility imposed on the county auditor is imposed on the county. [98.50 s. 1]*

*(b) The county auditor must promptly deposit all money received from the sale of licenses with the county treasurer. The auditor must promptly submit payments and required reports as required by the commissioner. [98.50 s. 5]*

**Subd. 6. [LICENSES TO BE SOLD AND ISSUING FEES.]** *(a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:*

*(1) to take deer with firearms and by archery, the issuing fee is \$1;*

*(2) Minnesota sportsman, the issuing fee is \$1; and*

*(3) to take bear and small game, to take fish by angling or spearing, and to trap fur-bearing animals, the issuing fee is 75 cents.*

(b) *An issuing fee for a stamp may not be collected when a stamp is issued simultaneously with the related small game, fishing, or sportsman license. Only one issuing fee may be collected when selling more than one stamp in the same transaction after the end of the season for which the stamp was issued.*

(c) *The auditor or subagent shall keep the issuing fee as a commission for selling the licenses. [98.501]*

(d) *The commissioner shall collect the issuing fee on licenses sold by the commissioner.*

(e) *A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses. [98.50 s. 5]*

**Subd. 7. [COUNTY AUDITOR'S COMMISSION.]** *The county auditor shall retain for the county treasury a commission of four percent of all license fees collected by the auditor and the auditor's subagents, excluding the small game surcharge and issuing fees. In addition, the auditor shall collect the issuing fees on licenses sold by the auditor to a licensee. [98.50 s. 5]*

**Subd. 8. [REDEMPTION OF UNSOLD LICENSES.]** *The commissioner must redeem unsold licenses submitted within the redemption time prescribed by the commissioner. Licenses that are not submitted for redemption within the prescribed time are considered to have been sold and the auditor or county to whom the licenses were furnished are accountable for them. A county auditor must refund the license fees prepaid by the auditor's subagent for unsold licenses submitted within a time period established by the commissioner. [98.50 s. 5]*

**Subd. 9. [CERTAIN LICENSES NOT TO BE ISSUED AFTER SEASON OPENS.]** (a) *The following licenses may not be issued after the day before the opening of the related firearms season:*

(1) *to take deer with firearms or by archery; [98.45 s. 1]*

(2) *to guide bear hunters; and [98.455]*

(3) *to guide turkey hunters. [98.456]*

(b) *Paragraph (a) does not apply to deer licenses for discharged military personnel under section 66, subdivision 4. [98.45 s. 1]*

(c) *A nonresident license or tag to take and possess raccoon, bobcat, Canada lynx, or fox may not be issued after the fifth day of the open season. [98.46 s. 26]*

*Subd. 10. [RETURN OF UNSOLD DEER AND BEAR LICENSES.] Subagents must return stubs and unsold licenses for the taking of deer to the county auditor on the first business day after the first day of the firearms deer season. Subagents must return stubs and unsold licenses for guiding bear hunters to the county auditor as prescribed by the commissioner. [98.45 s. 1, 98.455]*

*Subd. 11. [RULES FOR ACCOUNTING AND PROCEDURES.] The commissioner shall prescribe rules for the accounting and procedural requirements necessary to assure the efficient handling of licenses and license fees. The commissioner may, by order, establish standards for the appointment and revocation of subagents to assure the efficient distribution of licenses throughout the state. [98.50 s. 2]*

## POSSESSION AND TRANSPORTATION OF WILD ANIMALS

**Sec. 71. [97A.501] [WILD ANIMALS; GENERAL RESTRICTIONS.]**

*Subdivision 1. [GENERAL RESTRICTIONS.] A person may not take, buy, sell, transport, or possess a protected wild animal unless allowed by the game and fish laws. The ownership of all wild animals is in the state, unless the wild animal has been lawfully acquired under the game and fish laws. The ownership of a wild animal that is lawfully acquired reverts to the state if a law relating to sale, transportation, or possession of the wild animal is violated. [97.43]*

*Subd. 2. [ENDANGERED SPECIES.] A person may not take, import, transport, or sell an endangered species of wild animal, or sell, or possess with intent to sell an article made from the parts of a wild animal, except as provided in article 4, section 8. [97.488 s. 1]*

**Sec. 72. [97A.505] [POSSESSION OF WILD ANIMALS.]**

*Subdivision 1. [POSSESSION OUTSIDE OF THE SEASON PROHIBITED.] A person may only possess a protected wild animal during the open season and the following five days as prescribed by law, unless otherwise allowed by law or authorized by the commissioner. [97.44 s. 2]*

*Subd. 2. [POSSESSION OF UNLAWFUL ANIMALS BROUGHT INTO THE STATE PROHIBITED.] A person may not possess a wild animal that has been unlawfully taken, bought, sold, or possessed outside the state, or unlawfully shipped into the state. [97.44 s. 1]*

**Subd. 3. [PERMIT TO BRING ANIMALS INTO STATE.]** *Wild animals lawfully taken, bought, sold, or possessed outside the state may be brought or shipped into the state:*

- (1) *during the open season and the following five days; or*
- (2) *after obtaining a permit from the commissioner.* [97.44 s. 3]

**Subd. 4. [STORAGE OF PROTECTED WILD ANIMALS.]** *A person that stores protected wild animals must plainly mark the package, in ink, with the name and address of the owner, the license number of the person taking the animal, and the number and species in the package. A person may not use a commercial cold storage warehouse for protected wild animals, except lawfully taken fish and furs.* [97.44 s. 4]

**Subd. 5. [LICENSE NOT REQUIRED FOR ANIMALS ACQUIRED BY GIFT.]** *Protected wild animals may be transferred by gift. A person is not required to have a license to possess and transport protected wild animals acquired by gift. If wild animals are transported out of the county where the recipient resides, the recipient must:*

- (1) *attach a tag marked in ink, with the name and address of the owner and the license number of the person taking the animals; or*
- (2) *furnish an affidavit showing the name and address of the donor.* [97.44 s. 5]

**Subd. 6. [BEAVER AND MUSKRAT PELTS; TAGS REQUIRED.]** *A licensed tanner must attach a tag or seal prescribed by the commissioner to each beaver or muskrat pelt or hide in possession.* [97.44 s. 7]

**Subd. 7. [EXCEPTIONS TO THIS SECTION.]** *This section does not apply to mounted specimens of wild animals, antlers, tanned hides, and dressed furs lawfully taken.* [97.44 s. 6]

### **Sec. 73. [97A.511] [FUR-BEARING ANIMALS.]**

*The skins of fur-bearing animals and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing the required seals or tags required by the game and fish laws, may be bought, sold, and transported at any time. The flesh of beaver, raccoon, rabbits, and hare may not be transported out of the state.* [100.30]

### **Sec. 74. [97A.515] [PEELTS, SKINS, AND HIDES TAKEN ON INDIAN RESERVATIONS.]**



*The pelts, skins, and hides of protected wild animals taken on an Indian reservation in this state, except the Fond du Lac reservation, may be transported, sold, and disposed of as prescribed by the commissioner. [100.303]*

**Sec. 75. [97A.521] [TRANSPORTATION OF WILD ANIMALS; GENERALLY.]**

*Subdivision 1. [GENERAL AUTHORITY; RESIDENTS.] A resident may transport wild animals to any place in the state if the resident and the animals are in the same vehicle. [97.45 s. 3]*

*Subd. 2. [GENERAL AUTHORITY; NONRESIDENTS.] A nonresident may transport wild animals taken in the state if the nonresident and the animals are in the same vehicle. [97.45 s. 6, 7]*

*Subd. 3. [WILD ANIMALS IN CONTAINERS.] A person that transports wild animals in a container must mark or identify the container as prescribed under the game and fish laws or by commissioner's order. [97.45 s. 1]*

*Subd. 4. [ANIMALS THAT MAY BE LAWFULLY SOLD.] During the open season a person may transport a protected wild animal within the state, and to a destination outside the state, if the animal may be lawfully sold and the transportation is not otherwise prohibited. [97.45 s. 2]*

*Subd. 5. [UNLAWFUL WILD ANIMALS PROHIBITED.] A person may not transport wild animals taken, bought, sold, or possessed in violation of the game and fish laws. [97.45 s. 1]*

**Sec. 76. [97A.525] [TRANSPORTATION OF WILD ANIMALS BY COMMON CARRIER.]**

*Subdivision 1. [RESIDENTS.] A resident may transport wild animals within the state by common carrier without being in the vehicle if the resident has the license required to take the animals and they are shipped to the resident. The wild animals that may be transported by common carrier are:*

- (1) deer, bear, and moose;*
- (2) undressed game birds; and*
- (3) fish. [97.45 s. 4]*

*Subd. 2. [NONRESIDENTS.] A nonresident may transport wild animals by common carrier without being in the vehicle if the nonresident has the license required to take the animals and they are shipped to the nonresident. [97.45 s. 6, 7]*

*Subd. 3. [EMPLOYEE OF CARRIER.] An employee of a carrier may not transport wild animals as baggage while performing duties for the carrier. [97.45 s. 3]*

*Subd. 4. [STATEMENT REQUIRED FOR PROTECTED WILD ANIMALS.] A person that transports protected wild animals by common carrier, including animals carried in baggage, must attach a statement to each shipment. The statement must include the name, address, and license number of the person shipping the animals, the number and species of the animals in the shipment, and the signature of the licensee. [97.45 s. 3, 12]*

*Subd. 5. [CARRIER MUST BE SHOWN SHIPPER'S LICENSE.] A common carrier may not accept a shipment of big or small game unless the carrier is shown the license of the shipper to take the game. [97.45 s. 11]*

*Subd. 6. [WAYBILL MUST SPECIFY ANIMALS.] The waybill or receipt issued by a common carrier to a shipper must specify the number and species of wild animals being shipped. [97.45 s. 14]*

*Subd. 7. [ANIMALS IN POSSESSION OF SHIPPER.] Wild animals that are transported by common carrier are considered to be in the possession of the shipper. [97.45 s. 7(a), 10]*

**Sec. 77. [97A.531] [SHIPMENT OF WILD ANIMALS TAKEN IN CANADA.]**

*A person may ship, within or out of the state, wild animals lawfully taken and possessed in Canada and that have lawfully entered the state. The shipment must have the shipping coupons required for a shipment originating in the province where the animals were taken. Fish that are lawfully taken and possessed in Canada may be brought into the state for filleting and packing and may be transported within the state or out of the state. [97.-45 s. 8]*

**Sec. 78. [97A.535] [POSSESSION AND TRANSPORTATION OF DEER, BEAR, AND MOOSE.]**

*Subdivision 1. [TAGS REQUIRED.] A person may not possess or transport deer, bear, or moose taken in the state unless a tag is attached to the carcass in a manner prescribed by the commissioner. The commissioner must prescribe the type of tag that has the license number of the owner, the year of its issue, and other information prescribed by the commissioner. The tag must be attached to the deer, bear, or moose when:*

*(1) the animal is in a camp, or a place occupied overnight or the yard surrounding the place; or*

(2) *the animal is on a motor vehicle.* [98.46 s. 22]

**Subd. 2. [DEER TAKEN BY ARCHERY AND MOOSE MUST HAVE ADDITIONAL TAG.]** *Deer taken by archery and moose must be tagged as prescribed by the commissioner, in addition to the tag required in subdivision 1.* [98.46 s. 22]

**Subd. 3. [TRANSPORTATION PERIOD RESTRICTED.]** *A person may transport one deer, one bear, or one moose during the open season and the two days following the season, and afterwards as prescribed by the commissioner.* [97.45 s. 1, 7]

**Subd. 4. [TRANSPORTATION BY PERSON OTHER THAN LICENSEE.]** *A person other than the licensee may transport deer, bear, or moose that the licensee has registered as prescribed by the commissioner. The person must transport the animal by the most direct route. A tag must be attached to the animal and marked in ink with the address, license number, signature of the licensee, and the locations from which and to which the animal is being transported.* [97.45 s. 4a]

**Subd. 5. [HEADS, HIDES, AND CLAWS.]** *A resident that has a license to take deer, bear, or moose may transport the head or hide of the animal within or out of the state for mounting or tanning. The hides of deer, bear, and moose, and the claws of bear legally taken and with the tags that are required by this section, may be bought, sold, and transported at any time.* [97.45 s. 3, 4, 100.30]

**Sec. 79. [97A.541] [NONRESIDENT: SMALL GAME TAGS.]**

*A nonresident may not possess or transport a raccoon, bobcat, Canada lynx, or fox taken in this state without a tag attached to the animal. The commissioner shall prescribe, by order, the type of tag and the number of tags to be issued with each nonresident raccoon, bobcat, Canada lynx, or fox license and shall furnish the tags with the licenses to be issued.* [98.46 s. 26]

**Sec. 80. [97A.545] [TRANSPORTATION OF GAME BIRDS.]**

**Subdivision 1. [RESIDENTS SHIPPING BY COMMON CARRIER.]** *A resident that ships undressed game birds to the resident by common carrier without being in the vehicle may not make more than three shipments during a license year. A shipment may not contain more than the resident's daily limit.* [97.45 s. 4]

**Subd. 2. [NONRESIDENTS SHIPPING BY COMMON CARRIER.]** *A nonresident that ships undressed game birds to*

*the nonresident by common carrier without being in the vehicle must obtain a shipping permit from the commissioner. The commissioner shall issue the permit upon request, without a fee. The carrier receiving the shipment must cancel the permit as prescribed by the commissioner. [97.45 s. 7b]*

*Subd. 3. [SHIPPING TO OTHER PERSONS.] A person must obtain a permit from the commissioner to ship game birds to another person within or out of the state. The person must have the licenses required to take the game birds. [97.45 s. 9]*

*Subd. 4. [UNDRESSED GAME BIRDS TAKEN IN ADJACENT STATES.] A person may transport into the state dressed game birds that are lawfully taken and possessed in adjacent states. A resident may ship the undressed game birds by common carrier within the state. A nonresident may ship the undressed game birds out of the state by common carrier. Each shipment must be tagged or sealed by a conservation officer as prescribed by the commissioner. [97.45 s. 9]*

**Sec. 81. [97A.551] [TRANSPORTATION OF FISH.]**

*Subdivision 1. [NONRESIDENTS SHIPPING BY COMMON CARRIER.] (a) A nonresident that ships fish to the nonresident by common carrier without being in the vehicle may only make one shipment of fish during a license year. The shipment may contain one of the following:*

- (1) one undressed fish of any size;*
- (2) 25 pounds or less of undressed fish; or*
- (3) 15 pounds or less of filleted or dressed game fish. [97.45 s. 6(1)]*

*(b) The nonresident must obtain a shipping permit from the commissioner. The commissioner shall issue a shipping permit upon request, without a fee. The carrier receiving the shipment must cancel the permit as prescribed by the commissioner. [97.45 s. 6(1)]*

*(c) For shipments of filleted or dressed game fish under this subdivision, the statement required under section 76, subdivision 4, must include the net weight of the fish. [97.45 s. 6]*

*Subd. 2. [FISH TRANSPORTED THROUGH STATE.] A person may not transport game fish taken in another state or country through the state during the closed season or in excess of the possession limit unless the fish are:*

- (1) transported by common carrier; or*

(2) tagged, sealed, or marked as prescribed by the commissioner. [97.45 s. 13]

*Subd. 3. [SHIPPING ONE FISH TO ANY PERSON.] A person that has a license to take fish may ship one fish to any person within or out of the state after obtaining a permit from the commissioner. [97.45 s. 9]*

## ARTICLE 2

### CHAPTER 97B

#### HUNTING

#### HUNTING RESTRICTIONS AND REQUIREMENTS

##### Section 1. [97B.001] [TRESPASS.]

*Subdivision 1. [AGRICULTURAL LAND DEFINITION.] For purposes of this section, "agricultural land" means land:*

- (1) *that is plowed or tilled;*
- (2) *that has standing crops or crop residues; or*
- (3) *within a maintained fence for enclosing domestic livestock. [100.273 s. 1]*

*Subd. 2. [PERMISSION REQUIRED TO ENTER AGRICULTURAL LAND TO HUNT OR OPERATE VEHICLES.] Except as provided in subdivisions 5 and 6, a person may not enter agricultural land to hunt or operate a motor vehicle for pleasure purposes, unless the person obtains permission of the owner, occupant, or lessee. [100.273 s. 2]*

*Subd. 3. [ENTERING LAND PROHIBITED AFTER NOTICE.] Except as provided in subdivisions 5 and 6, a person may not enter any land to take a wild animal after being notified not to do so orally by the owner, occupant, or lessee. [100.273 s. 3]*

*Subd. 4. [ENTERING POSTED LAND PROHIBITED; SIGNS.] (a) Except as provided in subdivision 6, a person may not enter any land that is posted under this subdivision to take a wild animal unless the person has obtained the permission of the owner, occupant, or lessee. [100.273 s. 3]*

*(b) The owner, occupant, or lessee of private land, or an authorized manager of public land may prohibit unauthorized hunting, trapping, fishing, or trespassing on the land by posting signs that:*

- (1) *display letters at least two inches high;*

(2) are signed by the owner, occupant, lessee, or authorized manager; and

(3) are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded area where boundary lines are not clear, at intervals of 500 feet or less.

(c) A person may not erect a sign that states "no hunting," "no trapping," "no fishing," "no trespassing," or another sign that prohibits trespass on land or water where the person does not have a property right, title, or interest to use the land. [100.273 s. 6]

**Subd. 5. [RETRIEVING WOUNDED GAME FROM AGRICULTURAL LAND.]** A hunter, on foot, may retrieve wounded game, during the open season for the game, from agricultural land that is not posted under subdivision 4, without permission of the landowner. The hunter must leave the land immediately after retrieving the wounded game. [100.273 s. 7]

**Subd. 6. [RETRIEVING DOGS FROM PRIVATE LAND.]** A person may, without permission of the landowner, enter private land on foot to retrieve a dog that has treed or is at bay with a raccoon, bobcat, coyote, or fox. After retrieving the dog, the person must immediately leave the premises. [100.273 s. 7]

**Subd. 7. [TAKING WITH FIREARMS IN CERTAIN AREAS.]** (a) A person may not take a wild animal with a firearm within 500 feet of a building occupied by a human or livestock without the written permission of the owner or occupant:

(1) on another person's private agricultural land; or

(2) on a public right-of-way.

(b) A person may not take a wild animal with a firearm without the written permission of the owner within 500 feet of a stockade or corral containing livestock.

(c) A person may not take a wild animal with a firearm:

(1) on land other than agricultural land within 200 feet of a building occupied by a human without the oral permission of the owner or occupant of the building; or [100.273 s. 5]

(2) within 500 feet of a burning area.

**Subd. 8. [DESTRUCTION OF PROPERTY; GATE CLOSING.]** A person may not:

- (1) *wound or kill another person's domestic animal;*
- (2) *destroy, cut, or tear down another person's fence, building, grain, crops, live tree, or sign erected under subdivision 4; or*
- (3) *pass through another person's closed gate without returning the gate to its original position. [100.273 s. 4]*

## Sec. 2. [97B.005] [TRAINING DOGS.]

*Subdivision 1. [FIELD TRAINING; PERMIT REQUIRED FOR CERTAIN PERIOD.] A person may not train hunting dogs afield from April 16 to July 14 except by special permit. The commissioner may issue a special permit, without a fee, to train hunting dogs afield on land owned by the trainer or on land that the owner provides written permission. The written permission must be carried in personal possession of the trainer while training the dogs. [98.48 s. 13, 100.29 s. 20]*

*Subd. 2. [RESTRICTION ON AMMUNITION WHILE TRAINING.] A person that is training a dog afield and carrying a firearm may only have blank cartridges and shells in personal possession when the season is not open for any game bird. [100.29 s. 20]*

*Subd. 3. [PERMITS FOR ORGANIZATIONS TO USE GAME BIRDS AND FIREARMS.] The commissioner may issue special permits, without a fee, to organizations to use firearms and live ammunition on domesticated birds or banded game birds from game farms for holding field trials and training retrieving dogs. [98.48 s. 2]*

*Subd. 4. [USE OF RACCOONS.] The commissioner may issue special permits, without a fee, to possess one raccoon to train dogs for raccoon hunting. [98.48 s. 7]*

## Sec. 3. [97B.011] [DOGS PURSUING BIG GAME.]

*A dog that is known to have killed or is observed wounding, killing, or pursuing in a manner that endangers big game may be killed by a peace officer or conservation officer, or, between January 1 and July 14, by any person. The officer or person is not liable for damages for killing the dog. [100.29 s. 19]*

## Sec. 4. [97B.015] [FIREARM SAFETY COURSE.]

*Subdivision 1. [ESTABLISHMENT.] The commissioner shall make rules establishing a statewide course in the safe use of firearms. At least one course must be held within the boundary of each school district. The courses must be conducted by the commissioner in cooperation with other organizations. The*

*courses must instruct youths in commonly accepted principles of safety in hunting and handling common hunting firearms. [97.81 s. 1]*

*Subd. 2. [ADMINISTRATION, SUPERVISION, AND ENFORCEMENT.] (a) The commissioner shall appoint a qualified person from the enforcement division under civil service rules as supervisor of hunting safety and prescribe the duties and responsibilities of the position. The commissioner shall determine and provide the enforcement division with the necessary personnel for this section.*

*(b) The commissioner may appoint one or more county directors of hunting safety in each county. An appointed county director is responsible to the enforcement division. The enforcement division may appoint instructors necessary for this section. County directors and instructors shall serve on a voluntary basis without compensation. The enforcement division must supply the materials necessary for the course. [97.82, 97.85 s. 1]*

*Subd. 3. [LIABILITY INSURANCE.] The commissioner shall obtain insurance to cover all liability incurred by the county directors and instructors for bodily injury, death, and property damage in the performance of their duties under this section. [97.85 s. 2]*

*Subd. 4. [STUDENT FEE.] To defray the expense of the course, the enforcement division shall collect a fee not to exceed \$5 from each person that takes the firearm safety course. [97.85 s. 1]*

*Subd. 5. [FIREARMS SAFETY CERTIFICATE.] The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. A certificate may not be issued to a person under age 12. A person that is age 11 may take the firearms safety course and may receive a firearms safety certificate at age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner. [97.81 s. 2, 97.83 s. 1]*

**Sec. 5. [97B.021] [POSSESSION OF FIREARMS BY PERSONS UNDER AGE 16.]**

*Subdivision 1. [RESTRICTIONS.] (a) Except as provided in this subdivision, a person under the age of 16 may not possess a firearm, unless accompanied by a parent or guardian. [97.83 s. 1]*

*(b) A person under age 16 may possess a firearm without being accompanied by a parent or guardian:*



(1) on land owned by, or occupied as the principal residence of, the person or the person's parent or guardian;

(2) while participating in an organized target shooting program with adult supervision;

(3) while the person is participating in a firearms safety program or traveling to and from class; or

(4) if the person is age 14 or 15 and has a firearms safety certificate.

(c) For purposes of this section a guardian is a legal guardian or a person age 18 or older that has been authorized by the parent or legal guardian to supervise the person under age 16. [97.83 s. 1]

**Subd. 2. [SEIZURE OF UNLAWFULLY POSSESSED FIREARMS.]** A law enforcement officer shall seize a firearm used in violation of this section. The officer must tag the seized firearm with the name and address of the person from whom it was taken and give the person a receipt. The firearm shall be placed in the custody of the conservation officer in charge of the area where the seizure was made. [97.83 s. 2]

**Subd. 3. [RETURN OR FORFEITURE OF SEIZED FIREARMS.]** A firearm seized under this section must be returned to the person from whom it was seized when the person presents a firearms safety certificate to the conservation officer. The person must present the certificate within 90 days after the beginning of the first firearms training course in the county after the firearm was seized. If the person does not present a certificate, the firearm is contraband and forfeited to the state, and shall be disposed of as prescribed by the commissioner. [97.83 s. 3]

**Sec. 6. [97B.025] [ADVANCED HUNTER EDUCATION.]**

The commissioner may establish advanced education courses for hunters and trappers. The commissioner, with the approval of the commissioner of finance, may impose a fee not to exceed \$10 for each person attending an advanced education course. The commissioner shall establish the fee under section 16A.128. [97.851]

**Sec. 7. [97B.031] [USE AND POSSESSION OF FIREARMS.]**

**Subdivision 1. [FIREARMS AND AMMUNITION THAT MAY BE USED TO TAKE BIG GAME.]** (a) A person may take big game with a firearm only if:

(1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;

(2) the firearm is loaded only with single projectile ammunition;

(3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;

(4) the ammunition has a case length of at least 1.285 inches;

(5) the muzzle-loader used is incapable of being loaded at the breech;

(6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and

(7) the rifled muzzle-loader used is a caliber of at least .40 inches.

(b) A person may not take big game with a .30 caliber M-1 carbine cartridge. [100.29 s. 9]

**Subd. 2. [HANDGUNS FOR SMALL GAME.]** A person may take small game with a handgun of any caliber in a manner prescribed by the commissioner. [100.29 s. 2]

**Subd. 3. [FIREARMS LARGER THAN TEN GAUGE PROHIBITED.]** A person may not use a firearm with a bore larger than a ten gauge to take a protected wild animal. [100.29 s. 2]

**Subd. 4. [SILENCERS PROHIBITED.]** A person may not own or possess a silencer for a firearm or a firearm equipped to have a silencer attached. [100.29 s. 4]

**Sec. 8. [97B.035] [RESTRICTIONS ON ARCHERY EQUIPMENT.]**

**Subdivision 1. [HUNTING WITH BOWS RELEASED BY MECHANICAL DEVICES.]** A person may not hunt with a bow drawn, held, or released by a mechanical device, except with a disabled hunter permit issued under section 29. [100.29 s. 7, 26]

**Subd. 2. [POSSESSION OF CROSSBOWS.]** A person may not possess a crossbow outdoors or in a motor vehicle during the open season for any game, unless the crossbow is unstrung, and in a case or in a closed trunk of a motor vehicle. [100.29 s. 26]

*Subd. 3. [POISONED AND EXPLOSIVE ARROWS.] A person may not hunt with an arrow that is poisoned or has an explosive tip. [100.29 s. 7]*

**Sec. 9. [97B.041] [POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.]**

*A person may not possess a firearm or ammunition outdoors during the period beginning the tenth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:*

*(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;*

*(2) a firearm that is unloaded and in a case or in a closed trunk of a motor vehicle;*

*(3) a shotgun and only shells containing shot;*

*(4) a handgun or rifle and only short, long, and long rifle cartridges that are caliber of .22 inches;*

*(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and*

*(6) on a target range operated under a permit from the commissioner. [100.29 s. 3]*

**Sec. 10. [97B.045] [TRANSPORTATION OF FIREARMS.]**

*A person may not transport a firearm in a motor vehicle unless the firearm is:*

*(1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;*

*(2) unloaded and in the closed trunk of a motor vehicle; or*

*(3) a handgun carried in compliance with sections 624.714 and 624.715. [100.29 s. 5]*

**Sec. 11. [97B.051] [TRANSPORTATION OF ARCHERY BOWS.]**

*A person may not transport an archery bow in a motor vehicle unless the bow is:*

- (1) *unstrung;*
- (2) *completely contained in a case; or*
- (3) *in the closed trunk of a motor vehicle.* [100.29 s. 5]

**Sec. 12. [97B.055] [DISCHARGING FIREARMS AND BOWS AND ARROWS.]**

*Subdivision 1. [RESTRICTIONS RELATED TO HIGHWAYS.] A person may not discharge a firearm or an arrow from a bow on, over, or across an improved public highway at a big game animal. A person may not discharge a firearm or bow and arrow within the right-of-way of an improved public highway at a big game animal. The commissioner may by order extend the application of this subdivision to the taking of migratory waterfowl in designated locations.* [100.31]

*Subd. 2. [RESTRICTIONS RELATED TO MOTOR VEHICLE.] A person may not take a wild animal with a firearm or by archery from a motor vehicle except as permitted in this section.* [100.29 s. 5]

*Subd. 3. [HUNTING FROM VEHICLES BY DISABLED HUNTERS.] The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a licensed hunter that is physically unable to walk with or without crutches, braces, or other mechanical support. A person with a temporary disability may be issued an annual permit and a person with a permanent disability may be issued a permanent permit.* [98.48 s. 12]

*Subd. 4. [TAKING BOUNTY ANIMALS FROM AIRPLANES AND SNOWMOBILES.] The commissioner may issue a special permit, without fee, to take animals that the state pays a bounty for, from an airplane or a snowmobile.* [98.48 s. 10]

**Sec. 13. [97B.061] [REPORTS AND RECORDS.]**

*If requested by the commissioner, a person who has taken game must submit a report to the commissioner on a furnished form before February 1, stating the number and kind of each game animal taken during the preceding calendar year.* [98.51 s. 1]

**Sec. 14. [97B.065] [HUNTING WHILE INTOXICATED OR USING NARCOTICS PROHIBITED.]**

*A person may not take protected wild animals with a firearm or by archery while visibly intoxicated or under the influence of narcotics. [100.29 s. 6]*

**Sec. 15. [97B.071] [RED OR BLAZE ORANGE REQUIREMENTS.]**

*A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is bright red or blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. [100.29 s. 8]*

**Sec. 16. [97B.075] [HUNTING RESTRICTED BETWEEN EVENING AND MORNING.]**

*A person may not take protected wild animals, except raccoon and fox, with a firearm or by archery between the evening and morning times established by commissioner's order. [100.29 s. 1]*

**Sec. 17. [97B.081] [USING ARTIFICIAL LIGHTS TO LOCATE ANIMALS.]**

*Subdivision 1. [WITH FIREARMS AND BOWS.] (a) A person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest, to spot, locate, or take a wild animal, while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to kill big game.*

*(b) This subdivision does not apply to a firearm that is:*

*(1) unloaded;*

*(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and*

*(3) in the closed trunk of a motor vehicle.*

*(c) This subdivision does not apply to a bow that is:*

*(1) completely encased or unstrung; and*

*(2) in the closed trunk of a motor vehicle.*

*(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rear-most location of the vehicle. [100.29 s. 10]*

*Subd. 2. [WITHOUT FIREARMS.] Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, a person may not cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest to spot, locate, or take a wild animal except to take raccoons under section 46, subdivision 3. It is not a violation of this subdivision for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating or taking a wild animal. [100.29 s. 9a]*

**Sec. 18. [97B.085] [USE OF RADIOS TO TAKE ANIMALS.]**

*Subdivision 1. [TAKING PROTECTED ANIMALS PROHIBITED.] A person may not use radio equipment to take a protected wild animal. [100.29 s. 27]*

*Subd. 2. [TAKING UNPROTECTED WILD ANIMALS; PERMIT REQUIRED.] A person may not use radio equipment to take unprotected wild animals without a permit. The commissioner may issue a permit to take unprotected animals with radio equipment. The commissioner shall cancel the permit upon receiving a valid complaint of misconduct regarding the permittee's hunting activities. [100.29 s. 27]*

**Sec. 19. [97B.091] [USE OF MOTOR VEHICLES TO CHASE WILD ANIMALS PROHIBITED.]**

*A person may not use a motor vehicle to intentionally drive, chase, run over, kill, or take a wild animal. [100.26 s. 1, 100.29 s. 28, 29]*

**Sec. 20. [97B.095] [DISTURBING BURROWS AND DENS.]**

*A person may not disturb the burrow or den of a wild animal between November 1 and April 1 without a permit. [100.29 s. 24]*

**Sec. 21. [97B.101] [HUNTING WITH FERRETS PROHIBITED.]**

*A person may not take a protected wild animal with the aid of a ferret. [100.29 s. 23]*

**Sec. 22. [97B.105] [HUNTING BY FALCONRY.]**

*A person may take a protected wild animal by falconry under rules prescribed by the commissioner. [100.27 s. 8]*

## BIG GAME

Sec. 23. [97B.201] [NO OPEN SEASON FOR ELK, CARIBOU, AND ANTELOPE.]

*There may not be an open season on elk, caribou, or antelope.* [100.27 s. 1]

Sec. 24. [97B.205] [USE OF DOGS AND HORSES TO TAKE BIG GAME PROHIBITED.]

*A person may not use a dog or horse to take big game.* [100.-29 s. 14]

Sec. 25. [97B.211] [HUNTING BIG GAME BY ARCHERY.]

*Subdivision 1. [POSSESSION OF FIREARMS PROHIBITED.] A person may not take big game by archery while in possession of a firearm.* [100.29 s. 7]

*Subd. 2. [ARROWHEAD REQUIREMENTS.] Arrowheads used for taking big game must be sharp and barbleless and have a single two-edged blade at least one inch wide, or three or more blades at least three inches in circumference. The arrowhead must be made of:*

(1) *high carbon steel and weigh at least 110 grains; or*

(2) *mill-tempered spring steel with a plastic core or ferrule and weigh at least 90 grains.* [100.29 s. 7]

## DEER

Sec. 26. [97B.301] [DEER LICENSES AND LIMITS.]

*Subdivision 1. [LICENSES REQUIRED.] A person may not take deer without a license. A person must have a firearms deer license to take deer with firearms and an archery deer license to take deer by archery except as provided in this section.* [98.45 s. 1, 100.272]

*Subd. 2. [LIMIT OF ONE DEER.] Except as provided in subdivisions 3 and 4, a person may obtain one firearms deer license and one archery deer license in the same license year, but may take only one deer.* [100.272]

*Subd. 3. [PARTY HUNTING.] If two or more persons with licenses to take deer by firearms, or two or more persons with licenses to take deer by archery, are hunting as a party, a*

*member of the party may take more than one deer, but the total number of deer taken by the party may not exceed the number of persons licensed to take deer in the party. [100.272]*

*Subd. 4. [EXPERIMENTAL TWO DEER.] The commissioner may, by order, allow a person to take two deer during each of the 1986 and 1987 calendar years. The commissioner shall prescribe the conditions for taking the second deer including:*

- (1) taking by firearm or archery;*
- (2) obtaining an additional license; and*
- (3) payment of a fee not more than the fee for a firearms deer license. [100.281]*

**Sec. 27. [97B.305] [COMMISSIONER MAY LIMIT NUMBER OF DEER HUNTERS.]**

*The commissioner may limit the number of persons that may hunt deer in an area if it is necessary to prevent an over-harvest or improve the distribution of hunters. The commissioner may, by order, establish a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected. [97.48 s. 24]*

**Sec. 28. [97B.311] [DEER SEASONS AND RESTRICTIONS.]**

*The commissioner may, by order, prescribe restrictions and designate areas where deer may be taken. The commissioner may, by order, prescribe the open seasons for deer within the following periods:*

- (1) taking with firearms, other than muzzle-loading firearms, between November 1 and December 15;*
- (2) taking with muzzle-loading firearms between September 1 and December 31; and*
- (3) taking by archery between September 1 and December 31. [100.27 s. 2]*

**Sec. 29. [97B.315] [CROSSBOW PERMITS]**

*The commissioner may issue a special permit, without a fee, to take deer with a crossbow to a person that is unable to hunt in another manner because of a permanent physical disability. The disability, established by medical evidence, and the*



*inability to hunt in another manner must be verified in writing by a licensed physician. The person must obtain an archery deer license. The crossbow must:*

- (1) *be fired from the shoulder;*
- (2) *deliver at least 42 foot-pounds of energy at a distance of ten feet;*
- (3) *have a stock at least 30 inches long;*
- (4) *have a working safety; and*
- (5) *be used with arrows or bolts of at least ten inches long with a broadhead.* [98.48 s. 16]

**Sec. 30. [97B.321] [SNARES, TRAPS, SET GUNS, AND SWIVEL GUNS PROHIBITED.]**

*A person may not take deer with the aid of a snare, trap, set gun, or swivel gun.* [100.29 s. 12]

**Sec. 31. [97B.325] [DEER STAND RESTRICTIONS.]**

*A person may not take deer from a man-made platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.* [100.29 s. 14]

**BEAR**

**Sec. 32. [97B.401] [BEAR LICENSE REQUIRED.]**

*A person may not take bear without a bear license except as provided in section 35 to protect property.* [98.45 s. 1]

**Sec. 33. [97B.405] [COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.]**

*The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by order, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.* [97.48 s. 24, 100.27 s. 2, 9]

**Sec. 34. [97B.411] [BEAR SEASON AND RESTRICTIONS.]**

*The commissioner may, by order, prescribe the open season and the areas and restrictions for the taking of bear.* [100.27 s. 2, 9]

**Sec. 35. [97B.415] [TAKING BEAR TO PROTECT PROPERTY.]**

*A person may take a bear at any time to protect the person's property. The person must report the bear taken to a conservation officer within 48 hours. The bear may be disposed of as prescribed by the commissioner. [100.27 s. 9]*

**Sec. 36. [97B.421] [PERMIT REQUIRED TO SNARE BEARS.]**

*A person may not use a snare to take a bear except under a permit from the commissioner. [100.29 s. 13]*

**Sec. 37. [97B.425] [BAITING BEARS.]**

*A person placing bait to take bear must display a tag at each site where bait is placed and register the sites. The commissioner shall prescribe the method of tagging and registering the sites. A person may not use solid waste containing bottles, cans, plastic, paper, metal, or other materials that are not readily biodegradable as a bait to attract bear. [100.29 s. 31]*

**Sec. 38. [97B.431] [BEAR HUNTING GUIDES.]**

*A person may not place bait for bear, or guide hunters to take bear, for compensation without a bear hunting guide license. A bear hunting guide is not required to have a license to take bear unless the guide is attempting to shoot a bear. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses. [98.455]*

**MOOSE**

**Sec. 39. [97B.501] [MOOSE LICENSE REQUIRED.]**

*A person may not take moose without a moose license. [98.45 s. 1]*

**Sec. 40. [97B.505] [MOOSE SEASON AND RESTRICTIONS.]**

*The commissioner may, by order, prescribe the open season and the areas and conditions for the taking of moose. [100.27 s. 2]*

**Sec. 41. [97B.511] [MOOSE STAND RESTRICTIONS.]**

*A person may not take moose from a man-made platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope. [100.29 s. 14]*

## SMALL GAME

## Sec. 42. [97B.601] [SMALL GAME LICENSES.]

*Subdivision 1. [REQUIREMENT.] A person may not take small game without a small game license except as provided in subdivision 4. [98.47 s. 6]*

*Subd. 2. [TRAPPING SMALL GAME.] A person may not take small game with traps without a trapping license and a small game license except as provided in subdivision 4. [98.47 s. 6]*

*Subd. 3. [NONRESIDENTS: RACCOON, BOBCAT, FOX, COYOTE, CANADA LYNX.] A nonresident may not take raccoon, bobcat, fox, coyote, or Canada lynx without a separate license to take that animal in addition to a small game license. [98.46 s. 14]*

*Subd. 4. [EXCEPTION TO LICENSE REQUIREMENTS.] (a) A resident under age 16 may take small game without a small game license, and a resident under age 13 may trap without a trapping license, as provided in article 1, section 63, subdivision 3.*

*(b) A person may take small game without a small game license on land occupied by the person as a principal residence.*

*(c) An owner or occupant may take certain small game causing damage without a small game or trapping license as provided in section 53. [98.47 s. 1, 10, 100.27 s. 7]*

## Sec. 43. [97B.605] [COMMISSIONER MAY RESTRICT TAKING OF CERTAIN SMALL GAME ANIMALS.]

*The commissioner may prescribe restrictions on and designate areas where gray and fox squirrels; cottontail and jack rabbits; snowshoe hare; raccoon; lynx; bobcat; fox; fishers; and badger may be taken and possessed. [100.27 s. 3]*

## Sec. 44. [97B.611] [SQUIRRELS.]

*Subdivision 1. [SEASONS FOR GRAY AND FOX SQUIRRELS.] The statewide open season for gray and fox squirrels may be prescribed by the commissioner between October 15 and December 31. The commissioner may prescribe areas with additional open seasons. [100.27 s. 3]*

*Subd. 2. [FIRE AND SMOKE PROHIBITED.] A person may not set fire to a tree or use smoke to take squirrels. [100.29 s. 15]*

## Sec. 45. [97B.615] [RABBIT AND HARE SEASON.]

*The statewide open season for cottontail, jack rabbits, and snowshoe hare may be prescribed by the commissioner between September 16 and March 1. [100.27 s. 3]*

**Sec. 46. [97B.621] [RACCOONS.]**

*Subdivision 1. [SEASON.] The statewide open season for raccoon may be prescribed by the commissioner between October 15 and December 31. [100.27 s. 3]*

*Subd. 2. [PERIOD FOR TREEING RACCOONS.] Notwithstanding subdivision 1, a person may use dogs to pursue and tree raccoons without killing or capturing the raccoons from January 1 to April 15 and July 15 to October 14. [100.27 s. 3]*

*Subd. 3. [NIGHTTIME HUNTING RESTRICTIONS.] To take raccoons between sunset and sunrise, a person:*

- (1) must be on foot;*
- (2) may use an artificial light only if hunting with dogs;*
- (3) may not use a rifle other than one of a .22 inch caliber with .22 short, long, or long rifle, rimfire ammunition; and*
- (4) may not use shotgun shells with shot larger in diameter than No. 4 shot. [100.29 s. 10]*

*Subd. 4. [PROHIBITED METHODS OF TAKING.] A person may not take a raccoon:*

- (1) in a den or hollow tree;*
- (2) by cutting down a tree occupied by raccoon; or*
- (3) by setting fire to a tree or using smoke. [100.29 s. 15]*

**Sec. 47. [97B.625] [LYNX AND BOBCAT.]**

*Subdivision 1. [SEASON.] Based upon population estimates, the commissioner may set the open season for lynx or bobcat. [100.27 s. 3]*

*Subd. 2. [PERMIT REQUIRED TO SNARE.] A person may not use a snare to take lynx or bobcat except under a permit from the commissioner. [100.29 s. 13]*

**Sec. 48. [97B.631] [FOX.]**

*Subdivision 1. [RESTRICTIONS ON TAKING.] A person may not remove a fox from a den or trap fox within 300 feet of a fox den from April 1 to August 31. [100.27 s. 3]*

*Subd. 2. [PERMIT REQUIRED TO SNARE.] A person may not use a snare to take fox except under a permit from the commissioner. [100.29 s. 13]*

**Sec. 49. [97B.635] [FISHER; BADGER; OPPOSSUM; AND PINE MARTEN.]**

*Based upon population estimates, the commissioner may set the open season for fisher, badger, opossum, and pine marten. [100.27 s. 3]*

**Sec. 50. [97B.641] [COUGAR AND WOLVERINE.]**

*There is no open season for cougar or wolverine. [100.27 s. 1]*

**Sec. 51. [97B.645] [WOLVES.]**

*Subdivision 1. [USE OF DOGS AND HORSES PROHIBITED.] A person may not use a dog or horse to take a timber wolf. [100.29 s. 14]*

*Subd. 2. [PERMIT REQUIRED TO SNARE.] A person may not use a snare to take a wolf except under a permit from the commissioner. [100.29 s. 13]*

**Sec. 52. [97B.651] [UNPROTECTED MAMMALS.]**

*Mammals that are unprotected wild animals may be taken at any time and in any manner, except with artificial lights, or by using a motor vehicle in violation of section 19. Poison may not be used to take unprotected mammals unless the safety of humans and domestic livestock is ensured. Unprotected mammals may be possessed, bought, sold, or transported in any quantity. [100.26 s. 1, 3]*

**Sec. 53. [97B.655] [TAKING ANIMALS CAUSING DAMAGE.]**

*Subdivision 1. [OWNERS AND OCCUPANTS MAY TAKE CERTAIN ANIMALS.] A person may take mink, squirrel, rabbit, hare, raccoon, lynx, bobcat, fox, or beaver on land owned or occupied by the person where the animal is causing damage. The person may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this subdivision with artificial lights during open season. A person that kills mink, raccoon, lynx, bobcat, fox, or beaver under this subdivision must bring the entire animal to a conservation officer or employee of the division within 24 hours after the animal is killed. [100.27 s. 7]*

*Subd. 2. [SPECIAL PERMIT FOR TAKING PROTECTED WILD ANIMALS.] The commissioner may issue special per-*

*mits under article 1, section 53, subdivision 5, to take protected wild animals that are damaging property. A person must have the required license and seals to take beaver under the permit. [98.48 s. 5]*

**Sec. 54. [97B.661] [REMOVAL OF BEAVER FROM STATE LANDS.]**

*The commissioner may remove beaver at state expense from state land if the county board where the land is located adopts a resolution requesting the removal. [97.56]*

**Sec. 55. [97B.665] [IMPAIRMENT OF DRAINAGE BY BEAVER DAMS.]**

**Subdivision 1. [AGREEMENT BY COUNTY BOARD, LANDOWNER, AND COMMISSIONER.]** *(a) When a drainage watercourse is impaired by a beaver dam, the commissioner shall take action to remove the impairment, if:*

- (1) the county board unanimously consents;*
- (2) the landowner approves;*
- (3) the commissioner agrees; and*
- (4) the action is financially feasible.*

*(b) In a county with unanimous consent of a county board of commissioners and approval of the landowner, the department shall take action agreed to by unanimous consent of the county board, the commissioner, and the landowner. The action may include destruction or alteration of beaver dams and removal of beaver. This subdivision does not apply to state parks, state game refuges, and federal game refuges. [97.57 s. 1]*

**Subd. 2. [PETITION TO DISTRICT COURT.]** *If a beaver dam causes a threat to personal safety or a serious threat to damage property, and a person cannot obtain consent under subdivision 1, a person may petition the district court for relief. The court may order the commissioner to take action to reduce the threat. [97.57 s. 2]*

**Sec. 56. [97B.671] [PREDATOR CONTROL PROGRAM.]**

**Subdivision 1. [AUTHORIZATION TO TAKE PREDATORS.]** *If the commissioner determines that predators are damaging domestic or wild animals and further damage can be prevented, the commissioner shall authorize the taking of the predators by predator controllers. The commissioner shall define the area where the predators may be taken, the objectives to be achieved, payments to be made, the methods to be used, and when the predator control shall cease. [97.487 s. 3]*

**Subd. 2. [CERTIFICATION OF PREDATOR CONTROLLERS.]** *The commissioner shall certify a person as a predator controller if the person has not violated a provision of this section and meets qualifications of experience, ability, and reliability. The commissioner shall establish application procedures, prescribe forms, and maintain a list of predator controllers. The application procedures must include reports from conservation officers and other department field personnel as to the ability and reliability of the applicants. [97.487 s. 4, 6]*

**Subd. 3. [PREDATOR CONTROL PAYMENTS.]** *The commissioner shall pay a predator controller the amount the commissioner prescribes for each predator taken. The commissioner shall pay at least \$25 but not more than \$60 for each wolf or coyote taken. The commissioner may require the predator controller to submit proof of the taking and a signed statement concerning the predators taken. [97.487 s. 5]*

## BIRDS

### Sec. 57. [97B.701] [PROTECTED BIRDS.]

**Subdivision 1. [TAKING OF BIRDS, NESTS, AND EGGS MUST BE AUTHORIZED.]** *Protected birds, their nests, and their eggs may be taken only as authorized under the game and fish laws. [100.26 s. 2]*

**Subd. 2. [PROHIBITED METHODS OF TAKING.]** *A person may not take protected birds:*

- (1) *with a trap, net, or snare;*
  - (2) *using bird lime;*
  - (3) *with a swivel or set gun; or*
  - (4) *by dragging a rope, wire, or other device across a field.*
- [100.29 s. 16]

### Sec. 58. [97B.705] [RESTRICTIONS ON TRAPPING BIRDS.]

(a) *Except as provided in this section, a person may not take a bird with a steel jaw leg-hold trap mounted on a pole, post, tree stump, or other perch more than three feet above the ground.*

(b) *A person that has a game farm license and a permit to take great horned owls issued under United States Code, title 16, section 704, may trap great horned owls from April 1 to October 15. The trap must be a padded jaw trap as prescribed by the commissioner and mounted at a height so that the trapped owl*

*may rest on the ground. Uninjured birds shall be released alive and injured birds receive appropriate veterinary treatment.*  
[100.29 s. 32]

**Sec. 59. [97B.711] [GAME BIRDS.]**

*Subdivision 1. [SEASONS FOR CERTAIN UPLAND GAME BIRDS.] (a) The commissioner may, by order, prescribe an open season in designated areas between September 16 and December 31 for:*

- (1) pheasant;*
- (2) ruffed grouse;*
- (3) sharp tailed grouse;*
- (4) Canada spruce grouse;*
- (5) prairie chicken;*
- (6) gray partridge;*
- (7) chukar partridge;*
- (8) quail; and*
- (9) turkey.*

*(b) The commissioner may by order prescribe an open season for turkey in the spring. [100.27 s. 5]*

*Subd. 2. [DAILY AND POSSESSION LIMITS FOR CERTAIN UPLAND GAME BIRDS.] (a) A person may not take more than five in one day or possess more than ten of each of the following:*

- (1) pheasant;*
- (2) ruffed grouse;*
- (3) sharp tailed grouse;*
- (4) prairie chicken;*
- (5) gray partridge; and*
- (6) chukar partridge.*

*(b) A person may not take more than ten quail in one day or possess more than 15 bob-white quail.*



(c) *The commissioner may, by order, reduce the daily and possession limits established in this subdivision.* [100.28 s. 2]

**Sec. 60. [97B.715] [PHEASANTS.]**

*Subdivision 1. [STAMP REQUIRED.] (a) Except as provided in paragraph (b), a person required to possess a small game license may not hunt pheasants without a pheasant stamp in possession.*

(b) *The following persons are exempt from this subdivision:*

(1) *residents under age 18 or over age 65; and*

(2) *persons hunting on licensed private shooting preserves in Norman, Becker, Wadena, Cass, Crow Wing, Aitkin, or Carlton county, and locations north of the northern boundaries of these counties.* [97.4843 s. 2]

*Subd. 2. [DAILY AND POSSESSION HEN PHEASANT LIMITS.] A person may not take more than one hen pheasant in one day or possess more than two hen pheasants.* [100.28 s. 2]

*Subd. 3. [HUNTING HOURS.] A person may not take pheasants between the evening time that the commissioner establishes by order and 9 a.m.* [100.29 s. 1]

**Sec. 61. [97B.721] [LICENSE REQUIRED TO TAKE TURKEY.]**

*A person may not take turkey without a small game license and a turkey license.* [98.46 s. 2, 14]

**Sec. 62. [97B.725] [LICENSE REQUIRED TO GUIDE HUNTERS.]**

*A person may not guide turkey hunters for compensation without a turkey hunter guide license. The license must be obtained before the day of the opening of the turkey season. The commissioner shall prescribe qualifications for the issuance of turkey hunter guide licenses.* [98.456]

**Sec. 63. [97B.731] [MIGRATORY BIRDS.]**

*Subdivision 1. [MIGRATORY GAME BIRDS.] Migratory game birds may be taken and possessed. A person may not take migratory game birds in violation of federal law.* [100.27 s. 6]

*Subd. 2. [TAKING MOURNING DOVES PROHIBITED.] Mourning doves may not be taken in the state.* [100.27 s. 6]

## MIGRATORY WATERFOWL

## Sec. 64. [97B.801] [MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.]

*Except as provided in this section, a person required to possess a small game license may not take migratory waterfowl without a Minnesota migratory waterfowl stamp in possession. Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess the stamp. [97.4841 s. 2]*

## Sec. 65. [97B.805] [RESTRICTIONS ON METHOD OF TAKING WATERFOWL ON WATER.]

*Subdivision 1. [HUNTER MUST BE CONCEALED.] (a) A person may not take migratory waterfowl, coots, or rails in open water unless the person is:*

*(1) within a natural growth of vegetation sufficient to partially conceal the person or boat; or*

*(2) pursuing or shooting wounded birds.*

*(b) A person may not take migratory waterfowl, coots, or rails in public waters from a permanent artificial blind or sinkbox. [100.29 s. 17]*

## Subd. 2. [RESTRICTIONS ON WATERCRAFT.]

*(a) A person using watercraft to take migratory waterfowl must comply with subdivision 1.*

*(b) Migratory waterfowl may be taken from a watercraft propelled by motor or sails only if the watercraft has stopped and the motor is shut off and the sails are furled. [100.29 s. 5]*

*(c) Migratory waterfowl may be taken from a floating watercraft if the craft is drifting, beached, moored, resting at anchor, or is being propelled by paddle, oars, or pole. [100.29 s. 5]*

*Subd. 3. [UNATTENDED BOATS.] During the open season for waterfowl, a person may not leave an unattended boat used for hunting waterfowl in public waters between sunset and one hour before sunrise, unless the boat is adjacent to private land under the control of the person and the water does not contain a natural growth of vegetation sufficient to partially conceal a hunter or a boat. [100.29 s. 18]*

## Sec. 66. [97B.811] [DECOYS AND BLINDS ON PUBLIC LANDS AND WATERS.]

*Subdivision 1. [BLINDS AND DECOYS PROHIBITED BEFORE SEASON.] A person may not erect a blind or place decoys in public waters or on public land more than one hour before the open season for waterfowl. [100.29 s. 18]*

*Subd. 2. [HOURS FOR PLACING DECOYS.] Except as provided in subdivisions 3 and 4, a person may not place decoys in public waters or on public lands more than one hour before sunrise during the open season for waterfowl. [100.29 s. 18]*

*Subd. 3. [RESTRICTIONS ON LEAVING DECOYS OVERNIGHT.] During the open season for waterfowl, a person may not leave decoys in public waters between sunset and one hour before sunrise unless:*

*(1) the decoys are in waters adjacent to private land under the control of the hunter; and*

*(2) there is not natural vegetation growing in water sufficient to partially conceal a hunter. [100.29 s. 18]*

*Subd. 4. [DECOYS THAT ARE NAVIGATIONAL HAZARD PROHIBITED.] A person may not leave decoys in public waters between sunset and one hour before sunrise if the decoys constitute a navigational hazard. [100.29 s. 18]*

## FUR-BEARING ANIMALS, TRAPPING

**Sec. 67. [97B.901] [COMMISSIONER MAY REQUIRE TAGS ON FUR-BEARING ANIMALS.]**

*The commissioner may, by order, require persons taking fur-bearing animals to tag the animals where they are taken. The commissioner shall prescribe the manner of issuance and the type of tag, which must show the year of issuance. The commissioner shall issue the tag, without a fee, upon request. [98.46 s. 21]*

**Sec. 68. [97B.905] [FUR BUYING AND SELLING LICENSES.]**

*Subdivision 1. [RESIDENT LICENSE.]*

*(a) A resident that has a license to buy and sell raw furs may buy and sell raw furs in the state including:*

*(1) selling raw furs to a manufacturer, representing non-residents;*

*(2) selling raw furs to a broker or agent, representing a nonresident; and*

(3) *conducting a fur auction that makes sales to resident manufacturers and nonresidents.*

(b) *An employee, partner, or officer buying or selling only for a raw fur dealer licensee at an established place of business licensed under article 1, section 68, subdivision 21, clause (a), may obtain a supplemental license under article 1, section 68, subdivision 21, clause (b).* [98.46 s. 4]

*Subd. 2. [NONRESIDENT LICENSE.] A nonresident must obtain a license under article 1, section 68, subdivision 22, to buy or sell raw furs within the state, except a license is not required to buy from a person licensed under article 1, section 68, subdivision 21.* [98.46 s. 16]

*Subd. 3. [BOND REQUIRED FOR FUR BUYER LICENSE APPLICANTS.] Applicants for a raw fur dealer's license must, at the time of application for the license, furnish a corporate surety bond in favor of the state for \$1,000 payable upon violation of the game and fish laws.* [98.46 s. 23]

**Sec. 69. [97B.911] [MUSKRAT SEASONS.]**

*The commissioner may establish open seasons for muskrat between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of muskrat.* [100.27 s. 4]

**Sec. 70. [97B.915] [MINK SEASONS.]**

*The commissioner may establish open seasons for mink between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of mink.* [100.27 s. 4]

**Sec. 71. [97B.921] [OTTER SEASONS.]**

*The commissioner may establish open seasons for otter between October 25 and April 30. The open season in an area may not exceed 30 days. Otter may be taken only by trapping and is subject to restrictions prescribed by the commissioner.* [100.27 s. 4]

**Sec. 72. [97B.925] [BEAVER SEASONS.]**

*The commissioner may establish open seasons for beaver between October 25 and April 30. Beaver may be taken only by trapping and is subject to restrictions prescribed by the commissioner.* [100.27 s. 4]

**Sec. 73. [97B.931] [HOURS FOR TENDING TRAPS RESTRICTED.]**

*A person may not tend a trap set for wild animals between 7:00 p.m. and 5:00 a.m.* [100.29 s. 25]

**Sec. 74. [97B.935] [USE OF VEHICLES FOR TRAPPING BEAVER AND OTTER.]**

*Subdivision 1. [GENERAL PROHIBITION.] Except as provided in this section, a person may not use a snowmobile or an all-terrain vehicle during the open season for beaver or otter, and for two days after the open seasons end, to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts. [100.29 s. 30]*

*Subd. 2. [ALLOWED IN DESIGNATED COUNTIES.] The commissioner may, by order, designate counties where snowmobiles and all-terrain vehicles may be used to transport and check beaver and otter traps and to transport beaver or otter carcasses or pelts. [100.29 s. 30]*

*Subd. 3. [SPECIAL PERMIT FOR DISABLED.] The commissioner may issue a special permit to use a snowmobile or all-terrain vehicle to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts to a licensed trapper physically unable to walk as specified in section 12, subdivision 3. [100.29 s. 30]*

**Sec. 75. [97B.941] [TAMPERING WITH TRAPS.]**

*A person may not remove or tamper with a trap legally set to take fur-bearing animals or unprotected wild animals without authorization. Authorized persons include the commissioner and the owner or lessee of the land where the trap is located. [100.-29 s. 33]*

**Sec. 76. [97B.945] [SETTING OF TRAPS NEAR WATER RESTRICTED.]**

*A person may not set a trap within 150 feet of a stream, lake, or navigable water within 30 days before the open season for mink and muskrat without a special permit by the commissioner. [100.295]*

**ARTICLE 3**

**CHAPTER 97C**

**FISHING**

**FISHING HABITAT**

**Section 1. [97C.001] [EXPERIMENTAL WATERS.]**

*Subdivision 1. [DESIGNATION.] The commissioner may designate all or part of a lake or stream as experimental waters. The designated experimental waters may not exceed 100 lakes*

*and 25 streams at one time. Only lakes and streams that have a public access may be designated. The commissioner shall establish methods and criteria for public initiation of experimental waters designation and for public participation in the evaluation of the waters designated. [97.48 s. 26]*

*Subd. 2. [PUBLIC MEETING.] Before the commissioner designates experimental waters, a public meeting must be held in the county where the largest portion of the lake or stream is located. At least seven days before the public meeting, notice of the meeting must be published in a legal newspaper within the counties where the lake or stream is located. If a lake to be designated has a water area of more than 1,500 acres, a public meeting must also be held in the seven-county metropolitan area. [97.48 s. 26]*

*Subd. 3. [SEASONS, LIMITS, AND REGULATIONS.] The commissioner may, by order, establish open seasons, limits, methods, and other regulations to take fish on experimental waters. [97.48 s. 26]*

**Sec. 2. [97C.005] [SPECIAL MANAGEMENT LAKES.]**

*The commissioner may classify waters for their primary use as trophy lakes, family fishing lakes, special species management lakes, and other designated uses. [97.48 s. 26a]*

**Sec. 3. [97C.011] [MUSKELLUNGE LAKES.]**

*(a) The commissioner may, after holding a public meeting, designate waters with muskellunge as muskellunge waters.*

*(b) The commissioner may prescribe rules for each designated muskellunge waters that:*

- (1) restrict spearing from a darkhouse;*
- (2) restrict angling from a darkhouse;*
- (3) limit the open season to take fish;*
- (4) limit the size of fish that may be kept; and*
- (5) limit the number of each species of fish that may be kept.*

*(c) The commissioner must give notice and hold a hearing before adopting rules under this subdivision. The rules must have a termination date and may only be extended upon a showing by the commissioner, at a hearing, that the muskellunge population in the designated waters has been enhanced.*

(d) *The provisions of section 39, subdivision 1, requiring the angling season on a lake to be closed in proportion to the spearing season do not apply to designated muskellunge lakes.* [101.475 s. 1, 2]

**Sec. 4. [97C.015] [MISSISSIPPI RIVER FISH REFUGE.]**

*Subdivision 1. [ESTABLISHMENT.] The portion of the Mississippi river described in subdivision 3 is a fish refuge when the commissioner concludes a fish refuge agreement with the appropriate state authority in Wisconsin. The agreement must require that a similar fish refuge is established in the Wisconsin waters of the Mississippi river described in subdivision 3.* [99.29 s. 1, 3]

*Subd. 2. [FISHING RESTRICTION.] A person may not take fish from a fish refuge after it is established under this section.* [99.29 s. 2]

*Subd. 3. [LOCATION.] The location of the fish refuge is the portion of the Mississippi river downstream from lock and dam No. 3 located at milepost 796.9 above the mouth of the Ohio river, to the downstream end of Diamond island located at milepost 794.8.* [99.29 s. 1]

**Sec. 5. [97C.021] [ANGLING RESTRICTED IN TROUT STREAMS.]**

*A person may only take fish from a designated trout stream during the open season for trout in the stream.* [97.4842 s. 1, 101.42 s. 9]

**Sec. 6. [97C.025] [FISHING AND MOTORBOATS PROHIBITED IN SPAWNING BEDS AND FISH PRESERVES.]**

*A person may not take fish from or drive motorboats over waters designated as spawning beds or fish preserves.* [101.42 s. 15]

**Sec. 7. [97C.031] [LAKES WITH UNBALANCED FISH POPULATIONS.]**

*The commissioner may establish and amend a list of lakes and rivers that have been found by the director, to contain an unbalanced fish population, or to contain species of fish that have become stunted from overpopulation. The list may not include more than 100 lakes and rivers, or more than six in a county. The commissioner may, by order, establish open seasons, limits, and methods of taking fish from lakes and rivers on the list. The order must be published in each county containing the lake or river.* [101.47 s. 1]

**Sec. 8. [97C.035] [ENDANGERED FISH POPULATIONS.]**

*Subdivision 1. [CONDITIONS.] If the commissioner determines that fish in shallow waters are endangered by lack of oxygen in the winter, or if waters will be restored with the use of piscicides, the commissioner shall rescue the fish under subdivision 2 or allow taking of the fish under subdivision 3. [97.48 s. 16]*

*Subd. 2. [RESCUE OF FISH.] If the commissioner rescues fish endangered by lack of oxygen in the winter, the fish may be transferred to other waters, sold, or otherwise disposed of. [97.48 s. 16]*

*Subd. 3. [TAKING OF FISH.] (a) The commissioner may, by order, authorize residents to take fish:*

- (1) in any quantity;*
  - (2) in any manner, except by use of seines, hoop nets, fyke nets, and explosives; and*
  - (3) for personal use only, except rough fish may be sold.*
- (b) In an emergency the commissioner may authorize the taking of fish without publishing the order if notice is posted conspicuously along the shore of the waters. [97.48 s. 16]*

**Sec. 9. [97C.041] [COMMISSIONER MAY REMOVE ROUGH FISH.]**

*The commissioner may take rough fish, lake whitefish, and rainbow smelt with seines, nets, and other devices. The commissioner may hire or contract persons, or issue permits, to take the fish. The commissioner shall prescribe the manner of taking and disposal. The commissioner may award a contract under this section without competitive bidding. Before establishing the contractor's compensation, the commissioner must consider the qualifications of the contractor, including the contractor's equipment, knowledge of the waters, and ability to perform the work. [97.48 s. 2, 4]*

**Sec. 10. [97C.045] [REMOVAL OF ROUGH FISH FROM BOUNDARY WATERS.]**

*The commissioner may enter into agreements with North Dakota, South Dakota, Wisconsin, and Iowa, relating to the removal of rough fish in boundary waters. The agreements may include:*



- (1) *contracting to remove rough fish;*
- (2) *inspection of the work;*
- (3) *the division of proceeds; and*
- (4) *regulating the taking of rough fish.* [97.48 s. 2]

**Sec. 11. [97C.051] [SPECIAL PERMITS TO USE PISCICIDES.]**

*Subdivision 1. [PERMIT.] The commissioner may issue a special permit, without a fee, to apply piscicides to restore waters at the permittee's expense. The permit may be issued to an individual, a group of riparian owners, or a lake improvement association. The permit may only be issued if all riparian owners have consented in writing.* [98.48 s. 15]

*Subd. 2. [TAKING OF FISH.] The commissioner may set special open seasons, limits, and methods to take fish before the piscicides are applied. The commissioner must post the special provisions at or near the waters.* [98.48 s. 15]

**Sec. 12. [97C.055] [DEAD FISH REMOVAL.]**

*The commissioner shall remove and dispose of dead fish that accumulate in or upon the shores of public waters in quantities that are a public nuisance or are detrimental to game fish.* [101.46]

**Sec. 13. [97C.061] [DRAGGING A WEIGHT OR AN ANCHOR THROUGH VEGETATION.]**

*A person may not use a motorboat to drag an anchor or other weight through aquatic vegetation, except by commissioner's order.* [101.42 s. 19]

**Sec. 14. [97C.065] [POLLUTANTS IN WATERS.]**

*A person may not dispose of any substance in state waters, or allow any substance to enter state waters, in quantities that injure or are detrimental to the propagation of wild animals or taint the flesh of wild animals. Each day of violation is a separate offense. An occurring or continuous violation is a public nuisance. An action may be brought by the attorney general to enjoin and abate nuisance upon request of the commissioner. This section does not apply to chemicals used for pest control for the general welfare of the public.* [101.42 s. 17]

**Sec. 15. [97C.071] [PERMIT REQUIRED FOR STRUCTURE IN PUBLIC WATERS.]**

*A person may not construct or maintain a dam or other obstruction, except a boat pier, in or over public waters without a permit from the commissioner. The commissioner may establish permit conditions for the construction or modification of a fishway around or over a dam or obstruction. [101.42 s. 13]*

**Sec. 16. [97C.075] [FISH SCREENS IN FLOWING WATERS.]**

*A person may not obstruct a creek, stream, or river to prevent the passage of fish with a rack or screen without the permission of the commissioner. The person that erected the obstruction, or the owner of the land where the obstruction is located, must immediately remove the obstruction upon order of the commissioner. [101.48]*

**Sec. 17. [97C.081] [FISHING CONTESTS.]**

*Subdivision 1. [RESTRICTIONS.] A person may not conduct a fishing contest on waters except as provided in this section. [101.42 s. 21]*

*Subd. 2. [CONTESTS WITHOUT A PERMIT.] A person may conduct a fishing contest with entry fees of \$10, or less, per person and total prizes valued at \$2,000, or less, without a permit from the commissioner. The commissioner may, by order, establish restrictions on the fishing contest to protect fish and fish habitat and for the safety of contest participants. [101.42 s. 21]*

*Subd. 3. [CONTESTS AUTHORIZED BY COMMISSIONER.] The commissioner may, by order or permit, allow fishing contests with entry fees over \$10 per person and total prizes valued at more than \$2,000. Permits must be issued without a fee and if the commissioner does not deny the permit within 14 days, excluding holidays, after receipt of an application, the permit is granted. [101.42 s. 21]*

**PROPAGATION**

**Sec. 18. [97C.201] [STATE FISH STOCKING PROHIBITED WITHOUT PUBLIC ACCESS.]**

*The commissioner and state agencies may only stock fish in waters where there is public access. [97.485]*

**Sec. 19. [97C.205] [RULES FOR SPORTING ORGANIZATIONS TO REAR AND STOCK FISH.]**

*The commissioner shall prescribe rules designed to encourage local sporting organizations to propagate game fish by using rearing ponds. The rules must:*

(1) *prescribe methods to acquire brood stock for the ponds by seining public waters;*

(2) *allow the sporting organizations to own and use seines and other necessary equipment; and*

(3) *prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond.* [97.48 s. 20]

**Sec. 20. [97C.211] [PRIVATE FISH HATCHERIES.]**

*Subdivision 1. [LICENSE REQUIRED.] A person may not operate a private fish hatchery without a private fish hatchery license.* [98.46 s. 17]

*Subd. 2. [RULES FOR OPERATION.] The commissioner shall prescribe rules that allow a person to maintain and operate a private fish hatchery to raise and dispose of fish indigenous to state waters.* [97.48 s. 22]

*Subd. 3. [FISHING LICENSE NOT REQUIRED FOR PERSONS TO TAKE FISH.] A person may take fish by angling without a fishing license at a licensed private fish hatchery or an artificial pool containing only fish purchased from a private fish hatchery, if the operator of the hatchery or pool furnishes each person catching fish a certificate prescribed by the commissioner. The certificate must state the number and species of the fish caught and other information as prescribed by the commissioner. A person without a fishing license may possess, ship, and transport within the state the fish caught in the same manner as fish taken by a resident with a fishing license.* [97.48 s. 22]

*Subd. 4. [LICENSE REQUIRED TO TAKE SUCKER EGGS.] A person may not take sucker eggs from public waters for a private fish hatchery without a license to do so.* [98.46 s. 17]

**Sec. 21. [97C.215] [SPECIAL PERMITS FOR UNITED STATES AGENTS.]**

*The commissioner may issue a special permit, without a fee, to an authorized agent of the United States to conduct fish culture operations, rescue work, and related fishery operations.* [98.48 s. 11]

**FISHING METHODS**

**Sec. 22. [97C.301] [LICENSE REQUIRED TO TAKE FISH.]**

*Subdivision 1. [REQUIREMENT.] Unless exempted under article 1, section 62, 63, or 66, subdivision 1, a person must have a license to take fish as provided in this section. [98.45 s. 1]*

*Subd. 2. [ANGLING.] A person may not take fish without an angling license. [98.47 s. 6]*

*Subd. 3. [SPEARING.] A person may not take fish by spearing from a dark house without a dark house spearing license and an angling license. [98.47 s. 6]*

*Subd. 4. [NETTING.] A person may not take fish by netting without the required license to net fish and an angling license. [98.47 s. 6]*

**Sec. 23. [97C.305] [TROUT AND SALMON STAMP.]**

*A person over age 16 and under age 65 required to possess an angling license must have a trout and salmon stamp in possession to take fish by angling in:*

*(1) a stream designated by the commissioner as a trout stream;*

*(2) a lake designated by the commissioner as a trout lake;  
or*

*(3) Lake Superior. [97.4842 s. 1]*

**Sec. 24. [97C.311] [LAKE SUPERIOR FISHING GUIDE LICENSE.]**

*A person may not operate a charter boat and guide anglers on Lake Superior for compensation without a Lake Superior fishing guide license. The commissioner shall prescribe rules for qualification and issuance of the licenses. [98.457]*

**Sec. 25. [97C.315] [ANGLING LINES AND HOOKS.]**

*Subdivision 1. [LINES.] An angler may not use more than one line except:*

*(1) two lines may be used to take fish through the ice; and*

*(2) the commissioner may, by order, authorize the use of two lines in areas designated by the commissioner in Lake Superior. [97.40 s. 32, 101.41 s. 2, 2a]*

*Subd. 2. [HOOKS.] An angler may not have more than one hook on a line, except:*

(1) *three artificial flies may be on a line used to take large-mouth bass, smallmouth bass, trout, crappies, sunfish, and rock bass; and*

(2) *a single artificial bait may contain more than one hook.* [97.40 s. 32, 101.42 s. 2]

**Sec. 26. [97C.321] [RESTRICTIONS ON UNATTENDED LINES.]**

*Subdivision 1. [GENERAL PROHIBITION.] A person may not take fish by angling with a set line or an unattended line except as provided in this section and section 60. [101.42 s. 20]*

*Subd. 2. [ICE FISHING.] A person may use an unattended line to take fish through the ice if:*

(1) *the person is within sight of the line; or*

(2) *a tip-up is attached to the line and the person is within 80 feet of the tip-up. [101.42 s. 20]*

**Sec. 27. [97C.325] [PROHIBITED METHODS OF TAKING FISH.]**

*(a) Except as specifically authorized, a person may not take fish with:*

(1) *explosives, chemicals, drugs, poisons, lime, medicated bait, fish berries, or other similar substances;*

(2) *substances or devices that kill, stun, or affect the nervous system of fish;*

(3) *nets, traps, trot lines, or snares; or*

(4) *spring devices that impale, hook, or capture fish.*

*(b) If a person that possesses a substance or device listed in paragraph (a) on waters, shores, or islands, it is presumptive evidence that the person is in violation of this section. [101.42 s. 11]*

**Sec. 28. [97C.331] [SNAGGING FISH PROHIBITED.]**

*A person may not take fish with a snagline, snagpole, snag-hook, or cluster of fish hooks, designed to be placed in or drawn through the water to hook the body of a fish. [101.42 s. 4]*

**Sec. 29. [97C.335] [USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.]**

*A person may not use artificial lights to lure or attract fish, or to see fish in the water while spearing. [101.42 s. 3]*

Sec. 30. [97C.341] [CERTAIN FISH PROHIBITED FOR BAIT.]

*A person may not use live minnows imported from outside of the state, game fish, gold fish, or carp for bait. [101.42 s. 6]*

Sec. 31. [97C.345] [RESTRICTIONS ON USE AND POSSESSION OF NETS AND SPEARS.]

*Subdivision 1. [PERIOD WHEN USE PROHIBITED.] Except as specifically authorized, a person may not take fish from February 16 to April 30 with a spear, fish trap, net, dip net, seine, or other device capable of taking fish. [101.42 s. 18]*

*Subd. 2. [POSSESSION.] (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.*

*(b) A person may possess spears, dip nets, bows and arrows, and spear guns allowed under section 38 on or near waters between sunrise and sunset after April 30. [101.42 s. 18]*

*Subd. 3. [DIP NETS.] A person may possess and use a dip net between one hour before sunrise and one hour after sunset after April 30. [101.42 s. 18a]*

*Subd. 4. [EXCEPTIONS.] This section does not apply to:*

- (1) nets used to take rainbow smelt during the open season;*
- (2) nets used to land game fish taken by angling;*
- (3) seines or traps used for the taking of minnows for bait; and*
- (4) angling equipment. [101.42 s. 18, 18a]*

Sec. 32. [97C.351] [FISH NETS MUST HAVE TAG ATTACHED.]

*A person may not possess a fish net unless specifically authorized or a metal tag is attached bearing the name and address of the owner when the net is not in use and the name and address of the operator when the net is in use, as prescribed by the commissioner. This section does not apply to minnow nets, landing nets, dip nets, and nets in stock for sale by dealers. [101.42 s. 12]*

Sec. 33. [97C.355] [DARK HOUSES AND FISH HOUSES.]

*Subdivision 1. [IDENTIFICATION REQUIRED.] All shelters on the ice of state waters, including dark houses and fish houses, must have the name and address of an owner legibly painted on the exterior in letters with characters at least three inches high. [101.42 s. 16]*

*Subd. 2. [LICENSE REQUIRED.] A person may not take fish from a dark house or fish house unless the house is licensed and has a metal license tag attached to the exterior as prescribed by the commissioner. The commissioner must issue a metal tag that is at least two inches in diameter with a 3/16 inch hole in the center with a dark house or fish house license. The metal tag must be stamped with a number to correspond with the license and the year of issue. [98.46 s. 5] [101.42 s. 16]*

*Subd. 3. [DOOR MUST OPEN FROM OUTSIDE.] A person may not use a dark house or fish house unless the door is constructed so that it can be opened from the outside when it is in use. [101.42 s. 16]*

*Subd. 4. [DISTANCE BETWEEN HOUSES.] A person may not erect a dark house or fish house within ten feet of an existing dark house or fish house. [101.42 s. 16]*

*Subd. 5. [BURNING OF STRUCTURES.] A person may not burn a structure on the ice of state waters without permission of the commissioner. The commissioner may allow burning only after determining that the structure cannot be removed from the ice by another reasonable manner. The owner must remove the remains of the burned structure from the ice. [101.42 s. 16]*

*Subd. 6. [RESTRICTIONS FOR NONRESIDENTS.] A nonresident may only obtain a license for a fish house that is collapsible and portable, and the house may not be unattended. [98.46 s. 15]*

*Subd. 7. [DATES AND TIMES HOUSES MAY REMAIN ON ICE.] (a) After February 28, a fish house or dark house may not be on the ice between 12:00 a.m. and 7:00 a.m. A fish house or dark house on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by order, extend the date beyond February 28 for any part of international boundary waters. Copies of the order must be conspicuously posted on the shores of the waters as prescribed by the commissioner. [101.42 s. 16]*

*(b) A conservation officer must confiscate a fish house or dark house in violation of paragraph (a). The officer may remove, burn, or destroy the house. The officer shall seize the con-*

*tents of the house and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner. [101.42 s. 16]*

*Subd. 8. [CONFISCATION OF UNLAWFUL STRUCTURES.] Structures on the ice in violation of this section may be confiscated and disposed of, retained by the division, or sold at the highest price obtainable, in a manner prescribed by the commissioner. [101.42 s. 16]*

**Sec. 34. [97C.361] [RESTRICTIONS ON FISH HOUSES AND DARK HOUSES IN THE BOUNDARY WATERS CANOE AREA.]**

*A person may only use a portable fish house or dark house within the boundary waters canoe area. The house must be removed from the waters and collapsed or disassembled each night. The house may not remain in the boundary waters canoe area if the person leaves the boundary waters canoe area. [101.425]*

**Sec. 35. [97C.365] [SPEARS PROHIBITED WHILE ANGLING IN FISH HOUSE OR DARK HOUSE.]**

*A person may not have a spear within a dark house or fish house while angling. [101.42 s. 16]*

**Sec. 36. [97C.371] [SPEARING FISH.]**

*Subdivision 1. [SPECIES ALLOWED.] Only rough fish, catfish, lake whitefish, and northern pike may be taken by spearing. [101.41 s. 4]*

*Subd. 2. [DARK HOUSES REQUIRED FOR CERTAIN SPECIES.] Catfish, lake whitefish, and northern pike may be speared only from dark houses. [101.41 s. 4]*

*Subd. 3. [RESTRICTIONS WHILE SPEARING FROM DARK HOUSE.] A person may not take fish by angling or the use of tip-ups while spearing fish in a dark house. [101.42 s. 20]*

*Subd. 4. [OPEN SEASON.] The open season for spearing through the ice is December 1 to February 15. [101.41 s. 4]*

**Sec. 37. [97C.375] [TAKING ROUGH FISH BY SPEARING OR ARCHERY.]**

*A resident may take rough fish by spearing or archery during the times, in waters, and in the manner prescribed by the commissioner. [101.411]*



## Sec. 38. [97C.381] [HARPOONING ROUGH FISH.]

*A resident may use a rubber powered gun, spring gun, or compressed air gun to take rough fish by harpooning. The harpoon must be fastened to a line not more than 20 feet long. The commissioner may prescribe the times, the waters, and the manner for harpooning rough fish. [101.51]*

## Sec. 39. [97C.385] [COMMISSIONER'S AUTHORITY TO REGULATE WINTER FISHING.]

*Subdivision 1. [SUMMER ANGLING SEASON TO BE CLOSED IN SAME PROPORTION.] If the commissioner closes the statutory open season for the spearing of a game fish species in any waters, the commissioner must, in the same order, close the following statutory open season for angling for the same species in the waters in the same proportion. [97.48 s. 1]*

*Subd. 2. [SUMMER ANGLING LIMITS MUST BE SAME AS SPEARING.] If the commissioner reduces the limit of a species of game fish taken by spearing in any waters under article 1, section 8, subdivision 2, the commissioner must reduce the limit for taking of the species by angling in the waters during the following open season for angling. [97.48 s. 1]*

*Subd. 3. [CLOSING LAKES AND STREAMS IN A COUNTY.] The commissioner may not close the open season for taking game fish through the ice on more than 50 percent of the named lakes or streams of a county under article 1, section 8, subdivision 2. [97.48 s. 1]*

## Sec. 40. [97C.391] [BUYING AND SELLING FISH.]

*Subdivision 1. [GENERAL RESTRICTIONS.] A person may not buy or sell fish taken from the waters of this state, except:*

- (1) minnows;*
- (2) rough fish excluding ciscoes;*
- (3) fish taken under licensed commercial fishing operations;*
- (4) fish raised in a private hatchery that are tagged or labeled as prescribed by the commissioner; and*
- (5) fish lawfully taken and subject to sale from other states and countries. [101.41 s. 4; 101.42 s. 3]*

*Subd. 2. [RESTRICTIONS ON CERTAIN GAME FISH.] Largemouth bass, smallmouth bass, rock bass, muskellunge, and sunfish may not be bought or sold unless bought or sold by a*

*private hatchery to stock waters for recreational fishing as prescribed by the commissioner. [101.42 s. 7]*

**Sec. 41. [97C.395] [OPEN SEASONS FOR ANGLING.]**

*Subdivision 1. [DATES FOR CERTAIN SPECIES.] The open seasons to take fish by angling are as follows:*

*(1) for walleye, sauger, northern pike, muskellunge, large-mouth bass, and smallmouth bass, from May 15 to the third Monday in February;*

*(2) for lake trout, from January 1 to October 31;*

*(3) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by order except as provided in section 45, subdivision 2; and*

*(4) for salmon, as prescribed by the commissioner by order. [101.41 s. 2; 101.50]*

*Subd. 2. [CONTINUOUS SEASON FOR CERTAIN SPECIES.] For sunfish, white crappie, black crappie, yellow perch, catfish, rock bass, white bass, lake whitefish, and rough fish, the open season is continuous. [101.41 s. 2]*

**Sec. 42. [97C.401] [COMMISSIONER AUTHORIZED TO PRESCRIBE LIMITS.]**

*Unless otherwise provided in this chapter, the commissioner shall, by order, prescribe the limits on the number of each species of fish that may be taken in one day and the number that may be possessed. [101.41 s. 6]*

**Sec. 43. [97C.405] [MUSKELLUNGE SIZE LIMITS.]**

*(a) Except as allowed under paragraph (b), if a person catches a muskellunge less than 36 inches long in waters north of trunk highway No. 210, the person must immediately release the fish into the waters.*

*(b) The commissioner may designate lakes north of trunk highway No. 210 where muskellunge less than 36 inches, but not less than 30 inches long, may be retained. [101.42 s. 1a]*

**Sec. 44. [97C.411] [STURGEON AND PADDLEFISH.]**

*Lake sturgeon, shovelnose sturgeon, and paddlefish may not be taken, bought, sold, transported or possessed except as provided by order of the commissioner. The commissioner may only allow the taking of these fish in waters that the state boundary passes*

*through except that an order that applies to the St. Croix river must also apply to its tributaries. [101.41 s. 1]*

Sec. 45. [97C.415] [TROUT AND SALMON.]

*Subdivision 1. [HOURS FOR TAKING TROUT RESTRICTED.] A person may not take trout, except lake trout between 11:00 p.m. and one hour before sunrise. [101.42 s. 8]*

*Subd. 2. [LAKE SUPERIOR STREAMS.] The commissioner may prescribe the open season and conditions for taking brook trout, brown trout, rainbow trout, steelhead trout, and salmon in any portion of a stream that flows into Lake Superior. [101.48]*

*Subd. 3. [SALMON.] The commissioner may prescribe, by order, the method of taking and possessing salmon. [101.50]*

MINNOWS

Sec. 46. [97C.501] [MINNOW LICENSES REQUIRED.]

*Subdivision 1. [MINNOW RETAILERS.] (a) A person may not be a minnow retailer without a minnow retailer license except as provided in subdivision 3. [98.46 s. 17]*

*(b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow retailer's place of business, except as provided in subdivision 3. [97.40 s. 27; 98.46 s. 17(1)]*

*Subd. 2. [MINNOW DEALERS.] (a) A person may not be a minnow dealer without a minnow dealer license except as provided in subdivision 3.*

*(b) A minnow dealer must obtain a minnow dealer's helper license for each person employed to take, buy, sell, or transport minnows by the minnow dealer. The minnow dealer may transfer a helper's license from a former helper to a new helper.*

*(c) A minnow dealer must obtain a minnow dealer's vehicle license for each motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.*

*(d) A minnow dealer may not transport minnows out of the state without an exporting minnow dealer license. A minnow dealer must obtain an exporting minnow dealer's vehicle license for each motor vehicle used to transport minnows out of the state.*

*The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle. [98.46 s. 5]*

**Subd. 3. [LICENSE EXEMPTION FOR MINORS SELLING LEECHES.]** *A resident under age 18 may take leeches, sell leeches at retail, and transport leeches without a minnow retailer or dealer license. [97.40 s. 12]*

**Subd. 4. [NONRESIDENT MINNOW HAULERS.]** *(a) A nonresident may not transport minnows in a motor vehicle without an exporting minnow hauler license. [97.45 s. 15, 98.46 s. 5a]*

*(b) A nonresident must obtain an exporting minnow hauler's vehicle license for the motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle. [98.46 s. 5a]*

*(c) Only one nonresident motor vehicle license may be issued to an exporting minnow hauler. [98.46 s. 5a]*

**Sec. 47. [97C.505] [MINNOWS.]**

**Subdivision 1. [AUTHORITY TO TAKE, POSSESS, BUY, AND SELL.]** *Minnows may be taken, possessed, bought, and sold, subject to the restrictions in this chapter. [101.41 s. 4]*

**Subd. 2. [CONTINUOUS OPEN SEASON.]** *The open season for taking minnows is continuous, except as provided in subdivisions 3 and 4. [101.41 s. 4]*

**Subd. 3. [CLOSING WATERS.]** *The commissioner may close any state waters for commercially taking minnows if a survey is conducted and the commissioner determines it is necessary to close the waters to prevent depletion or extinction of the minnows. [97.48 s. 6]*

**Subd. 4. [HOURS OF TAKING.]** *A person may not take minnows from one hour after sunset to one hour before sunrise. [101.42 s. 5]*

**Subd. 5. [RESTRICTIONS ON TAKING FROM TROUT WATERS.]** *A person may not take minnows from designated trout lakes or trout streams without a special permit issued by the commissioner. [101.42 s. 5]*

**Subd. 6. [APPROVED EQUIPMENT REQUIRED.]** *A person must use equipment approved by the commissioner to possess or transport minnows for sale. [101.42 s. 5]*

**Sec. 48. [97C.511] [MINNOW SEINES.]**

*Subdivision 1. [SIZE RESTRICTIONS.] Except as provided in subdivision 2, a person may not take minnows with a seine longer than 25 feet, and deeper than:*

- (1) 148 meshes of 1/4 inch bar measure;*
- (2) 197 meshes of 3/16 inch bar measure; or*
- (3) four feet of material of less than 3/16 inch bar measure.*  
[101.42 s. 5]

*Subd. 2. [LICENSED MINNOW DEALERS.] A minnow dealer may take minnows with a seine that is not longer than 50 feet, and not deeper than:*

- (1) 222 meshes of 1/4 inch bar measure;*
- (2) 296 meshes of 3/16 inch bar measure; or*
- (3) six feet of material of less than 3/16 inch bar measure.*  
[101.42 s. 5]

**Sec. 49. [97C.515] [IMPORTED MINNOWS.]**

*Subdivision 1. [GENERAL PROHIBITION.] A person may not bring live minnows into the state except as provided in this section.* [101.42 s. 6]

*Subd. 2. [PERMIT FOR TRANSPORTATION.] A person may transport minnows through the state with a permit from the commissioner. The permit must state the name and address of the person, the number and species of minnows, the point of entry into the state, the destination, and the route through the state. The permit is not valid for more than 12 hours after it is issued.* [101.42 s. 6]

*Subd. 3. [USE IN HOME AQUARIUMS ALLOWED.] A person may bring live minnows into the state for home aquariums.* [101.42 s. 6]

**Sec. 50. [97C.521] [TRANSPORTATION OF CARP FINGERLINGS PROHIBITED.]**

*A person may not transport live carp fingerlings.* [101.42 s. 6]

**Sec. 51. [97C.525] [RESTRICTIONS ON TRANSPORTATION OF MINNOWS.]**

*Subdivision 1. [APPLICABILITY.] This section does not apply to the transportation of 24 dozen minnows, or less, or to transportation with a permit issued under section 49, subdivision 2. [97.45 s. 15]*

*Subd. 2. [TRANSPORTING OUT OF THE STATE.] A person may not transport minnows out of the state, except as provided in this section. [97.45 s. 15]*

*Subd. 3. [MINNOW DEALERS AND HAULERS.] A resident minnow dealer or a nonresident exporting minnow hauler may transport leeches, suckers, and fathead minnows out of the state. A nonresident exporting minnow hauler must possess a bill of lading issued by a minnow dealer with an exporting minnow dealer's license. The bill of lading must be on a form furnished by the commissioner and must state the exporting minnow hauler's name and address, the route through the state, number and species of minnows, and the time it was issued. [97.45 s. 15]*

*Subd. 4. [MINNOW RETAILERS.] A minnow retailer transporting minnows from a place of wholesale purchase to the retailer's place of business must use the most reasonably direct route. [97.45 s. 15]*

*Subd. 5. [OUT OF STATE VEHICLES.] The exporting minnow hauler must transport the minnows out of the state within 24 hours of the time of issuance stated on the bill of lading. A person may not transport minnows in a motor vehicle licensed in another state without an exporting minnow hauler's vehicle license. [97.45 s. 15, 98.46 s. 5]*

## AMPHIBIANS

### Sec. 52. [97C.601] [FROGS.]

*Subdivision 1. [SEASON.] The open season for frogs is May 16 to March 31. The commissioner may, by order, establish closed seasons in specified areas. [101.44]*

*Subd. 2. [LICENSE REQUIRED.] (a) A person may not take or possess frogs without an angling license if the person is required to have an angling license to take fish.*

*(b) A person may not purchase, possess, and transport frogs for purposes other than bait without a license to purchase, possess, and transport frogs.*

*(c) A person may not take, possess, transport, and sell frogs for purposes other than bait without a license to take, possess, transport, and sell frogs. [101.44]*

*Subd. 3. [TAKING WITH CLOTH SCREENS PROHIBITED.] A person may not use cloth screens or similar devices to take frogs. [101.44]*

*Subd. 4. [TAKING WITH ARTIFICIAL LIGHTS.] The commissioner may issue permits to take frogs with the use of artificial lights in waters designated in the permit. [97.48 s. 21]*

*Subd. 5. [LIMITS.] (a) A person may possess frogs, up to six inches long, without limit if the frogs are possessed, bought, sold, and transported for bait.*

*(b) Unless the commissioner prescribes otherwise, a person may possess frogs over six inches long and:*

*(1) transport the frogs, except by common carrier; and*

*(2) sell the frogs in any quantity during the open season.*

*(c) The length of a frog is measured from the tip of the nose to the tip of the hind toes, with the legs fully extended. [101.44]*

*Subd. 6. [BUYING AND SELLING FOR PURPOSES OTHER THAN BAIT.] The commissioner shall prescribe rules for buying, selling, possessing, and transporting frogs for purposes other than bait. [101.44]*

*Subd. 7. [FOR HUMAN CONSUMPTION.] The commissioner may issue permits for importing, raising, and selling frogs for human consumption. [101.441]*

#### **Sec. 53. [97C.605] [TURTLES.]**

*Subdivision 1. [LICENSE REQUIRED.] A person may not take, possess, buy, sell, or transport turtles without an angling license. [101.45]*

*Subd. 2. [SALES LICENSE.] A person may not take, transport, or purchase unprocessed turtles for sale without a turtle seller's license. A person with a turtle seller's license may take turtles for sale as prescribed by the commissioner. [101.45]*

*Subd. 3. [TAKING; METHODS PROHIBITED.] A person may take turtles in any manner, except by use of explosives, drugs, poisons, lime, and other harmful substances, or by the use of traps or nets other than landing nets. [101.45]*

*Subd. 4. [ARTIFICIAL LIGHTS.] The commissioner may issue permits to take turtles with the use of artificial lights in designated waters. [97.48 s. 21]*

## Sec. 54. [97C.611] [SNAPPING TURTLES; LIMITS.]

*A person may not possess more than ten snapping turtles of the species Chelydra serpentina. The size of the turtles must have a dorsal surface of the shell that measures at least ten inches long.* [101.45]

## Sec. 55. [97C.615] [COMMISSIONER MAY REMOVE TURTLES.]

*The commissioner may take turtles with seines, nets, and other devices. The commissioner may hire or contract persons, or issue permits, to take the turtles. The commissioner shall prescribe the manner of taking and disposal. The commissioner may award a contract under this section without competitive bidding. Before establishing the contractor's compensation, the commissioner must consider the qualifications of the contractor, including the contractor's equipment, knowledge of the waters, and ability to perform the work.* [97.48 s. 4]

## Sec. 56. [97C.621] [AREAS MAY BE CLOSED TO TAKING TURTLES.]

*The commissioner may prohibit the taking of turtles from state waters where operations are being conducted to aid fish propagation.* [97.48 s. 17]

## MUSSELS AND CLAMS

## Sec. 57. [97C.701] [TAKING MUSSELS.]

*Subdivision 1. [COMMISSIONER'S AUTHORITY.] The commissioner may prescribe conditions for taking mussels.* [97.-48 s. 5]

*Subd. 2. [USE OF BOATS TO TAKE MUSSELS.] A person may not use more than one boat or rig to take mussels except a boat for towing without a mussel-taking apparatus attached.* [102.24 s. 2]

*Subd. 3. [NUMBER AND SIZE OF BARS RESTRICTED.] While taking mussels a person may not:*

*(1) possess more than four crow-foot bars or bars having hooks attached;*

*(2) have more than two bars in the water; or*

*(3) use bars longer than 20 feet in length.* [102.24 s. 2]



*Subd. 4. [DREDGES; RESTRICTIONS.] A person may only use one dredging apparatus to take mussels. The dredge openings may not be greater than three feet or have prongs longer than four inches. [102.24 s. 2]*

*Subd. 5. [PITCHFORKS PERMITTED FOR CLAM SHELLS.] A person may use a pitchfork to gather clam shells. [102.24 s. 2]*

*Subd. 6. [POSSESSION, SALE, AND TRANSPORTATION.] Mussels and clams may be possessed, bought, sold, and transported in any quantity during the open season and seven days after the season closes. [102.23]*

**Sec. 58. [97C.705] [MUSSEL SEASONS.]**

*Subdivision 1. [OPEN SEASON.] The open season for taking mussels is from May 16 to the last day of February. [102.24 s. 1]*

*Subd. 2. [CLOSED AREAS.] The commissioner may close up to 50 percent of the mussel producing waters of the state to the taking of mussels. [97.48 s. 5]*

**Sec. 59. [97C.711] [MUSSEL SIZE LIMITS.]**

*A person may not take mussels less than 1-3/4 inches in the greatest dimension, except pigtoes. A person must return undersized mussels to the water without injury. [102.24 s. 1, 2]*

**NETTING AND COMMERCIAL FISHING**

**Sec. 60. [97C.801] [TAKING ROUGH FISH ON MISSISSIPPI AND MINNESOTA RIVERS.]**

*Subdivision 1. [ROUGH FISH ON MINNESOTA AND MISSISSIPPI RIVERS.] (a) A license is required to take rough fish by set line in the Minnesota river from Mankato to its junction with the Mississippi river, and in the Mississippi river from St. Anthony Falls to the St. Croix junction. [98.46 s. 9]*

*(b) A person may use only one set line to take rough fish in the Minnesota river from Mankato to its junction with the Mississippi river, and in the Mississippi river from St. Anthony Falls to the St. Croix river junction, and the set line must:*

- (1) have not more than ten hooks;*
- (2) be set only in the flowing waters of the river;*
- (3) staked only at one end; and*

(4) remain at the location designated in the application for license unless approval of the commissioner has been given to change the location. [102.25 s. 2]

(c) Notwithstanding section 40, subdivision 1, rough fish taken under this subdivision may not be bought or sold. [98.46 s. 9]

**Subd. 2. [COMMERCIAL FISH NETTING AND SET LINES ON MISSISSIPPI RIVER.]** (a) A license is required to commercially take rough fish with seines and set lines in the Mississippi river from the St. Croix river junction to St. Anthony Falls. [98.46 s. 7, 8]

(b) A person may take rough fish in the Mississippi river, from the St. Croix river junction to St. Anthony Falls, only with the following equipment and methods:

(1) operations shall be conducted only in the flowing waters of the river and in tributary backwaters prescribed by the commissioner;

(2) only one set line may be used that has an identification tag and not more than 100 hooks;

(3) seines may be used only as prescribed by the commissioner;

(4) seines must be hauled to a landing immediately after being placed;

(5) two seines may not be joined together in the water;

(6) a net may not be raised, laid out, or landed, between sunset and sunrise; and

(7) the location of a net or seine may not be changed from the place specified in the license application without notifying the commissioner of the proposed change. [102.25 s. 1]

**Sec. 61. [97C.805] [NETTING OF LAKE WHITEFISH AND CISCOES.]**

**Subdivision 1. [OPEN SEASON.]** The commissioner shall, by order, prescribe the open season and open state waters for netting lake whitefish and ciscoes. The commissioner may prescribe that the date for the open season to begin is prior to the effective date of the order under article 1, section 9, if the commissioner posts notice of the date and time in appropriate public places at least 48 hours before the open season begins. [97.53 s. 3, 101.41 s. 5]

*Subd. 2. [RESTRICTIONS.] (a) The netting of lake whitefish and ciscoes is subject to the restrictions in this subdivision.*

*(b) A person may not use:*

*(1) more than two nets;*

*(2) a net more than 100 feet long; or*

*(3) a net more than three feet wide.*

*(c) The mesh size of the nets may not be less than:*

*(1) one and three-fourths inches, extension measure, for nets used to take ciscoes in Lake Superior; and*

*(2) three and one-half inches, extension measure, for all other nets.*

*(d) A net may not be set in water, including ice thickness, deeper than six feet.*

*(e) The commissioner may designate waters where nets may be set so that portions of the net extend into water deeper than six feet under conditions prescribed by the commissioner to protect game fish. A pole or stake must project at least two feet above the surface of the water or ice at one end of each net.*

*(f) A net may not be set within 50 feet of another net. [101.41 s. 5]*

*Subd. 3. [FISH MAY NOT BE SOLD.] Notwithstanding section 40, subdivision 1, lake whitefish and ciscoes taken under this section may not be bought or sold. [101.41, s. 5]*

*Subd. 4. [NO LIMIT ON ROUGH FISH NETTED.] Lake whitefish and ciscoes taken under this section may be taken and possessed without limit. Rough fish caught while netting may be retained. [101.41 s. 5]*

**Sec. 62. [97C.811] [COMMERCIAL FISHING IN INLAND WATERS.]**

*Subdivision 1. [INLAND WATERS DEFINED.] For the purposes of this section and article 1, section 68, subdivision 30, "inland waters" means all waters entirely located within the boundaries of the state and the border waters between Minnesota and North Dakota, South Dakota and Iowa, excluding those waters described in section 60. [102.285 s. 1]*

*Subd. 2. [COMMERCIAL FISH DEFINED.] For purposes of this section and article 1, section 68, subdivision 30, "commercial fish" are carp; bowfin; burbot; ciscoe; goldeye; rainbow smelt; black bullhead, brown bullhead, and yellow bullhead; lake whitefish; members of the sucker family, Catostomidae, including white sucker, redhorse, bigmouth buffalo, and smallmouth buffalo; members of the drum family, Sciaenidae, including sheepshead; and members of the gar family, Lepisosteidae. [102.285 s. 1]*

*Subd. 3. [REGULATION.] The commissioner shall, by order, regulate the taking, possession, transportation, and sale of commercial fish, and the licensing of commercial fishing operators in inland waters. [102.285 s. 1]*

*Subd. 4. [LICENSES REQUIRED.] A person may not commercially fish inland waters without a commercial fishing license. Nonresidents may only be licensed to fish waters not previously assigned to residents. In the license application the applicant must list the number of feet of seine of each depth to be licensed. [98.46 s. 9a, 100.285 s. 1]*

*Subd. 5. [SEASON.] Licenses to net commercial fish in inland waters are issued to residents and nonresidents annually subject to this section and shall be valid for commercial fishing during the open season for commercial fishing in inland waters from the day after Labor Day to the day before the open season for walleye. [98.46 s. 9a]*

*Subd. 6. [LICENSE INVALIDATION.] (a) A license to take commercial fish is void upon:*

- (1) the licensee's death;*
- (2) sale of the commercial fishing business;*
- (3) removal of the commercial fishing business from the state;*
- (4) conviction of two or more violations of inland commercial fishing laws within a license period; or*
- (5) failure to apply for a new or renewal license prior to June 15 of any year.*

*(b) A commercial inland fishing license is not subject to the license revocation provisions of article 1, section 57. Commercial fishing rights and area assignments covered by a license that becomes void reverts to the commissioner for reassignment. [102.285 s. 6]*

*Subd. 7. [MONTHLY REPORTS.] A licensed inland commercial fishing operator shall submit a report on the licensed activities the operator was engaged in to the commissioner each month. The report must be on a form provided by the commissioner and submitted prior to the 15th day of the following month. The report shall be submitted whether fishing activity took place unless the operator has a written release from this obligation signed by the commissioner. [102.285 s. 5]*

**Sec. 63. [97C.815] [COMMERCIAL FISHING AREAS.]**

*Subdivision 1. [DESIGNATION.] The commissioner shall specify inland commercial fishing areas, taking into account the amount, size, and proximity of waters specified, the species to be removed, and the type and quantity of fishing gear and equipment necessary to provide an adequate removal effort. The commissioner may change inland commercial fishing area boundaries by order prior to a new licensing period. [102.285 s. 2]*

*Subd. 2. [ASSIGNMENT.] The commissioner shall assign licensed inland commercial fishing operators to commercial fishing areas and each operator shall be obligated to fish in the area that the commissioner has assigned to them. The commissioner's assignment shall be valid as long as the assigned operator continues to purchase a license, continues to provide an adequate removal effort in a good and professional manner, and is not convicted of two or more violations of laws or rules governing inland commercial fishing operations during any one license period. In the operator assignment, the commissioner shall consider the proximity of the operator to the area, the type and quantity of fish gear and equipment possessed, knowledge of the affected waters, and general ability to perform the work well. [102.285 s. 3]*

*Subd. 3. [UNUSED AREAS.] If an area is not assigned, or the operator licensed for the area is not fishing that area, the commissioner may issue a special inland commercial fishing permit for the area. The permit may be issued to an individual holding a valid inland commercial fishing license. The permit must describe the specific waters involved, the county, the species to be removed, the equipment to be used, and the time period of the total operation. [102.285 s. 4]*

*Subd. 4. [INLAND COMMERCIAL FISHERMEN'S TRADE ASSOCIATION; LICENSE PROBLEMS.] The commissioner shall consult with representatives of the inland commercial fishermen's trade association when disagreements arise in the areas of license issuance, problems with performance pursuant to the license, area assignments, and the entry of new commercial fishing operators into the inland commercial fishery. [102.285 s. 7]*

**Sec. 64. [97C.821] [POSSESSION, SALE, AND TRANSPORTATION OF COMMERCIAL FISH.]**

*Subject to the applicable provisions of the game and fish laws, fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold, and transported during the open seasons provided for the fish, and for seven days after the season closes. Fish frozen or cured during the open season may be transported, bought, and sold at any time. [102.23]*

**Sec. 65. [97C.825] [LAKE OF THE WOODS AND RAINY LAKE FISHING.]**

**Subdivision 1. [NEW COMMERCIAL FISHING LICENSES PROHIBITED.]** *The commissioner may not issue a new commercial fishing license that allows netting of game fish on Lake of the Woods and Rainy Lake. [102.235]*

**Subd. 2. [RESTRICTIONS ON FISH AND NETS.]** *The following regulations and restrictions shall apply to all commercial fishing operations conducted in Lake of the Woods and Rainy Lake unless otherwise changed by order of the commissioner under authority of article 1, section 8, subdivision 4:*

*(a) Any fish, except largemouth bass, smallmouth bass, rock bass, muskellunge, crappies, sturgeon, and sunfish, may be taken subject to all other restrictions contained in the game and fish laws.*

*(b) Pound net mesh and staked trap net mesh may not be less than 2-1/2 inches nor more than four inches stretch measure in the pound or crib.*

*(c) Gill net mesh may not be less than four inches stretch measure, and may not be more than 30 meshes in width.*

*(d) Fyke net mesh may not be less than 2-1/2 inches nor more than four inches stretch measure in the pot or crib. Fyke nets may not have a hoop or opening more than six feet in height, wings more than 100 feet in length, nor a lead more than 400 feet in length.*

*(e) Submerged trap net mesh may not be less than 2-1/2 inches nor more than three inches stretch measure in the heart, pot, or crib. A submerged trap net may not have a pot or crib exceeding 150 square feet in area, a lead exceeding 300 feet in length, nor a pot or lead exceeding 12 feet in depth. [102.26 s. 1]*

**Subd. 3. [NET LIMITS FOR INDIVIDUAL OPERATORS.]** *A person may not operate more than six pound nets, 4,000 feet of gill nets, eight submerged trap nets, ten fyke or staked trap nets, or one pound net station. [102.26 s. 2]*

*Subd. 4. [NET LOCATION.] Nets may only be set at a place consented to by the commissioner. [102.26 s. 2]*

*Subd. 5. [NET LIMITS FOR LAKE OF THE WOODS AND RAINY LAKE.] The maximum amount of nets permitted to be licensed shall be:*

*(a) In Lake of the Woods, 50-pound nets, 80,000 feet of gill nets or 160 submerged trap nets, and 80 fyke or staked trap nets. Licenses for submerged trap nets may be issued instead of licenses for gill nets in the ratio of not more than one submerged trap net per 500 feet of gill net, and the maximum permissible amount of gill nets shall be reduced by 500 feet for each submerged trap net licensed.*

*(b) In Rainy Lake, 20-pound nets and 20,000 feet of gill nets.*

*(c) When a licensee has had a license revoked or surrendered, the commissioner shall not be required to issue licenses for the amount of netting previously authorized under the revoked or surrendered license.*

*(d) Commercial fishing may be prohibited in the Minnesota portions of international waters when it is prohibited in the international waters by Canadian authorities.*

*(e) The commissioner may adopt rules to limit the total amount of game fish taken by commercial fishing operators in Lake of the Woods in any one season and shall apportion the amount to each licensee in accordance with the number and length of nets licensed. [102.26 s. 3]*

*Subd. 6. [WALLEYE LIMITS, LAKE OF THE WOODS.] The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Lake of the Woods in any one season on the following schedule:*

YEAR	SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS
1984	164,000
1985	150,000
1986	135,000
1987	120,000
1988	100,000

1989	80,000
1990	60,000
1991	30,000
1992	0

*The allocation of walleye poundage among the licensees shall be determined by order of the commissioner. [102.26 s. 3a]*

*Subd. 7. [WALLEYE LIMITS; RAINY LAKE.] The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Rainy Lake in any one season on the following schedule:*

YEAR	SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS
1984	14,500
1985	12,500
1986	10,500
1987	8,500
1988	6,500
1989	4,500
1990	2,500
1991	1,000
1992	0

*The seasonal commercial walleye take in pounds in Rainy Lake shall be allocated among the licensees by order of the commissioner. [102.26 s. 3b]*

*Subd. 8. [GILL NETS; LAKE OF THE WOODS AND RAINY LAKE.] Gill net licenses on Lake of the Woods and Rainy Lake shall be canceled after the 1987 license year. A gill net licensee whose license is canceled as provided in this subdivision retains the walleye quota held at the time of cancellation, subject to the quota phase-out schedule in subdivision 6 or 7. Notwithstanding subdivision 1, the licensee may be issued a*



*pound or trap net license for the netting of game fish in accordance with the quota of the licensee. [102.26 s. 3c]*

*Subd. 9. [WALLEYE QUOTAS; SALE, TRANSFER.] An existing licensee may transfer the walleye quota allocated to the licensee under subdivision 6 or 7 to any other existing licensee or, after July 1, 1985, the licensee may sell the quota to the state. If a licensee sells the quota to the state, the licensee must sell the quota for all years remaining in the quota schedule as provided in subdivision 6 or 7. A sale to the state shall be at the present wholesale value of the quota as determined assuming the following:*

*(1) an allocation to the licensee of the same proportion of the total remaining walleye quota as allocated in the year of sale; and*

*(2) a walleye wholesale price in the round of \$1.15 per pound. A licensee may elect to receive payment for a sale to the state in a lump sum or in up to four annual installments. A quota sold to the state cancels and is not available for reallocation to another licensee. When a walleye quota is sold to the state and canceled, the gill net license of the licensee is canceled. [102.26 s. 3d]*

*Subd. 10. [TAKING EGGS FOR PROPAGATION; COMMISSIONER'S RULE.] The commissioner may require a person licensed to take fish for commercial purposes in the waters covered by this section to take eggs for propagation purposes when it can be done in connection with the licensed commercial fishing. The eggs must be taken under rules prescribed by the commissioner. [102.26 s. 4]*

**Sec. 66. [97C.831] [NAMAKAN AND SAND POINT LAKES; COMMERCIAL FISHING.]**

*Subdivision 1. [LAKE WHITEFISH AND ROUGH FISH.] Lake whitefish and rough fish may be taken by licensed commercial fishing operators unless otherwise changed by order of the commissioner, under section 61, subdivision 1, from Namakan Lake and Sand Point Lake. [102.27 s. 1]*

*Subd. 2. [GILL NETS PROHIBITED ON SAND POINT LAKE.] Gill nets may not be used in Sand Point Lake. [102.27 s. 1]*

*Subd. 3. [MAXIMUM AMOUNT OF NETS IN SAND POINT LAKE.] The maximum amount of nets permitted to be licensed in Sand Point Lake shall be 12 pound, fyke, or submerged trap nets. [102.27 s. 3]*

*Subd. 4. [MAXIMUM AMOUNT OF NETS IN NAMAKAN LAKE.] The maximum amount of nets that may be licensed in*

*Namakan Lake shall be (1) 7,000 feet of gill net, with a mesh not less than four inches stretch measure, and (2) 12 pound, fyke, or submerged trap nets. [102.27 s. 2]*

**Sec. 67. [97C.835] [LAKE SUPERIOR COMMERCIAL FISHING.]**

*Subdivision 1. [COMMERCIAL FISHING LICENSE FOR LAKE SUPERIOR.] (a) A license to fish commercially in Lake Superior shall be issued only to a resident who possesses 5,000 feet of gill net of mesh sizes permitted in subdivisions 4 and 5 or two pound nets, has landed fish in the previous year with a value of at least \$1,500, except for those state waters from Duluth to Silver Bay upon the discretion of the commissioner, and has engaged in commercial fishing for at least 50 days of the previous year. An applicant shall be issued a license without meeting these requirements if the applicant is 65 or more years of age and has held a license continuously since 1947. An applicant may be issued a license, at the discretion of the commissioner, if failure to meet these requirements resulted from illness or other mitigating circumstances, or the applicant has reached the age of 65 and has been licensed at least ten of the previous 15 years. Persons receiving licenses under these provisions for applicants 65 years of age or more must be in attendance at the setting and lifting of nets. The commissioner may issue multiple licenses to individuals who meet these requirements and have held multiple licenses prior to 1978. [98.46 s. 12]*

*(b) A license may be issued to a resident who has not previously fished commercially on Lake Superior and has not been convicted of a game and fish law violation in the preceding three years, if the applicant:*

*(1) shows a bill of sale indicating the purchase of gear and facilities connected with an existing license;*

*(2) shows proof of inheritance of all the gear and facilities connected with an existing license; or*

*(3) has served at least two years as a helper in a Minnesota Lake Superior licensed commercial fishing operation. [98.46 s. 12]*

*Subd. 2. [TYPES OF FISH PERMITTED.] Lake trout, ciscoes, chubs, alewives, lake whitefish, round whitefish, pygmy whitefish, rainbow smelt, and rough fish may be taken by licensed commercial fishing operators from Lake Superior, in accordance with this section. [102.28 s. 1]*

*Subd. 3. [POUND NETS AND TRAP NETS.] Pound or trap nets may be used to take round whitefish, pygmy whitefish,*

*ciscoes, chubs, alewives, rainbow smelt, and rough fish in Lake Superior, including St. Louis Bay, under the rules prescribed by the commissioner. [102.28 s. 2]*

**Subd. 4. [GILL NETS; LAKE TROUT AND LAKE WHITEFISH.]** *Gill nets for taking lake trout and lake whitefish may not be less than 4-1/2 inch extension measure mesh. The commissioner may prescribe rules to limit the total amount of gill net to be licensed for the taking of lake trout and lake whitefish and may limit the amount of net to be operated by each licensee. [102.28 s. 3]*

**Subd. 5. [GILL NETS; CISCOES.]** *Gill nets for taking ciscoes and chubs may not be less than 2-1/4 inch extension measure mesh and may not exceed 2-3/4 inch extension measure mesh. [102.28 s. 4]*

**Subd. 6. [MAXIMUM AMOUNT OF GILL NET IN LAKE SUPERIOR.]** *The amount of gill net licensed in Minnesota waters of Lake Superior may not exceed 300,000 feet of net weighted to fish in a floating or suspended position off the bottom and 300,000 feet of net weighted to fish on the bottom. [102.28 s. 4]*

**Subd. 7. [MAXIMUM AMOUNT OF GILL NET FOR EACH LAKE SUPERIOR LICENSEE.]** *A licensee may not operate more than 6,000 feet of gill net weighted to fish in a floating or suspended position off the bottom or 25,000 feet of gill net weighted to fish on the bottom. The commissioner may authorize gill net footage in excess of the individual limits when the commissioner determines that all of the gill net footage permitted for Minnesota waters of Lake Superior would not otherwise be allocated in a license year. The commissioner must allocate this excess gill net footage equitably among the licensees who have applied for it. [102.28 s. 4]*

**Subd. 8. [SPECIAL PERMITS.]** *The commissioner may issue special permits to duly licensed commercial fishing operators not exceeding 20 in number, for the purpose of taking trout and lake whitefish spawn during the closed season for the propagation of trout in Lake Superior and adjacent waters under rules prescribed by the commissioner. [102.28 s. 5]*

#### **Sec. 68. [97C.841] [HELPER'S LICENSE.]**

*A person assisting the holder of a master's license, in going to and from fishing locations, or in setting or lifting nets, or removing fish from nets, must have a helper's license, unless the person is the holder of a master's license.*

*(b) A helper's license is transferable from one helper to another by the holder of a master's license applying to the commissioner. [98.47 s. 9]*

**Sec. 69. [97C.845] [INTERFERENCE WITH COMMERCIAL FISHING.]**

*A person may not:*

*(1) knowingly place or maintain an obstruction that will hinder, prevent, or interfere with a licensed commercial fishing operation;*

*(2) remove fish from nets licensed under the game and fish laws; or*

*(3) knowingly damage, disturb, or interfere with commercial fishing nets. [102.29]*

**Sec. 70. [97C.851] [COMMERCIAL FISHING IN INTERNATIONAL WATERS; RESORT OWNERS.]**

*A license to buy or sell fish or to take fish commercially in international waters extending from Pigeon Point West to the North Dakota boundary line may not be issued to a person engaged in the business of conducting a summer resort, or to a member of the person's household or to an employee of the person. [98.47 s. 7]*

**Sec. 71. [97C.855] [UPPER AND LOWER RED LAKE AND NETT LAKE; TRANSPORTATION, SALE, AND DISPOSAL.]**

*The commissioner may, by order, allow the transportation, sale, and disposal of fish taken within the Red Lake Indian Reservation on Upper Red Lake and Lower Red Lake and from waters within the Nett Lake Indian Reservation also known as Bois Forte Indian Reservation. [102.30]*

**Sec. 72. [97C.861] [FISH VENDOR REQUIREMENTS.]**

*Subdivision 1. [LICENSE REQUIRED.] A person may not sell fish with the use of a motor vehicle without a fish vendor's license. [98.46 s. 19]*

*Subd. 2. [MISREPRESENTATION OF FISH.] (a) A licensed fish vendor or the vendor's employee may not misrepresent a species of fish to be sold. If a licensed fish vendor or employee of the fish vendor is convicted of misrepresenting a species of fish that is sold, the license shall be revoked, and the licensee is not eligible to obtain a fish vendor's license for one year after revocation.*

*(b) Misrepresentation includes the designation of fish by a name other than its common name in:*

- (1) *the state; and*
- (2) *in the locality where it was taken if it is not generally known by any common name in the state. [98.46 s. 19(4)]*

Sec. 73. [97C.865] [FISH PACKERS.]

(a) *A person may not prepare dressed game fish for shipment without a fish packer's license. The fish packer must maintain a permanent record of:*

- (1) *the name, address, and license number of the shipper;*
  - (2) *the name and address of the consignee; and*
  - (3) *the number of each species and net weight of fish in the shipment.*
- (b) *The records of the fish packer must be made available to an enforcement officer upon request. [97.45 s. 6(4)]*

## ARTICLE 4

### AMENDMENTS TO OTHER STATUTES AND CROSS REFERENCE AMENDMENTS

Section 1. Minnesota Statutes 1984, section 9.071, is amended to read:

#### 9.071 [SETTLEMENT OF CLAIMS; OTHER SPECIFIED POWERS.]

The council has the powers with respect to the:

- (1) Cancellation or compromise of claims due the state provided in sections 10.11 to 10.15;
- (2) Timberlands provided in sections 90.031, 90.041, 90.151;
- (3) Lands acquired from the United States provided in section 94.50;
- (4) Lands subject to delinquent drainage assessments provided in section 84A.20;
- (5) Transfer of lands between departments of state government provided in section 15.16;
- (6) Sale or exchange of lands within national forests provided in sections 92.30, 92.31;

(7) Approval of acquisition of land for camping or parking area provided in (SECTION 97.48) *article 1, sections 26 and 27*;

(8) Modification of iron leases provided in section 93.191;

(9) Awarding permits to prospect for iron ore provided in section 93.17;

(10) Approval of regulations for issuance of permits to prospect for minerals under state lands provided in section 93.08;

(11) Construction of dams provided in section 110.13.

Sec. 2. Minnesota Statutes 1985 Supplement, section 14.02, subdivision 4, is amended to read:

Subd. 4. [RULE.] "Rule" means every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by it or to govern its organization or procedure. It does not include (a) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; (b) rules of the commissioner of corrections relating to the internal management of institutions under the commissioner's control and those rules governing the inmates thereof prescribed pursuant to section 609.105; (c) rules of the division of game and fish published in accordance with *article 1, section (97.53) 9*; (d) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs; (e) opinions of the attorney general; (f) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931; (g) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932; (h) the comprehensive statewide plan of the crime control planning board provided in section 299A.03; or (i) occupational safety and health standards provided in section 182.655.

Sec. 3. Minnesota Statutes 1984, section 14.38, subdivision 6, is amended to read:

Subd. 6. [EXEMPT RULES.] Rules adopted, amended, suspended, or repealed by any agency but excluded from the definition of "rule" in section 14.02, subdivision 4, shall have the force and effect of law upon compliance with subdivision 7.

However, subdivisions 5 to 9 do not apply to:

(1) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; or,

(2) opinions of the attorney general; or,

(3) rules published in accordance with *article 1*, section (97.53) 9.

Sec. 4. Minnesota Statutes 1984, section 18.021, subdivision 3, is amended to read:

Subd. 3. [DESTRUCTIVE OR NUISANCE ANIMALS.] "Destructive or nuisance animals" includes such animals as rats, gophers, mice, and other unprotected wild animals as defined in (MINNESOTA STATUTES 1961,) *article 2*, section (100.26) 53, (AND ACTS AMENDATORY THEREOF,) which the commissioner may designate as dangerous to the welfare of the people.

Sec. 5. Minnesota Statutes 1984, section 84.0274, subdivision 6, is amended to read:

Subd. 6. [STATE'S RESPONSIBILITIES.] When the state proposes to purchase land for natural resources purposes, the commissioner of natural resources and, where applicable, the commissioner of administration shall have the following responsibilities:

(a) The responsibility to deal fairly and openly with the landowner in the purchase of property;

(b) The responsibility to refrain from discussing price with the landowner before an appraisal has been made. In addition, the same person shall not both appraise and negotiate for purchase of a tract of land;

(c) The responsibility to use private fee appraisers to lower the state's acquisition costs to the greatest extent practicable; and

(d) The responsibility to acquire land in as expeditious a manner as possible. No option shall be made for a period of greater than two months if no survey is required or for nine months if a survey is required, unless the landowner, in writing, expressly requests a longer period of time. Provided that, if county board approval of the transaction is required pursuant to *article 1*, section (97.481) 28, no time limits shall apply. If the state elects not to purchase property upon which it has an option, it shall pay the landowner \$500 after the expiration of the option period. If the state elects to purchase the property, unless the landowner elects otherwise, payment to the landowner shall be made no later than 90 days following the state's election to purchase the property provided that the title is marketable and the owner acts expeditiously to complete the transaction.

Sec. 6. [84.034] [MAINTENANCE OF CEMETERY IN WHITEWATER WILDLIFE MANAGEMENT AREA.]

*The commissioner shall maintain in a proper and decent manner and keep free of weeds any cemetery in the Whitewater state wildlife management area. [99.251]*

**Sec. 7. [84.0894] [ENFORCEMENT OF AQUATIC PLANTS AND ENDANGERED SPECIES.]**

*An enforcement officer shall enforce a violation of sections 8 to 12 in the same manner as a violation of the game and fish laws. [97.50 s. 1, 5]*

**Sec. 8. [84.0895] [PROTECTION OF THREATENED AND ENDANGERED SPECIES.]**

*Subdivision 1. [PROHIBITION.] Notwithstanding any other law, a person may not take, import, transport, or sell any portion of an endangered species of wild animal or plant, or sell or possess with intent to sell an article made with any part of the skin, hide, or parts of an endangered species of wild animal or plant, except as provided in subdivisions 2 and 7. [97.488 s. 7]*

*Subd. 2. [APPLICATION.] (a) Subdivision 1 does not apply to:*

*(1) plants on land classified for property tax purposes as class 2a or 2c agricultural land under section 273.13, or on ditches and roadways; and*

*(2) noxious weeds designated pursuant to sections 18.171 to 18.315 or to weeds otherwise designated as troublesome by the department of agriculture.*

*(b) If control of noxious weeds is necessary, it takes priority over the protection of endangered plant species, as long as a reasonable effort is taken to preserve the endangered plant species first.*

*(c) The taking or killing of an endangered plant species on land adjacent to class 3 or 3b agricultural land as a result of the application of pesticides or other agricultural chemical on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in the application of the pesticide or other chemical to avoid impact on adjacent lands. For the purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste land, or other land for which the owner receives a state paid wetlands or native prairie tax credit.*

*(d) The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking, is not a violation of subdivision 1. [97.488 s. 1a]*



*Subd. 3. [DESIGNATION.] (a) The commissioner shall adopt rules under chapter 14, to designate species of wild animal or plant as:*

*(1) endangered, if the species is threatened with extinction throughout all or a significant portion of its range;*

*(2) threatened, if the species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range; or*

*(3) species of special concern, if although the species is not endangered or threatened, it is extremely uncommon in this state, or has unique or highly specific habitat requirements and deserves careful monitoring of its status. Species on the periphery of their range that are not listed as threatened may be included in this category along with those species that were once threatened or endangered but now have increasing or protected, stable populations.*

*(b) The range of the species in this state is a factor in determining its status as endangered, threatened, or of special concern. A designation by the secretary of the interior that a species is threatened or endangered is a prima facie showing under this section.*

*(c) The commissioner shall reevaluate the designated species list every three years after it is first adopted and make appropriate changes. The review must consider the need for further protection of species on the species of special concern list. Species may be withdrawn from designation in the same manner that species are designated. [97.488 s. 2]*

*Subd. 4. [STUDIES.] The commissioner may conduct investigations to determine the status and requirements for survival of a resident species of wild animal or plant. [97.488 s. 3]*

*Subd. 5. [MANAGEMENT.] (a) Notwithstanding any other law, the commissioner may undertake management programs, issue orders, and adopt rules necessary to bring a resident species of wild animal or plant that has been designated as threatened or endangered to a point at which it is no longer threatened or endangered.*

*(b) Subject to the provisions of subdivision 6, management programs for endangered or threatened species include research, census, law enforcement, habitat acquisition, habitat maintenance, propagation, live trapping, transplantation, and regulated taking. [97.488 s. 4]*

*Subd. 6. [ENFORCEMENT.] A peace officer or conservation officer, pursuant to chapter 626, may execute a warrant to search*

*for and seize goods, merchandise, plant or animal taken, sold or offered for sale in violation of this section, or items used in connection with a violation of this section. Seized property must be held pending judicial proceedings. Upon conviction, seized property is forfeited to the state and must be offered to a scientific or educational institution or destroyed. [97.488 s. 5]*

**Subd. 7. [GENERAL EXCEPTIONS.]** *(a) The commissioner may prescribe conditions for an act otherwise prohibited by subdivision 1 if:*

*(1) the act is for the purpose of zoological, educational, or scientific study;*

*(2) the act enhances the propagation or survival of the affected species;*

*(3) the act prevents injury to persons or property; or*

*(4) the social and economic benefits of the act outweigh the harm caused by it.*

*(b) A member of an endangered species may not be destroyed under clauses (3) or (4) until all alternatives, including live trapping and transplantation, have been evaluated and rejected. The commissioner may prescribe conditions to propagate a species or subspecies.*

*(c) A person may capture or destroy a member of an endangered species, without permit, to avoid an immediate and demonstrable threat to human life or property.*

*(d) The commissioner must give approval under this subdivision for forest management, including permit, sale, or lease of land for timber harvesting. [97.488 s. 6]*

**Subd. 8. [APPLICATION.]** *This section does not apply retroactively or prohibit importation into this state and subsequent possession, transport, and sale of wild animals, wild plants, or parts of wild animals or plants that are legally imported into the United States or legally acquired and exported from another territory, state, possession, or political subdivision of the United States. [97.488 s. 7]*

**Subd. 9. [VIOLATIONS.]** *A violation of this section is a misdemeanor. [97.488 s. 8]*

## **Sec. 9. [84.091] [AQUATIC VEGETATION IN PUBLIC WATERS.]**

**Subdivision 1. [OWNERSHIP.]** *The state is the owner of wild rice and other aquatic vegetation growing in public waters.*

*A person may not acquire a property interest in wild rice or other aquatic vegetation or destroy wild rice or aquatic vegetation, except as authorized under this chapter. [97.42]*

*Subd. 2. [LICENSE REQUIRED.] A person may not harvest, buy, sell, transport, or possess aquatic plants without a license required under this chapter. A license shall be issued in the same manner as provided under the game and fish laws. [98.45 s. 1; 98.50 s. 1]*

*Subd. 3. [LICENSE FEES.] (a) The fees for the following licenses, to be issued to residents only, are:*

*(1) for harvesting wild rice, \$10; [98.46 s. 3]*

*(2) for buying and selling wild ginseng, \$5; [98.46 s. 3]*

*(3) for a wild rice dealer's license to buy and sell 50,000 pounds or less, \$70; and [98.46 s. 18]*

*(4) for a wild rice dealer's license to buy and sell more than 50,000 pounds, \$250. [98.46 s. 18]*

*(b) The weight of the wild rice shall be determined in its raw state. [98.46 s. 18]*

**Sec. 10. [84.092] [PERMITS TO HARVEST OR DESTROY AQUATIC PLANTS OTHER THAN WILD RICE.]**

*Subdivision 1. [AUTHORIZATION.] The commissioner may issue permits, with or without a fee, to:*

*(1) gather or harvest aquatic plants, or plant parts, other than wild rice from public waters;*

*(2) transplant any aquatic plants into other public waters;*

*(3) destroy harmful or undesirable aquatic vegetation or organisms in public waters under prescribed conditions to protect the waters, desirable species of fish, vegetation, other forms of aquatic life, and the public. An application for a permit must be accompanied by a permit fee, if required. [98.48 s. 9]*

*Subd. 2. [FEES.] (a) The commissioner shall establish a fee schedule for permits to harvest aquatic plants other than wild rice, by order, after holding a public hearing. The fees may not exceed \$100 per permit based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit.*

(b) *A fee may not be charged to the state or a federal governmental agency applying for a permit.*

(c) *The money received for the permits under this subdivision shall be deposited in the treasury and credited to the game and fish fund.* [98.48 s. 9]

**Subd. 3. [PERMIT STANDARDS.]** *The commissioner shall, by order, prescribe standards to issue and deny permits under subdivision 2. The standards must insure that aquatic plant control is consistent with shoreland conservation ordinances, lake management plans and programs, and wild and scenic river plans.* [98.48 s. 9]

**Sec. 11. [84.093] [WILD GINSENG.]**

*The commissioner may establish regulations including seasons for harvesting to conserve wild ginseng.* [97.48 s. 18a]

**Sec. 12. [84.151] [WILD RICE.]**

**Subdivision 1. [REGULATIONS.]** *The commissioner shall prescribe rules for harvesting and possessing wild rice.* [97.48 s. 18]

**Subd. 2. [LICENSE REQUIRED.]** *A person who buys wild rice within the state for resale to anyone except consumers, or sells wild rice imported from outside the state to anyone within the state except consumers must have a wild rice dealer's license.* [97.48 s. 18]

**Subd. 3. [APPLICATION.]** (a) *An application for a wild rice dealer's license must be made under a written oath. The form of a wild rice dealer's license application must include:*

(1) *the amount of wild rice, whether raw or processed, bought or sold by the applicant during the preceding calendar year;*

(2) *the amount of wild rice the applicant estimates will be bought or sold under the license; and*

(3) *other pertinent information required by the commissioner.*

(b) *The license fee must be paid in advance, based on the applicant's estimate. A license may not be issued for a fee based on a lesser amount of wild rice than was bought or sold by the applicant during the preceding calendar year.* [98.46 s. 18]

**Subd. 4. [SUPPLEMENTAL LICENSE.]** *A wild rice dealer may not buy or sell wild rice for which a license is required*

*in excess of the amount covered by the license. If a wild rice dealer desires to buy or sell wild rice in excess of the licensed amount, the dealer must apply for a supplemental license. The supplemental license shall be issued for the additional amount of wild rice upon payment of the prescribed fee, less credit for the fees paid for the previous license or licenses issued for the same calendar year. When the supplemental license is issued, the previous licenses held by the dealer shall be surrendered to the commissioner. [98.46 s. 18]*

**Subd. 5. [REPORTING REQUIREMENTS FOR BUYING WILD RICE.]** *Raw rice purchased by a dealer must be reported in accordance with this subdivision. A wild rice dealer shall submit an annual report to the commissioner and keep a complete record in a book of all wild rice bought or sold during the period covered by the license. The record book must show: (1) the date of each transaction; (2) the names and addresses of all parties involved in the transaction other than the dealer; and (3) the amount of wild rice transferred, whether raw or processed. The record book must be available for inspection by the commissioner, the coordinator of wild rice, conservation officer, or agent of the commissioner at all reasonable times. A wild rice dealer must transmit a written report to the commissioner within ten days after the end of each calendar month during the period covered by the license. The commissioner shall prescribe the form of the report which must be signed by the licensee and state the total amount of wild rice bought or sold during the calendar month, whether raw or processed. [98.46 s. 18]*

**Subd. 6. [PENALTIES.]** (a) *A person is guilty of a misdemeanor who:*

(1) *willfully makes a false statement in an application for a license or in a required report or record; or*

(2) *violates a provision relating to wild rice dealers.*

(b) *Each violation is a separate offense. An acquittal prohibits later prosecution based on a similar charge involving other wild rice in the same transaction.*

(c) *If a wild rice dealer is convicted of two offenses under this subdivision within three years, the dealer's license is null and void and the dealer may not be issued a license for one year after the date of the conviction. [98.46 s. 18]*

**Sec. 13.** Minnesota Statutes 1984, section 84.88, subdivision 2, is amended to read:

**Subd. 2.** A person registered as owner of a snowmobile may be fined not to exceed \$300 if a snowmobile bearing his registration number is operated contrary to the provisions of sections

84.81 to 84.88, (100.26, SUBDIVISION 1,) or (100.29, SUBDIVISIONS 28 OR 29) *article 2, section 19*. The registered owner may not be so fined if (a) the snowmobile was reported as stolen to the commissioner or a law enforcement agency at the time of the alleged unlawful act, or if (b) the registered owner demonstrates that the snowmobile either was stolen or was not in use at the time of the alleged unlawful act, or if (c) the registered owner furnishes to law enforcement officers upon request the identity of the person in actual physical control of the snowmobile at the time of such violation. The provisions of this subdivision do not apply to any person who rents or leases a snowmobile if such person keeps a record of the name and address of the person or persons renting or leasing such snowmobile, the registration number thereof, the departure date and time, and expected time of return thereof. Such record shall be preserved for at least six months and shall be prima facie evidence that the person named therein was the operator thereof at the time it was operated contrary to sections 84.81 to 84.88, (100.26, SUBDIVISION 1,) or (100.29, SUBDIVISIONS 28 OR 29) *article 2, section 19*. The provisions of this subdivision do not prohibit or limit the prosecution of a snowmobile operator for violating any of the sections referred to in this subdivision.

Sec. 14. Minnesota Statutes 1984, section 84.89, is amended to read:

**84.89 [CONFISCATION OF SNOWMOBILE USED IN BURGLARY.]**

A law enforcement officer shall seize any snowmobile, as defined in section 84.81, used for the purpose of gaining access to property for the purpose of committing the crime of burglary, as defined in section 609.58. Any snowmobile seized pursuant to this section shall be held, subject to the order of the district court of the county in which the burglary was committed, and shall be confiscated after conviction of the person from whom the snowmobile was seized and disposed of in accordance with the procedure provided for equipment used in committing game and fish violations by *article 1, section (97.50, SUBDIVISION 6) 38*, except that the balance of the proceeds from the sale of a confiscated snowmobile which are paid into the state treasury shall be credited to the general fund.

Sec. 15. Minnesota Statutes 1984, section 84A.02, is amended to read:

**84A.02 [MANAGEMENT.]**

Red Lake game preserve shall be under the management and control of the department, which shall have, and it is hereby given, full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations, not inconsistent with the laws of the state, for the care, preservation, protection,

breeding, propagation, and disposition of any and all species of wild life therein and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, and other uses of this area, not inconsistent with the terms of sections 84A.01 to 84A.11 or other laws of the state now or hereafter applicable thereto. The department shall have power and authority, by means of rules and regulations, to declare the terms and conditions of these licenses and permits and the charges to be made therefor. These regulations may specify and control the terms under and by which wild life may be taken, captured, or killed therein, and under and by which fur-bearing animals, or animals and fish otherwise having commercial value, may be taken, captured, trapped, killed, sold, and removed therefrom. These rules and regulations may also provide for the afforestation and reforestation of lands now or hereafter owned by the state in this game preserve and hunting grounds, and for the sale of merchantable timber from these lands when and where, in the opinion of the department, the same can be sold and removed without damage or injury to the further use and development of the land for a habitat of wild life and game in this game preserve and hunting ground, and for the purposes for which this preserve and hunting ground is established by sections 84A.01 to 84A.11. The department may provide for the policing of this preserve and hunting ground in such manner as may be needful for the proper development and use of the preserve and hunting ground for the purposes specified, and all supervisors, guards, custodians, and caretakers assigned to duty in this preserve and hunting ground shall have and possess the authority and powers of peace officers while in their employment. The department shall also make and enforce such rules and regulations, not inconsistent with the laws of the state, concerning the burning of grass, timber slashings, and other inflammable matter, and the clearing, development, and use of lands in this preserve and hunting ground as may be necessary and advisable to prevent destructive forest fires and grass fires which would injure the use and development of this area for the preservation and propagation of wild life therein, and for the proper protection of the forest and wooded areas thereof. All lands within the boundaries of this preserve and hunting ground shall be subject to such rules and regulations, whether owned by the state or privately, consistent with the rights of the private owners and with the laws of this state now or hereafter applicable thereto. By such rules and regulations there may be established areas and zones within this preserve and hunting ground where hunting, fishing, trapping, or camping may be prohibited or specially regulated, for the purpose of protection and propagation of particular wild life therein.

All rules and regulations adopted and promulgated under the provisions of sections 84A.01 to 84A.11 shall be published in the manner now required by law under the provisions of *article 1*, section (97.53) 9, and shall be, in addition thereto, posted on the boundaries of this preserve and hunting ground.

Sec. 16. Minnesota Statutes 1984, section 85.018, subdivision 8, is amended to read:

Subd. 8. [ENFORCEMENT.] The provisions of this section may be enforced by officers of the department of natural resources as provided in (SECTION 97.50) *article 1, sections 33 to 40.*

Sec. 17. Minnesota Statutes 1984, section 86A.06, is amended to read:

86A.06 [RULES.]

Each managing agency, in consultation with the commissioner of energy, planning and development, shall promulgate rules relating to the units of the outdoor recreation system within its jurisdiction, which shall provide for administration of the units in the manner specified in section 86A.05 and the laws relating to each type of unit. The authority provided by this subdivision does not amend or repeal authority possessed by the commissioner of natural resources pursuant to *article 1, section (97.53) 9, subdivision (2) 3*, and in no way is intended to modify or diminish authority possessed by the commissioner in relation to *article 1, section (97.53) 9, subdivision (2) 3.*

Sec. 18. Minnesota Statutes 1984, section 105.391, subdivision 3, is amended to read:

Subd. 3. Except as provided below, no public waters or wetlands shall be drained, and no permit authorizing drainage of public waters or wetlands shall be issued, unless the public waters or wetlands being drained are replaced by public waters or wetlands which will have equal or greater public value. However, after a state waterbank program has been established, wetlands which are eligible for inclusion in that program may be drained without a permit and without replacement of wetlands of equal or greater public value if the commissioner does not elect, within 60 days of the receipt of an application for a permit to drain the wetlands, to either (1) place the wetlands in the state waterbank program, or (2) acquire it pursuant to *article 1, section (97.481) 28*, or (3) indemnify the landowner through any other appropriate means, including but not limited to conservation restrictions, easements, leases, or any applicable federal program. If the applicant is not offered his choice of the above alternatives, he is entitled to drain the wetlands involved.

In addition, the owner or owners of lands underlying wetlands situated on privately owned lands may apply to the commissioner for a permit to drain the wetlands at any time after the expiration of ten years following the original designation thereof. Upon receipt of an application, the commissioner shall review the current status and conditions of



the wetlands. If he finds that the current status or conditions are such that it appears likely that the economic or other benefits to the owner or owners which would result from drainage would exceed the public benefits of maintaining the wetlands, he shall grant the application and issue a drainage permit. If the application is denied, no additional application shall be made until the expiration of an additional ten years.

Sec. 19. Minnesota Statutes 1984, section 105.391, subdivision 12, is amended to read:

Subd. 12. The designation of waters as "public waters" or "wetlands" pursuant to this section shall not grant any additional or greater right of access to the public to those waters, nor is the commissioner required to acquire access to those waters under *article 1*, section (97.48, SUBDIVISION 15) 27, nor is any right of ownership or usage of the beds underlying those waters diminished. Notwithstanding the designation of waters or lands as public waters or wetlands, all provisions of Minnesota law forbidding trespass upon private lands shall remain in full force and effect.

Sec. 20. Minnesota Statutes 1984, section 105.417, subdivision 4, is amended to read:

Subd. 4. [TROUT STREAMS.] Permits issued after June 3, 1977 to appropriate water for any purpose from streams designated trout streams by the commissioner's orders pursuant to *article 3*, section (101.42) 5, shall be limited to temporary appropriations.

Sec. 21. Minnesota Statutes 1985 Supplement, section 105.74, is amended to read:

#### 105.74 [ADDITIONAL DUTIES OF BOARD.]

In addition to duties elsewhere prescribed, the board has the function defined in sections 105.72 to 105.79 when the decision of the agency in a proceeding involves a question of water policy in one or more of the areas of water conservation, water pollution, preservation and management of wildlife, drainage, soil conservation, public recreation, forest management, and municipal planning under any of the following: Sections 84.57, (97.48, SUBDIVISION 13) *article 1*, section 26, 105.41, 105.42, 105.43, 105.44, 105.64, 106A.011, 106A.015, 115.04, 115.05, and chapter 110.

Sec. 22. Minnesota Statutes 1984, section 111.81, subdivision 1, is amended to read:

Subdivision 1. The governing body of any city or town may expend funds for the control or destruction of harmful or

undesirable aquatic vegetation or organisms in public waters and may cooperate with other such governing bodies and any landowners in such control or destruction. No such control or destruction shall be started unless a permit therefor has been issued by the commissioner of natural resources pursuant to section (98.48, SUBDIVISION 9,) 10 and all work shall be done in accordance with the terms and conditions of such permit.

Sec. 23. Minnesota Statutes 1984, section 343.21, subdivision 8, is amended to read:

Subd. 8. [CAGING.] No person shall cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. The provisions of this subdivision do not apply to the Minnesota state agricultural society, the Minnesota state fair, or to the county agricultural societies, county fairs, to any agricultural display of caged animals by any political subdivision of the state of Minnesota, or to district, regional or national educational livestock or poultry exhibitions. The provisions of this subdivision do not apply to captive wildlife, the exhibition of which is regulated by *article 1*, section (97.611) 7.

Sec. 24. Minnesota Statutes 1984, section 343.30, is amended to read:

#### 343.30 [INJURY TO BIRDS.]

A person who in any manner maliciously maims, kills, or destroys any bird designated as unprotected by *article 1*, section (100.26) 2, subdivision (2) 52, or who maliciously destroys the nests or eggs of any such bird shall be guilty of a petty misdemeanor.

Sec. 25. Minnesota Statutes 1984, section 352B.01, subdivision 2, is amended to read:

Subd. 2. "Member" means (a) all of the persons referred to and employed on and after July 1, 1943 pursuant to the provisions of Laws 1929, Chapter 355, and all acts amendatory thereof and supplementary thereto, currently employed by the state, whose salaries or compensation is paid out of funds of the state of Minnesota; (b) any conservation officer employed under the provisions of *article 1*, section (97.50) 33, currently employed by the state, whose salary or compensation is paid out of funds of the state; and (c) any crime bureau officer who was employed by the crime bureau and was a member of the highway patrolmen's retirement fund on July 1, 1978, whether or not that person has the power of arrest by warrant after that date, or who is employed as police personnel, with powers of arrest by warrant,

pursuant to the provisions of section 299C.04, and who is currently employed by the state, and whose salary or compensation is paid out of funds of the state.

The term "member" shall not include any person employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contribution in addition to the required employee contribution.

Sec. 26. Minnesota Statutes 1984, section 361.25, is amended to read:

#### 361.25 [REGULATIONS.]

The commissioner shall adopt, in the manner provided in sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62, and shall publish in the manner prescribed in *article 1*, section (97.53) 9, subdivision (2) 3, regulations relating to the application for, and form and numbering of watercraft licenses and the size, form, reflectorize material and display of watercraft license numbers which shall comply with the requirements of the federal watercraft numbering system, placement and regulation of docks, piers, buoys, mooring or marking devices and other structures in the waters of this state, rules of the road for watercraft navigation and standards for equipment used in the towing of persons on water skis, aquaplanes, surfboards, saucers, and other devices, standards for lights, signals, fire extinguishers, bilge ventilation, and lifesaving equipment, standards of safe load and power capacity, accounting, procedural and reporting requirements for county sheriff, designation of and swimming or bathing areas, standards of safety for watercraft offered for rent, lease, or hire; and in accordance with section 361.26, subdivision 2, clause (c), the commissioner shall by no later than January 1, 1975, adopt rules and regulations relating to the use of surface waters of this state by watercraft including but not limited to (1) standards and criteria for resolving conflicts in the use of water surfaces by watercraft, (2) procedures for dealing with problems involving more than one local governmental unit, (3) procedures for local enforcement and (4) procedures for carrying out the provisions of section 361.26, subdivision 2; and such other regulations as he deems necessary to carry out the provisions of this chapter.

Sec. 27. Minnesota Statutes 1984, section 383C.13, is amended to read:

**383C.13 [COUNTY AUDITOR; SALARY.]**

In each county in this state now or hereafter having a population of more than 150,000 and an area of over 5,000 square miles the county auditor shall receive an annual salary of \$7,000 as full compensation for all services. He shall, on the first day of each month, file in his office a complete statement of all the fees and commissions received by him of every name and nature whatsoever, including his commission as agent of the commissioner of game and fish pursuant to (MINNESOTA STATUTES 1949,) *article 1*, section (98.50) 70, and turn the same into the county treasury.

Sec. 28. Minnesota Statutes 1984, section 477A.12, is amended to read:

**477A.12 [ANNUAL APPROPRIATIONS; LANDS ELIGIBLE; CERTIFICATION OF ACREAGE.]**

There is annually appropriated to the commissioner of natural resources from the general fund for payment to counties within the state an amount equal to \$3 multiplied by the number of acres of acquired natural resources land, 75 cents multiplied by the number of acres of county-administered other natural resources land, and 37.5 cents multiplied by the number of acres of commissioner-administered other natural resources land located in each county as of July 1 of each year. Lands for which payments in lieu are made pursuant to *article 1*, section (97.49) 11, subdivision (7) 3, and Laws 1973, Chapter 567, shall not be eligible for payments under this section. Each county auditor shall certify to the department of natural resources during July of each year the number of acres of county-administered other natural resources land within his county. The department of natural resources may, in addition to the certification of acreage, require descriptive lists of land so certified. The commissioner of natural resources shall determine and certify the number of acres of acquired natural resources land and commissioner-administered natural resources land within each county.

Sec. 29. Minnesota Statutes 1984, section 477A.13, is amended to read:

**477A.13 [TIME OF PAYMENT, DEDUCTIONS.]**

Payments to the counties shall be made from the general fund during the month of July of the year next following certification. There shall be deducted from amounts paid any amounts paid to a county or township during the preceding year pursuant to sections 89.036, (97.49, SUBDIVISION 3) *article 1*, section 11,

*subdivisions 1 and 2, and 272.68, subdivision 3 with respect to the lands certified pursuant to section 477A.12.*

Payments under section 477A.12 must also be reduced by the following percentages of the amounts paid during the preceding year under section 84A.51:

- (1) for the payment made July 15, 1984, 75 percent;
- (2) for the payment made July 15, 1985, 50 percent;
- (3) for the payment made July 15, 1986, 25 percent; and
- (4) for the payment made thereafter, 0 percent.

**Sec. 30. [609.661] [PENALTY FOR SET GUNS; SWIVEL GUNS.]**

*A person who violates a provision relating to set guns or swivel guns is guilty of a gross misdemeanor. [97.55 s. 7]*

**Sec. 31. [624.719] [POSSESSION OF FIREARM BY NON-RESIDENT ALIEN.]**

*A nonresident alien may not possess a firearm except to take game as a nonresident under the game and fish laws. A firearm possessed in violation of this section is contraband and may be confiscated. [98.45 s. 4]*

**Sec. 32. [REPEALER.]**

*Minnesota Statutes 1984, sections 97.40; 97.41; 97.42; 97.43; 97.431; 97.432; 97.433; 97.44; 97.45; 97.46; 97.47; 97.48; 97.481; 97.482; 97.483; 97.4841, subdivisions 1, 2, and 4; 97.4842, subdivisions 1 and 3; 97.4843, subdivisions 1, 3, and 4; 97.485; 97.487; 97.488, subdivisions 1 and 2 to 8; 97.49; 97.50, subdivisions 2 to 9; 97.501; 97.51; 97.52; 97.53; 97.54; 97.55, subdivisions 1 to 15; 97.56; 97.57; 97.611; 97.81; 97.82; 97.83; 97.85; 97.86; 98.45, subdivisions 1 to 8; 98.455; 98.456; 98.457; 98.46, subdivisions 1, 2a, 2b, 3, 4, 5a, 6 to 13, 16 to 26; 98.465; 98.47, subdivisions 1 to 3, 4 to 13, 15 to 18; 98.48, subdivisions 1 to 4, 6 to 16; 98.49; 98.50; 98.501; 98.51; 98.52, subdivisions 1 to 4; 99.25; 99.251; 99.26; 99.27; 99.28; 99.29; 100.26; 100.27, subdivisions 2 and 5 to 9; 100.271, subdivisions 1 and 3 to 5; 100.272; 100.273, subdivisions 1 to 5, 7, and 8; 100.28; 100.29, subdivisions 1 to 14, 16, 17, 18, 20, 23, 24, and 26 to 33; 100.295; 100.30; 100.303; 100.31; 100.32; 100.33; 100.34; 100.35; 100.36; 100.37; 101.41; 101.411; 101.42; 101.425; 101.43; 101.44; 101.441; 101.45; 101.46; 101.47; 101.48; 101.49; 101.50; 101.51; 102.23; 102.235; 102.24; 102.25; 102.26; 102.27; 102.28; 102.285; 102.29; 102.30; Minnesota Statutes 1985 Supplement, sections 97.484; 97.4841, subdivision 3; 97.4842, subdivision 2;*

97.4843, subdivision 2; 97.488, subdivision 1a; 97.50, subdivision 1; 97.55, subdivisions 16 and 17; 97.851; 98.45, subdivision 9; 98.46, subdivisions 2, 5, 14, and 15; 98.47, subdivision 3a; 98.48, subdivision 5; 98.52, subdivision 6; 100.27, subdivisions 1, 3, and 4; 100.271, subdivision 2; 100.273, subdivisions 6 and 9; 100.281; 100.29, subdivisions 15, 19 and 25; and 101.475 are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; recodifying the game and fish laws; amending Minnesota Statutes 1984, sections 9.071; 14.38, subdivision 6; 18.021, subdivision 3; 84.0274, subdivision 6; 84.88, subdivision 2; 84.89; 84A.02; 85.018, subdivision 8; 86A.06; 105.391, subdivisions 3 and 12; 105.417, subdivision 4; 111.81, subdivision 1; 343.21, subdivision 8; 343.30; 352B.01, subdivision 2; 361.25; 383C.13; 477A.12; 477A.13; Minnesota Statutes 1985 Supplement, sections 14.02, subdivision 4; and 105.74; proposing coding for new law in Minnesota Statutes, chapters 84; 609; and 624; proposing coding for new law as Minnesota Statutes, chapters 97A; 97B; and 97C; repealing Minnesota Statutes 1984, and 1985 Supplement, chapters 97, 98, 99, 100, 101, and 102."

With the recommendation that when so amended the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 1719, A bill for an act relating to agriculture; providing a milk marketing and price stabilization plan; declaring state policy relating to milk; creating a milk stabilization board; authorizing the board to prescribe milk stabilization plans and maximum and minimum prices for marketing milk; requiring licenses for persons involved in milk marketing; prescribing milk marketing violations; authorizing enforcement of disruptive trade practices; authorizing entry, inspection, and investigation of milk marketing practices; requiring records and reports; providing remedies and penalties for milk marketing violations; prescribing judicial review of board decisions and rulemaking actions; authorizing local advisory boards; authorizing assessments on milk processors; establishing a milk stabilization fund; authorizing a referendum on continuance of stabilized prices; proposing coding for new law as Minnesota Statutes, chapter 32C.

Reported the same back with the following amendments:

Page 5, line 12, delete "two" and insert "three"

Page 5, line 20, delete "three" and insert "two"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred :

H. F. No. 1990, A bill for an act relating to local government; authorizing home rule charter or statutory cities to establish economic development districts; granting powers to cities and authorities; amending Minnesota Statutes 1984, sections 116D.04, subdivision 1a; 117.521, subdivision 3; 272.01, subdivision 2; 273.72; 273.73, subdivisions 2 and 8; 273.86, subdivision 1; 355.11, subdivision 5; 462C.02, subdivisions 6 and 9; 465.74, subdivision 7; 471.88, subdivisions 1, 9, and 11; 474.02, subdivision 3; and 474.16, subdivision 2; Minnesota Statutes 1985 Supplement, sections 273.75, subdivision 4; 353.01, subdivision 2a; 462C.12, subdivision 2; and 472B.04; proposing coding for new law as Minnesota Statutes, chapter 458C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 116D.04, subdivision 1a, is amended to read:

Subd. 1a. For the purposes of sections 116D.01 to 116D.07, the following terms have the meanings given to them in this subdivision.

(a) "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

(b) "Pollution, impairment or destruction" has the meaning given it in section 116B.02, subdivision 5.

(c) "Environmental assessment worksheet" means a brief document which is designed to set out the basic facts necessary to determine whether an environmental impact statement is required for a proposed action.

(d) "Governmental action" means activities, including projects wholly or partially conducted, permitted, assisted, financed, regulated or approved by units of government including the federal government.

(e) "Governmental unit" means any state agency and any general or special purpose unit of government in the state including, but not limited to, watershed districts organized under chapter 112, counties, towns, cities, port authorities (AND),

housing authorities, and economic development authorities established under sections 13 to 33, but not including courts, school districts and regional development commissions other than the metropolitan council.

Sec. 2. Minnesota Statutes 1984, section 117.521, subdivision 3, is amended to read:

Subd. 3. The provisions of subdivisions 1 and 2 shall not apply to the acquisition of properties situated wholly or in part within any district for development authorized under Laws 1971, Chapters 548 or 677; or Laws 1973, Chapters 196, 761, or 764; or Laws 1974, Chapter 485; or Minnesota Statutes, Chapters 462, (OR) 458; or sections 13 to 33.

Sec. 3. Minnesota Statutes 1984, section 272.01, subdivision 2, is amended to read:

Subd. 2. (a) When any real or personal property which for any reason is exempt from ad valorem taxes, and taxes in lieu thereof, is leased, loaned, or otherwise made available and used by a private individual, association or corporation in connection with a business conducted for profit, there shall be imposed a tax, for the privilege of so using or possessing such real or personal property, in the same amount and to the same extent as though the lessee or user was the owner of such property.

(b) The tax imposed by this subdivision shall not apply to (1) property leased or used by way of a concession in or relative to the use in whole or part of a public park, market, fair grounds, port authority, *economic development authority established under sections 13 to 33*, municipal auditorium, airport owned by a city, town, county or group thereof but not the metropolitan airports commission, municipal museum or municipal stadium or (2) property constituting or used as a public pedestrian ramp, concourse, passenger check-in area or ticket sale counter, boarding area or luggage claim area in connection with a public airport; provided that real estate which is owned by a municipality in connection with the operation of a public airport and which is leased or used for agricultural purposes shall not be exempt.

(c) Taxes imposed by this subdivision shall be due and payable as in the case of personal property taxes and such taxes shall be assessed to such lessees or users of real or personal property in the same manner as taxes assessed to owners of real or personal property, except that such taxes shall not become a lien against the property. When due, the taxes shall constitute a debt due from the lessee or user to the state, township, city, county and school district for which the taxes were assessed and shall be collected in the same manner as personal property taxes. If property subject to the tax imposed by this subdivision is leased or used jointly by two or more persons, each lessee or user shall be jointly and severally liable for payment of the tax.



Sec. 4. Minnesota Statutes 1984, section 273.72, is amended to read:

273.72 [STATEMENT OF PURPOSE.]

The statutes governing the use of tax increment financing in Minnesota have evolved over a long period of time and exist in several different special and general laws. These laws are sometimes inconsistent and provide varying procedures which render them difficult to administer. It is the intent of the legislature, by enacting the Minnesota tax increment financing act, to ratify and confirm the findings, declarations and determinations made by the legislature in connection with chapters 362A, 458, *sections 13 to 33*, 462, 472A and 474 and to establish a uniform set of standards and procedures to be followed when using this method of financing.

Sec. 5. Minnesota Statutes 1984, section 273.73, subdivision 2, is amended to read:

Subd. 2. [AUTHORITY.] "Authority" means a rural development financing authority created pursuant to chapter 362A, a housing and redevelopment authority created pursuant to chapter 462; a port authority created pursuant to chapter 458; *an economic development authority created pursuant to sections 13 to 33*; a redevelopment agency as defined by chapter 474; a municipality which is administering a development district created pursuant to chapter 472A or any special law, a municipality which undertakes a project pursuant to chapter 474; or a municipality which exercises the powers of a port authority pursuant to any general or special law.

Sec. 6. Minnesota Statutes 1984, section 273.73, subdivision 8, is amended to read:

Subd. 8. [PROJECT.] "Project" means a project as defined in section 362A.01; an industrial development district as defined in section 458.191, subdivision 1; *an economic development district as defined in section 25, subdivision 1*; a project as defined in section 462.421, subdivision 14; a development district as defined in chapter 472A or any special law; or a project as defined in section 474.02, subdivisions 1, 1a or 1b.

Sec. 7. Minnesota Statutes 1985 Supplement, section 273.75, subdivision 4, is amended to read:

Subd. 4. [LIMITATION ON USE OF TAX INCREMENT.] All revenues derived from tax increment shall be used in accordance with the tax increment financing plan. The revenues shall be used solely for the following purposes: (a) to pay the principal of and interest on bonds issued to finance a project;

(b) by a rural development financing authority for the purposes stated in section 362A.01, subdivision 2, by a port authority or municipality exercising the powers of a port authority to finance or otherwise pay the cost of redevelopment pursuant to chapter 458, *by an economic development authority to finance or otherwise pay the cost of redevelopment pursuant to sections 13 to 33*, by a housing and redevelopment authority or *economic development authority* to finance or otherwise pay public redevelopment costs pursuant to chapter 462, by a municipality or *economic development authority* to finance or otherwise pay the capital and administration costs of a development district pursuant to chapter 472A, by a municipality or redevelopment agency to finance or otherwise pay premiums for insurance or other security guaranteeing the payment when due of principal of and interest on the bonds pursuant to chapters 462C, 474, or both chapters, or to accumulate and maintain a reserve securing the payment when due of the principal of and interest on the bonds pursuant to chapters 462C, 474, or both chapters, which revenues in the reserve shall not exceed, subsequent to the fifth anniversary of the date of issue of the first bond issue secured by the reserve, an amount equal to 20 percent of the aggregate principal amount of the outstanding and nondefeased bonds secured by the reserve. Revenues derived from tax increment may be used to finance the costs of an interest reduction program operated pursuant to section 462.445, subdivisions 10 to 13, or pursuant to other law granting interest reduction authority and power by reference to those subdivisions only under the following conditions: (a) tax increments may not be collected for a program for a period in excess of 12 years after the date of the first interest rate reduction payment for the program, (b) tax increments may not be used for an interest reduction program, if the proceeds of bonds issued pursuant to section 273.77 after December 31, 1985, have been or will be used to provide financial assistance to the specific project which would receive the benefit of the interest reduction program, and (c) not more than 50 percent of the estimated tax increment derived from a project may be used to finance an interest reduction program for owner-occupied single-family dwellings unless a project is located either in an area which would qualify as a redevelopment district or within a city designated as an enterprise zone pursuant to section 273.1312, subdivision 4, clause (c)(3). These revenues shall not be used to circumvent existing levy limit law. No revenues derived from tax increment shall be used for the construction or renovation of a municipally owned building used primarily and regularly for conducting the business of the municipality; this provision shall not prohibit the use of revenues derived from tax increments for the construction or renovation of a parking structure, a commons area used as a public park or a facility used for social, recreational or conference purposes and not primarily for conducting the business of the municipality.

Sec. 8. Minnesota Statutes 1984, section 273.86, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] A developer proposing to construct improvements on property located within an industrial development district as defined in section 458.191, subdivision 1; *an economic development district as defined in section 25*; a development district as defined in section 472A.02, subdivision 3, or any special law; or a redevelopment project as defined in section 462.421, subdivision 14 may apply to the governing body of the city or municipality in which the property is located to obtain deferral of property tax on the improved property, stating the nature and location of the proposed improvement, its estimated cost, and the projected length of construction time. If the governing body finds that the proposed development is consistent with the requirements of the above referred sections, it may approve the application. If the application is approved by June 30, the tax exemption shall be in effect for taxes paid the following year; if it is approved later than June 30, the exemption shall be in effect for taxes paid in the second subsequent taxable year.

Sec. 9. Minnesota Statutes 1985 Supplement, section 353.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of "public employee":

- (a) Elected or appointed officers and employees of elected officers.
- (b) District court reporters.
- (c) Officers and employees of the public employees retirement association.
- (d) Employees of the League of Minnesota Cities.
- (e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.
- (f) Employees of a school district who receive separate salaries for driving their own buses.
- (g) Employees of the Association of Minnesota Counties.
- (h) Employees of the Metropolitan Inter-County Association.
- (i) Employees of the Minnesota Municipal Utilities Association.
- (j) Employees of the metropolitan airports commission if employment initially commences on or after July 1, 1979.

(k) Employees of the Minneapolis employees retirement fund, if employment initially commences on or after July 1, 1979.

(l) Employees of the Range Association of Municipalities and Schools.

(m) Employees of the soil and water conservation districts.

(n) Employees of a county historical society.

(o) *Employees of an economic development authority created under sections 13 to 33.*

Sec. 10. Minnesota Statutes 1984, section 355.11, subdivision 5, is amended to read:

Subd. 5. "Employing unit" means any municipal housing and redevelopment authorities organized pursuant to sections 462.415 to 462.705 and any soil and water conservation district organized pursuant to chapter 40 or any port authority organized pursuant to chapter 458, or any economic development authority organized pursuant to sections 13 to 33, or any hospital district organized or reorganized pursuant to sections 447.31 to 447.37.

Sec. 11. [458.091] [COMPLIANCE EXAMINATIONS; FINANCIAL AUDITS.]

*At the request of the city or upon the auditor's initiative, the state auditor may make a legal compliance examination of the authority for that city. Each authority examined must pay the total cost of the examination, including the salaries paid to the examiners while actually engaged in making the examination. The state auditor may bill monthly or at the completion of the audit. All collections received must be deposited in the revolving fund of the state auditor. Each authority shall hire a certified public accountant to annually audit the authority's financial statements. For purposes of this section "authority" includes a port authority created under chapter 458 or any other law and an economic development authority established under sections 13 to 33.*

Sec. 12. [458.101] [NO STATE BAILOUT OF PORT AUTHORITIES.]

*State appropriations or credit of the state must not be used to pay or guarantee the payment of the debt of a port authority.*

Sec. 13. [458C.01] [DEFINITIONS.]

*Subdivision 1. [TERMS.] In sections 13 to 33, the terms defined in this section have the meaning given them.*

Subd. 2. [AUTHORITY.] *"Authority" means an economic development authority, unless specified otherwise.*

Subd. 3. [CITY.] *"City" means a home rule charter or statutory city.*

Subd. 4. [DEVELOPMENT.] *"Development" includes redevelopment, and developing includes redeveloping.*

Subd. 5. [COST OF REDEVELOPMENT.] *"Cost of redevelopment" means, with respect to an economic development district project, the cost of*

(a) *acquiring property, whether by purchase, lease, condemnation, or otherwise;*

(b) *demolishing or removing structures or other improvements on acquired properties;*

(c) *correcting soil deficiencies necessary to develop or use the property for an appropriate use as determined by the authority;*

(d) *constructing or installing public improvements, including streets, roads, and utilities;*

(e) *providing relocation benefits to the occupants of acquired properties;*

(f) *planning, engineering, legal and other services necessary to carry out the functions listed in clauses (a) to (e); and*

(g) *the allocated administrative expenses of the authority for the project.*

Sec. 14. [458C.03] [ECONOMIC DEVELOPMENT AUTHORITY; ESTABLISHMENT.]

*A city may, by adopting an enabling resolution in compliance with the procedural requirements of section 16, establish an economic development authority that, subject to section 6, has the powers contained in sections 13 to 33 and a housing and redevelopment authority under chapter 462 or other law, and a city under chapter 472A or other law. If the economic development authority exercises the powers of a housing and redevelopment authority contained in chapter 462 or other law, the city shall exercise the powers relating to a housing and redevelopment authority granted to a city by chapter 462 or other law.*

Sec. 15. [458C.04] [LIMIT OF POWERS.]

*Subdivision 1. [RESOLUTION.] The enabling resolution may impose the following limits upon the actions of the authority:*

*(1) that the authority must not exercise any specified powers contained in sections 13 to 33, chapters 462 and 472A or that the authority must not exercise any powers without the prior approval of the city council;*

*(2) that, except when previously pledged by the authority, the city council may, by resolution, require the authority to transfer any portion of the reserves generated by activities of the authority that the city council determines is not necessary for the successful operation of the authority, to the city general fund, to be used for any general purpose of the city;*

*(3) that the sale of all bonds or obligations issued by the authority be approved by the city council before issuance;*

*(4) that the authority follow the budget process for city departments as provided by the city and as implemented by the city council and mayor;*

*(5) that all official actions of the authority must be consistent with the adopted comprehensive plan of the city, and any official controls implementing the comprehensive plan;*

*(6) that the authority submit all planned activities for influencing the action of any governmental agency, subdivision, or body to the city council for approval;*

*(7) that the authority submit its administrative structure and management practices to the city council for approval; and*

*(8) any other limitation or control established by the city council by the enabling resolution.*

*Subd. 2. [MODIFICATION OF RESOLUTION.] The enabling resolution may be modified at any time, subject to subdivision 5, and provided that any modification is made in accordance with section 16.*

*Subd. 3. [REPORT ON RESOLUTION.] Without limiting the right of the authority to petition the city council at any time, each year, within 60 days of the anniversary date of the first adoption of the enabling resolution, the authority shall submit to the city council a report stating whether and how the enabling resolution should be modified. Within 30 days of receipt of the recommendation, the city council shall review the enabling resolution, consider the recommendations of the authority, and make any modification it considers appropriate. Modifications must be made in accordance with the procedural requirements of section 16.*

*Subd. 4. [COMPLIANCE.] The city council's determination that the authority has complied with the limitations imposed under this section is conclusive.*

*Subd. 5. [LIMITS; SECURITY.] Limits imposed under this section must not be applied in a manner that impairs the security of any bonds issued or contracts executed before the limit is imposed. The city council must not modify any limit in effect at the time any bonds or obligations are issued or contracts executed to the detriment of the holder of the bonds or obligations or any contracting party.*

#### **Sec. 16. [458C.05] [PROCEDURAL REQUIREMENT.]**

*Subdivision 1. [ENABLING RESOLUTION.] The creation of an authority by a city must be by written resolution known as the enabling resolution. Before adopting the enabling resolution, the city council shall conduct a public hearing. Notice of the time and place of hearing, a statement of the purpose of the hearing, and a summary of the resolution must be published in a newspaper of general circulation within the city once a week for two consecutive weeks. The first publication must appear not more than 30 days from the date of the public hearing.*

*Subd. 2. [MODIFICATIONS.] All modifications to the enabling resolution must be by written resolution and must be adopted after notice is given and a public hearing conducted as required for the original adoption of the enabling resolution.*

#### **Sec. 17. [458C.06] [TRANSFER OF AUTHORITY.]**

*Subdivision 1. [ECONOMIC DEVELOPMENT, HOUSING, REDEVELOPMENT POWERS.] The city may, by ordinance, divide any economic development, housing, and redevelopment powers granted under chapter 462 and this chapter between the economic development authority and any other authority or commission established under statute or city charter for economic development, housing, or redevelopment.*

*Subd. 2. [PROJECT CONTROL, AUTHORITY, OPERATION.] The city may, by resolution, transfer the control, authority, and operation of any project as defined in section 273.73, subdivision 8, or any other program or project authorized by chapter 462 or 472A located within the city, from the governmental agency or subdivision that established the project to the economic development authority. The city council may also require acceptance of control, authority, and operation of the project by the economic development authority. The economic development authority may exercise all of the powers that the governmental unit establishing the project could exercise with respect to the project.*

When a project or program is transferred to the economic development authority, the authority shall covenant and pledge to perform the terms, conditions, and covenants of the bond indenture or other agreements executed for the security of any bonds issued by the governmental subdivision that initiated the project or program. The economic development authority may exercise all of the powers necessary to perform the terms, conditions, and covenants of any indenture or other agreements executed for the security of the bonds and shall become obligated on the bonds when the project or program is transferred as provided in this subdivision.

Subd. 3. [TRANSFER OF PERSONNEL.] Notwithstanding any other law or charter provision to the contrary, the city council may, by resolution, place any employees of the housing and redevelopment authority under the direction, supervision, or control of the economic development authority. The placement of any employees under the direction, supervision, or control of the economic development authority does not affect the rights of any employees of the housing and redevelopment authority, including any rights existing under a collective bargaining agreement or fringe benefit plan. The employees shall become employees of the economic development authority.

Sec. 18. [458C.07] [ECONOMIC DEVELOPMENT AUTHORITY.]

An economic development authority is a public body corporate and politic and a political subdivision of the state with the right to sue and be sued in its own name. An authority carries out an essential governmental function when it exercises its power, but the authority is not immune from liability because of this.

Sec. 19. [458C.08] [COMMISSIONERS; APPOINTMENT, TERMS, VACANCIES, PAY, REMOVAL.]

Subdivision 1. [COMMISSIONERS.] Except as provided in subdivision 2, clause (d), an economic development authority shall consist of either three, five, or seven commissioners who shall be appointed after the enabling resolution provided for in section 7 becomes effective. The resolution must indicate the number of commissioners constituting the authority.

Subd. 2. [APPOINTMENT, TERMS; VACANCIES.] (a) Three-member authority: the commissioners constituting a three-member authority, one of whom must be a member of the city council, shall be appointed by the mayor with the approval of the city council. Those initially appointed shall be appointed for terms of two, four, and six years, respectively. Thereafter all commissioners shall be appointed for six-year terms.

(b) Five-member authority: the commissioners constituting a five-member authority, two of whom must be members of the



city council, shall be appointed by the mayor with the approval of the city council. Those initially appointed shall be appointed for terms of two, three, four, and five years respectively and one member for six years. Thereafter all commissioners shall be appointed for six-year terms.

(c) Seven-member authority: the commissioners constituting a seven-member authority, two of whom must be members of the city council, shall be appointed by the mayor with the approval of the city council. Those initially appointed shall be appointed for terms of one, two, three, four, and five years respectively and two members for six years. Thereafter all commissioners shall be appointed for six-year terms.

(d) The enabling resolution may provide that the members of the city council shall serve as the commissioners.

(e) The enabling resolution may provide for the appointment of members of the city council in excess of the number required in clauses (a), (b) and (c).

(f) A vacancy is created in the membership of an authority when a city council member of the authority ends council membership. A vacancy for this or another reason must be filled for the balance of the unexpired term, in the manner in which the original appointment was made. The city council may set the term of the commissioners who are members of the city council to coincide with their term of office as members of the city council.

**Subd. 3. [INCREASE IN COMMISSION MEMBERS.]** An authority may be increased from three to five or seven members, or from five to seven members by a resolution adopted by the city council following the procedure provided for modifying the enabling resolution in section 16.

**Subd. 4. [COMPENSATION AND REIMBURSEMENT.]** A commissioner, including the president, shall be paid for attending each regular or special meeting of the authority in an amount to be determined by the city council. In addition to receiving pay for meetings, the commissioners may be reimbursed for actual expenses incurred in doing official business of the authority. All money paid for compensation or reimbursement must be paid out of the authority's budget.

**Subd. 5. [REMOVAL FOR CAUSE.]** A commissioner may be removed by the city council for inefficiency, neglect of duty, or misconduct in office. A commissioner shall be removed only after a hearing. A copy of the charges must be given to the commissioner at least ten days before the hearing. The commissioner must be given an opportunity to be heard in person or by counsel at the hearing. When written charges have been submitted against a commissioner, the city council may temporarily suspend the commissioner. If the city council finds

*that those charges have not been substantiated, the commissioner shall be immediately reinstated. If a commissioner is removed, a record of the proceedings, together with the charges and findings, shall be filed in the office of the city clerk.*

**Sec. 20. [458C.09] [OFFICERS; DUTIES; ORGANIZATIONAL MATTERS.]**

*Subdivision 1. [BYLAWS, RULES, SEAL.] An authority may adopt bylaws and rules of procedure and shall adopt an official seal.*

*Subd. 2. [OFFICERS.] An authority shall elect a president, a vice-president, a treasurer, a secretary, and an assistant treasurer. The authority shall elect the president, treasurer, and secretary annually. A commissioner must not serve as president and vice-president at the same time. The other offices may be held by the same commissioner. The offices of secretary and assistant treasurer need not be held by a commissioner.*

*Subd. 3. [DUTIES AND POWERS.] The officers have the usual duties and powers of their offices. They may be given other duties and powers by the authority.*

*Subd. 4. [TREASURER'S DUTIES.] The treasurer:*

- (1) shall receive and is responsible for authority money;*
- (2) is responsible for the acts of the assistant treasurer;*
- (3) shall disburse authority money by check only;*
- (4) shall keep an account of the source of all receipts, and the nature, purpose, and authority of all disbursements; and*
- (5) shall file the authority's detailed financial statement with its secretary at least once a year at times set by the authority.*

*Subd. 5. [ASSISTANT TREASURER.] The assistant treasurer has the powers and duties of the treasurer if the treasurer is absent or disabled.*

*Subd. 6. [TREASURER'S BOND.] The treasurer shall give bond to the state conditioned for the faithful discharge of official duties. The bond must be approved as to form and surety by the authority and filed with the secretary. The bond must be for twice the amount of money probably on hand at any one time, as determined at least annually by the authority. However, the bond must not exceed \$300,000.*

*Subd. 7. [PUBLIC MONEY.] Authority money is public money.*

*Subd. 8. [CHECKS.] An authority check must be signed by the treasurer and one other officer named by the authority in a resolution. The check must state the name of the payee and the nature of the claim that the check is issued for.*

*Subd. 9. [FINANCIAL STATEMENT.] The authority's detailed financial statement must show all receipts and disbursements, their nature, the money on hand, the purposes to which the money on hand is to be applied, the authority's credits and assets, and its outstanding liabilities in a form required for the city's financial statements. The authority shall examine the statement together with the treasurer's vouchers. If the authority finds that the statement and vouchers are correct, it shall approve them by resolution and enter the resolution in its records.*

**Sec. 21. [458C.10] [EMPLOYEES; SERVICES; SUPPLIES.]**

*Subdivision 1. [EMPLOYEES.] An economic development authority may employ an executive director, a chief engineer, other technical experts and agents, and other employees as it may require, and determine their duties, qualifications, and compensation.*

*Subd. 2. [CONTRACT FOR SERVICES.] The authority may contract for the services of consultants, agents, public accountants, and other persons needed to perform its duties and exercise its powers.*

*Subd. 3. [LEGAL SERVICES.] The authority may use the services of the city attorney or hire a general counsel for its legal needs. The city attorney or general counsel, as determined by the authority, is its chief legal advisor.*

*Subd. 4. [SUPPLIES.] The authority may purchase the supplies and materials it needs to carry out sections 13 to 33.*

*Subd. 5. [CITY PURCHASING.] An authority may use the facilities of its city's purchasing department in connection with construction work and to purchase equipment, supplies, or materials.*

*Subd. 6. [CITY FACILITIES, SERVICES.] A city may furnish offices, structures and space, and stenographic, clerical, engineering, or other assistance to its authority.*

*Subd. 7. [DELEGATION POWER.] The authority may delegate to one or more of its agents or employees powers or duties as it may deem proper.*

**Sec. 22. [458C.11] [CONFLICT OF INTEREST.]**

*Except as authorized in section 471.88 a commissioner, officer, or employee of an authority must not acquire any financial interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall the person have any financial interest, direct or indirect, in any contract or proposed contract for materials or service to be furnished or used in connection with any project.*

**Sec. 23. [458C.12] [DEPOSITORIES; DEFAULT; COLLATERAL.]**

*Subdivision 1. [NAMED; BOND.] Every two years an authority shall name national or state banks within the state as depositories. Before acting as a depository, a named bank shall give the authority a bond approved as to form and surety by the authority. The bond must be conditioned for the safekeeping and prompt repayment of deposits. The amount of bond must be at least equal to the maximum sums expected to be deposited at any one time.*

*Subd. 2. [ONE BANK ACCOUNT.] An authority may deposit all its money from any source in one bank account.*

*Subd. 3. [DEFAULT; COLLATERAL.] When authority funds are deposited by the treasurer in a bonded depository, the treasurer and the surety on the treasurer's official bond are exempt from liability for the loss of the deposits because of the failure, bankruptcy, or other act or default of the depository. However, an authority may accept assignments of collateral from its depository to secure deposits just as assignments of collateral are permitted by law to secure deposits of the authority's city.*

**Sec. 24. [458C.13] [OBLIGATIONS.]**

*Subdivision 1. [TAXES AND ASSESSMENTS PROHIBITED.] An authority must not levy a tax or special assessment, except as otherwise provided in sections 13 to 33, pledge the credit of the state or the state's municipal corporations or other subdivisions, or incur an obligation enforceable on property not owned by the authority.*

*Subd. 2. [BUDGET TO CITY.] Annually, at a time fixed by charter, resolution, or ordinance of the city, an authority shall send its budget to its city's council. The budget must include a detailed written estimate of the amount of money that the authority expects to need from the city to do authority business during the next fiscal year. The needed amount is what is needed in excess of any expected receipts from other sources.*

*Subd. 3. [FISCAL YEAR.] The fiscal year of the authority must be the same as the fiscal year of its city.*

*Subd. 4. [REPORT TO CITY.] Annually, at a time and in a form fixed by the city council, the authority shall make a written report to the council giving a detailed account of its activities and of its receipts and expenditures during the preceding calendar year, together with additional matters and recommendations it deems advisable for the economic development of the city.*

*Subd. 5. [AUDITS.] The financial statements of the authority must be prepared, audited, filed, and published or posted in the manner required for the financial statements of the city that established the authority. The financial statements must permit comparison and reconciliation with the city's accounts and financial reports. The report must be filed with the state auditor by June 30 of each year. The auditor shall review the report and may accept it or, in the public interest, audit the books of the authority.*

**Sec. 25. [458C.14] [ECONOMIC DEVELOPMENT DISTRICTS; SCHEDULE OF POWERS.]**

*Subdivision 1. [ESTABLISHMENT.] An economic development authority may create and define the boundaries of economic development districts at any place or places within the city and may use the powers granted in sections 13 to 33 to carry out its purposes. First the authority must hold a public hearing on the matter. At least ten days before the hearing, the authority shall publish notice of the hearing in a daily newspaper of general circulation in the city. Also, the authority shall find that an economic development district is proper and desirable to establish and develop within the city.*

*Subd. 2. [ACQUIRE PROPERTY.] The economic development authority may acquire by lease, purchase, gift, devise, or condemnation proceedings the needed right, title, and interest in property to create economic development districts. It shall pay for the property out of money it receives under sections 13 to 33. It may hold and dispose of the property subject to the limits and conditions in sections 13 to 33. The title to property acquired by condemnation or purchase must be in fee simple, absolute. The authority may accept an interest in property acquired in another way subject to any condition of the grantor or donor. The condition must be consistent with the proper use of the property under sections 13 to 33. Property acquired, owned, leased, controlled, used, or occupied by the authority for any of the purposes of this section is for public governmental and municipal purposes and is exempt from taxation by the state or by its political subdivisions. The exemption applies only while the authority holds property for its own purpose. The exemption is subject to the provisions of section 272.02, subdivision 5. When property is sold it begins to be taxed again.*

*Subd. 2a. [OPTIONS.] The economic development authority may sign options to purchase, sell, or lease property.*

**Subd. 3. [EMINENT DOMAIN.]** *The economic development authority may use eminent domain under chapter 117, or under its city's charter to acquire property it is authorized to acquire by condemnation. The authority may acquire in this way property acquired by its owner by eminent domain or property already devoted to a public use only if its city's council approves. The authority may possess property to be condemned after it files a petition in condemnation proceedings describing the property. The authority may abandon the condemnation before taking possession.*

**Subd. 4. [CONTRACTS.]** *The economic development authority may make contracts for the purpose of economic development within the powers given it in sections 13 to 33. The authority may contract or arrange with the federal government, or any of its departments, with persons, public corporations, the state, or any of its political subdivisions, commissions, or agencies, for separate or joint action, on any matter related to using the authority's powers or doing its duties. The authority may contract to purchase and sell real and personal property. However, an obligation or expense must not be incurred except when existing appropriations together with the reasonable expected revenue of the authority from other sources are sufficient to discharge the obligation or pay the expense when due. The state and its municipal subdivisions are not liable on the obligations.*

**Subd. 4a. [LIMITED PARTNER.]** *The economic development authority may be a limited partner in a partnership whose purpose is consistent with the authority's purpose.*

**Subd. 5. [RIGHTS; EASEMENTS.]** *The economic development authority may acquire rights or an easement for a term of years or perpetually for development of an economic development district.*

**Subd. 6. [SUPPLIES; MATERIALS.]** *The economic development authority may buy the supplies and materials it needs to carry out this section.*

**Subd. 7. [RECEIVE PUBLIC PROPERTY.]** *The economic development authority may accept land, money, or other assistance, whether by gift, loan or otherwise, in any form from the federal or state government, or an agency of either, or a local subdivision of state government to carry out sections 13 to 33 and to acquire and develop an economic development district and its facilities under this section.*

**Subd. 8. [DEVELOPMENT DISTRICT AUTHORITY.]** *The economic development authority may sell or lease land held by it for economic development in economic development districts. The authority may, if proper in the public interest, build suitable buildings or structures on land owned by it. The authority may furnish capital equipment permanently or used exclusively on*

*the lands or in the buildings if necessary to the purposes of the buildings or structures. The authority must intend that the buildings, structures, and equipment be leased or sold to private persons to further develop the economic development district.*

*The authority may acquire, develop, sell, or lease single or multiple tracts of land regardless of size, to be developed as a part of the economic development of the district under sections 13 to 33.*

**Subd. 9. [FOREIGN TRADE ZONE.]** *The economic development authority may apply to the board defined in United States Code, title 19, section 81a, for the right to use the powers provided in United States Code, title 19, sections 81a to 81u. If the right is granted, the authority may use the powers. One authority may apply with another authority.*

**Subd. 10. [RELATION TO CHAPTER 474.]** *The economic development authority may exercise powers and duties of a redevelopment agency under chapter 474, for a purpose in sections 13 to 33 or 462.411 to 462.705. The authority may also use the powers and duties in sections 13 to 33 and 462.411 to 462.705 for a purpose in chapter 474.*

**Subd. 11. [PUBLIC FACILITIES.]** *The authority may operate and maintain a public parking facility or other public facility to promote development in an economic development district.*

**Sec. 26. [458C.15] [GENERAL OBLIGATION BONDS.]**

**Subdivision 1. [AUTHORITY; PROCEDURE.]** *An economic development authority may issue general obligation bonds in the principal amount authorized by two-thirds majority vote of its city's council. The bonds may be issued in anticipation of income from any source. The bonds may be issued: (1) to secure funds needed by the authority to pay for acquired property or (2) for other purposes in sections 13 to 33. The bonds must be in the amount and form and bear interest at the rate set by the city council. The authority shall sell the bonds to the highest bidder. The authority shall publish notice of the time and the place for receiving bids, once at least two weeks before the bid deadline. Sections 13 to 33 govern issuance of the bonds. When those sections are silent, chapter 475 governs. The authority when issuing the bonds is a municipal corporation under chapter 475. No election shall be required to authorize the issuance of the bonds except as provided in subdivision 2.*

**Subd. 2. [REFERENDUM ON PETITION.]** *Before the issuance of the bonds, the city council shall publish in the official newspaper of the city an initial resolution authorizing the issuance of the bonds, and if within 21 days after the publication*

*there is filed with the city clerk a petition requesting an election on the proposition of issuing the bonds signed by a number of qualified voters greater than ten percent of the number who voted in the city at the last general election, the bonds must not be issued until the proposition has been approved by a majority of the votes cast on it at a regular or special election.*

**Subd. 3. [OUTSIDE DEBT LIMIT.]** *Bonds issued by the authority must not be included in the net debt of its city. Money received under this section must not be included in a per person limit on taxing or spending in the city's charter. The authority is also exempt from the limit.*

**Subd. 4. [DETAIL; MATURITY.]** *The authority with the consent of its city's council shall set the date, denominations, place of payment, form, and details of the bonds. The bonds must mature serially. The first installment is due in not more than three years and the last in not more than 30 years from the date of issuance.*

**Subd. 5. [SIGNATURES; COUPONS; LIABILITY.]** *The bonds must be signed by the president of the authority, be attested by its secretary, and be countersigned by its treasurer; the signatures may be facsimile signatures. The interest coupons if any, must be attached to the bonds. The coupons must be executed and authenticated by the printed, engrossed, or lithographed facsimile signature of the authority's president and secretary. The bonds do not impose any personal liability on a member of the authority.*

**Subd. 6. [PLEDGE.]** *The bonds must be secured by the pledge of the full faith, credit, and resources of the issuing authority's city. The authority may pledge the full faith, credit, and resources of the city only if the city specifically authorizes the authority to do so. The city council must first decide whether the issuance of the bonds by the authority is proper in each case and if so, what amount of bonds to issue. The city council shall give specific consent in an ordinance to the pledge of the city's full faith, credit, and resources. The authority shall pay the principal amount of the bonds and the interest on it from taxes levied under this section to make the payment or from authority income from any source.*

**Subd. 7. [TAX LEVY.]** *An authority that issues bonds under this section, shall, before issuing them, levy a tax for each year on the taxable property in the authority's city. The tax must be for at least five percent more than the amount required to pay the principal and interest on the bonds as the principal and interest mature. The tax must be levied annually until the principal and interest are paid in full. After the bonds have been delivered to the purchasers, the tax must not be repealed until the debt is paid. After the bonds are issued, the authority need not take any more action to authorize extending, assessing, and collecting*



*the tax. The authority's secretary shall immediately send a certified copy of the levy to the county auditor. The secretary shall send with the copy full information on the bonds for which the tax is levied. The county auditor shall extend and assess the levied tax annually until the principal and interest are paid in full. The authority shall transfer the surplus from the excess levy in this section to a sinking fund after the principal and interest for which the tax was levied and collected is paid. The authority may direct its secretary to send a certificate to the county auditor before October 15 in a year. The certificate must state how much available income including the amount in the sinking fund the authority will use to pay principal or interest or both on each specified issue of the authority's bonds. The auditor shall then reduce the bond levy for that year by that amount. The authority shall then set aside the certified amount and may not use it for any purpose except to pay the principal and interest on the bonds. The taxes in this section shall be collected and sent to the authority by the county treasurer under the law on collection of other taxes. The taxes must be used only to pay the bonds when due.*

*Subd. 8. [AUTHORIZED SECURITIES.] Bonds legally issued under this chapter are authorized securities under section 50.14. A savings bank, trust company, or insurance company may invest in them. A public or municipal corporation may invest its sinking funds in them. The bonds may be pledged by a bank or trust company as security for the deposit of public money in place of a surety bond.*

*The authority's bonds are instrumentalities of a public governmental agency.*

**Sec. 27. [458C.16] [REVENUE BONDS; PLEDGE; COVENANTS.]**

*Subdivision 1. [AUTHORITY.] An economic development authority may decide by resolution to issue its revenue bonds either at one time or in series from time to time. The revenue bonds may be issued to provide money to pay to acquire land needed to operate the authority, to purchase or construct facilities, to purchase, construct, install, or furnish capital equipment to operate a facility for economic development of any kind within the city, or to pay to extend, enlarge, or improve a project under its control. The issued bonds may include the amount the authority considers necessary to establish an initial reserve to pay principal and interest on the bonds. The authority shall state in a resolution how the bonds and their attached interest coupons are to be executed.*

*Subd. 2. [FORM.] The bonds of each series issued by the authority under this section shall bear interest at a rate or rates, shall mature at the time or times within 30 years from the date of issuance and shall be in the form, whether payable to bearer, registrable as to principal, or fully registrable, as may be de-*

*terminated by the authority. Section 26, subdivision 8, applies to all bonds issued under this section, and the bonds and their coupons, if any, when payable to bearer, shall be negotiable instruments.*

*Subd. 3. [SALE.] The sale of revenue bonds issued by the authority shall be at public or private sale. The bonds may be sold in the manner and for the price that the authority determines to be for the best interest of the authority. The bonds may be made callable, and if so issued, may be refunded.*

*Subd. 4. [AGREEMENTS.] The authority may by resolution make an agreement or covenant with the bondholders or their trustee. The authority must first decide that the agreement or covenant is needed or desirable to do what the authority may do under this section and to assure that the revenue bonds are marketable and promptly paid.*

*Subd. 5. [REVENUE PLEDGE.] In issuing general obligation or revenue bonds, the authority may secure the payment of the principal and the interest on the bonds by a pledge of and lien on authority revenue. The revenue must come from the facility to be acquired, constructed, or improved with the bond proceeds or from other facilities named in the bond-authorizing resolutions. The authority also may secure the payment with its promise to impose, maintain, and collect enough rentals, rates and charges, for the use and occupancy of the facilities and for services furnished in connection with the use and occupancy, to pay its current expenses to operate and maintain the named facilities, and to produce and put enough net revenue in a special fund to meet the interest and principal requirements of the bonds, and to collect and keep any more money required by the resolutions. The authority shall decide what is current expense under this subdivision based on what is normal and reasonable under accepted accounting principles. Revenues pledged by the authority must not be used or pledged for any other authority purpose or to pay any other bonds issued under this section or under section 26, unless the other use or pledge is specifically authorized in the bond-authorizing resolutions.*

*Subd. 6. [NOT CITY DEBT.] Revenue bonds issued under this section are not a debt of the authority's city nor a pledge of that city's full faith and credit. The bonds are payable only from project revenue as described in this section. A revenue bond must contain on its face a statement to the effect that the economic development authority and its named city do not have to pay the bond or the interest on it except from revenue and that the faith, credit, and taxing power of the city are not pledged to pay the principal of or the interest on the bond.*

*Subd. 7. [NOT APPLICABLE.] Sections 474.01, subdivisions 7a, 7b, and 8 and 474.02, subdivision 1d, do not apply to revenue bonds issued under this section and chapter 474 if the*

*interest on the revenue bonds is subject to both state and federal income tax or if the revenue bond proceeds are not loaned by the authority to a private person.*

*Subd. 8. [TAX INCREMENT BONDS.] Obligations secured or payable from tax increment revenues and issued pursuant to this section or section 26 are subject to the provisions of section 273.77.*

**Sec. 28. [458C.17] [SECTIONS THAT APPLY IF FEDERAL LIMIT APPLIES.]**

*Sections 474.16 to 474.23 apply to obligations issued under sections 13 to 33 that are limited by a federal limitation act defined in section 474.16, subdivision 5.*

**Sec. 29. [458C.18] [ADDITIONAL POWERS.]**

*Subdivision 1. [AS AGENT.] An economic development authority may cooperate with or act as agent for the federal or the state government, or a state public body, or an agency or instrumentality of a government or a public body to carry out sections 13 to 33 or any other related federal, state or local law in the area of economic development district improvement.*

*Subd. 2. [STUDIES, ANALYSIS, RESEARCH.] An authority may study and analyze economic development needs in the city, and ways to meet the needs. An authority may study the desirable patterns for land use for economic development and community growth and other factors affecting local economic development in the city and make the result of the studies available to the public and to industry in general. An authority may engage in research and give out information on economic development within the city.*

*Subd. 3. [PUBLIC RELATIONS.] To further an authorized purpose an authority may (1) join an official, industrial, commercial, or trade association, or another organization concerned with the purpose, (2) have a reception of officials who may contribute to advancing the city and its economic development, and (3) carry out other public relations activities to promote the city and its economic development. Activities under this subdivision have a public purpose.*

*Subd. 4. [ACCEPT PUBLIC LAND.] An authority may accept conveyances of land from all other public agencies, commissions or other units of government, if the land can be properly used by the authority in an economic development district, to carry out the purposes of sections 13 to 33.*

*Subd. 5. [ECONOMIC DEVELOPMENT.] An authority may carry out the law on economic development districts to*

*develop and improve the lands in an economic development district to make it suitable and available for economic development uses and purposes. An authority may fill, grade, and protect the property and do anything necessary and expedient, after acquiring the property, to make it suitable and attractive as a tract for economic development. An authority may lease some or all of its lands or property and may set up local improvement districts in all or part of an economic development district.*

*In general, with respect to an economic development district, an authority may use all the powers given an economic development authority by law.*

**Subd. 6. [AS BORROWER.]** *An authority after authorizing bonds under section 26 or 27 may borrow to provide money immediately required for the bond purpose. The loans must not exceed the amount of the bonds. The authority shall by resolution decide the terms of the loans. The loans must be evidenced by negotiable notes due in not more than 12 months from the date of the loan payable to the order of the lender or to bearer, to be repaid with interest from the proceeds of the bonds when the bonds are issued and delivered to the bond purchasers. The loan must not be obtained from any commissioner of the authority or from any corporation, association, or other institution of which an authority commissioner is a stockholder or officer.*

**Subd. 7. [AS LENDER.]** *The proceeds of obligations issued by an authority under section 27 and temporary loans obtained under this section may be used to make or purchase loans for economic development facilities that the authority believes will require financing. To make or purchase the loans, the authority may enter into loan and related agreements, both before and after issuing the obligations, with persons, firms, public or private corporations, federal or state agencies, and governmental units under terms and conditions the authority considers appropriate. A governmental unit in the state may apply, contract for, and receive the loans. Chapter 475 does not apply to the loans.*

**Subd. 8. [MINED SPACE DEVELOPMENT.]** *Upon delegation by a municipality as provided in section 472B.08, an authority may exercise any of the delegated powers in connection with mined underground space development under sections 472B.03 to 472B.07.*

**Subd. 9. [CITY FACILITIES, SERVICES.]** *An authority city may furnish offices, structures, and space, stenographic, clerical, engineering, or other assistance to its authority.*

**Sec. 30. [458C.19] [SALE OF PROPERTY.]**

**Subdivision 1. [POWER.]** *An economic development authority may sell and convey property owned by it within the city or an economic development district. First, the authority must decide that the sale and conveyance are in the best interests of the city or district and its people, and that the transaction furthers its general plan of economic development. This section is not limited by other law on powers of economic development authorities.*

**Subd. 2. [NOTICE; HEARING.]** *An authority shall hold a hearing on the sale. At the hearing a taxpayer may testify for or against the sale. At least ten, but not more than 20, days before the hearing the authority shall publish notice of the hearing on the proposed sale in a newspaper. The newspaper must be published and have general circulation in the authority's county and city. The notice must describe the property to be sold and state the time and place of the hearing. The notice must also state that the public may see the terms and conditions of the sale at the authority's office and that at the hearing the authority will meet to decide if the sale is advisable.*

**Subd. 3. [DECISION; APPEAL.]** *The authority shall make its findings and decision on whether the sale is advisable and enter its decision on its records within 30 days of the hearing. A taxpayer may appeal the decision. The appeal is made by filing a notice of appeal with the district court in the city or economic development district's county and serving the notice on the secretary of the authority, within 20 days after the decision is entered. The only ground for appeal is that the action of the authority was arbitrary, capricious, or contrary to law.*

**Subd. 4. [TERMS.]** *The terms and conditions of sale of the property must include the use that the bidder will be allowed to make of it. The authority may require the purchaser to file security to assure that the property will be given that use. In deciding the sale terms and conditions the authority may consider the nature of the proposed use and the relation of the use to the improvement of the authority's city and the business and the facilities of the authority in general. The sale must be made on the authority's terms and conditions. The authority may publish an advertisement for bids on the property at the same time and in the same manner as the notice of hearing required in this section. The authority may award the sale to the bid considered by it to be most favorable considering the price and the specified intended use. The authority may also sell the property at private sale at a negotiated price if after its hearing the authority considers that sale to be in the public interest and to further the aims and purposes of sections 13 to 33.*

**Subd. 5. [ONE-YEAR DEADLINE.]** *The purchaser shall, within one year from the date of purchase, devote the property to its intended use, or shall begin work on the improvements to the property to devote it to that use. If the purchaser fails to do so, the authority may cancel the sale and title to the property*

*shall return to it. The authority may extend the time to comply with a condition if the purchaser has good cause. The terms of sale may contain other provisions that the authority considers necessary and proper to protect the public interest. A purchaser must not transfer title to the property within one year of purchase without the consent of the authority.*

**Subd. 6. [COVENANT RUNNING WITH THE LAND.]** *A sale made under this section must incorporate in the deed as a covenant running with the land the conditions of sections 13 to 33 relating to the use of the land. If the covenant is violated the authority may declare a breach of the covenant and seek a judicial decree from the district court declaring a forfeiture and a cancellation of the deed.*

**Subd. 7. [PLANS; SPECIFICATIONS.]** *A conveyance must not be made until the purchaser gives the authority plans and specifications to develop the property sold. The authority must approve the plans and specifications in writing. The preparation of final plans and specifications before the hearing on the sale is not required by this subdivision but the authority may make that requirement.*

**Sec. 31. [458C.20] [ADVANCES BY AUTHORITY.]**

*An authority may advance its general fund money or its credit, or both, without interest, for the objects and purposes of sections 13 to 33. The advances must be repaid from the sale or lease, or both, of developed or redeveloped lands. If the money advanced for the development or redevelopment was obtained from the sale of the authority's general obligation bonds, then the advances must have not less than the average annual interest rate that is on the authority's general obligation bonds that are outstanding at the time the advances are made. The authority may advance repaid money for more objects and purposes of sections 13 to 33 subject to repayment in the same manner. The authority must still use rentals of lands acquired with advanced money to collect and maintain reserves to secure the payment of principal and interest on revenue bonds issued to finance economic development facilities, if the rentals have been pledged for that purpose under section 27. Advances made to acquire lands and to construct facilities for recreation purposes if authorized by law need not be reimbursed under this section. Sections 13 to 33 do not exempt lands leased from the authority to a private person, or entity from assessments or taxes against the leased property while the lessee is liable for the assessments or taxes under the lease.*

**Sec. 32. [458C.22] [CITY MAY LEVY TAXES FOR ECONOMIC DEVELOPMENT AUTHORITY.]**

**Subdivision 1. [CITY TAX LEVY.]** *A city shall, at the request of the authority, levy a tax in any year for the benefit of the authority. The tax must be for not more than .75 mill times*

*the assessed valuation of taxable property in the city. The tax may be levied beyond levy limits in law. The amount levied must be paid by the city treasurer to the treasurer of the authority, to be spent by the authority.*

*Subd. 2. [ADDITIONAL CITY TAX LEVY.] A city may levy an additional tax to be spent by and for its economic development authority. If levied, the tax must enable the authority to carry out efficiently and in the public interest sections 13 to 33 to create and develop economic development districts. The authority must request the tax levy. In any year the levy must not be for more than 7/60 of one mill on each dollar of assessed valuation of taxable property in the city. The county treasurer shall pay the money levied to the authority treasurer. The money may be spent by the authority to do its duties to create and develop economic development districts. In spending the money the authority must judge what best serves the public interest. The levy in this section is in addition to the levy in subdivision 1. The city may disregard any levy limit in law to make the levy in this section.*

*Subd. 3. [REVERSE REFERENDUM.] A city may increase its levy for economic development authority purposes under subdivision 1 in the following way. Its city council must first pass a resolution stating the proposed amount of levy increase. The city must then publish the resolution together with a notice of public hearing on the resolution for two successive weeks in its official newspaper or if none exists in a newspaper of general circulation in the city. The hearing must be held two to four weeks after the first publication. After the hearing, the city council may decide to take no action or may adopt a resolution authorizing the proposed increase or a lesser increase. A resolution authorizing an increase must be published in the city's official newspaper or if none exists in a newspaper of general circulation in the city. The resolution is not effective if a petition requesting a referendum on the resolution is filed with the city clerk within 30 days of publication of the resolution. The petition must be signed by voters equaling five percent of the votes cast in the city in the last general election. Then the resolution is only effective if approved by a majority of those voting on the question. The commissioner of revenue shall prepare a suggested form of referendum question. The referendum must be held at a special or general election before October 1 of the year for which the levy increase is proposed.*

### **Sec. 33. [458C.23] [SPECIAL LAW; OPTIONAL USE.]**

*A city that has established a port authority by special law or that has been granted the power to establish a port authority by special law, or a city whose city council has been authorized to exercise the powers of a port authority by special law may elect to use the powers granted in sections 13 to 33. If the election is made, the powers and duties set forth in sections 13 to 33 super-*

*sede the special law and the special law must not be used anymore. The use of powers under sections 13 to 33 by a city described in this section does not impair the security of any obligations issued or contracts or agreements executed under the special law. Control, authority, and operation of any project may be transferred to the authority in the manner provided in section 17.*

Sec. 34. [LEGISLATIVE FINDINGS.]

*The statement of policy and the findings of the legislature in enacting Laws 1957, chapter 812, are confirmed and apply equally to the exercise of powers by economic development authorities and statutory or home rule charter cities pursuant to sections 13 to 33.*

Sec. 35. Minnesota Statutes 1984, section 462C.02, subdivision 6, is amended to read:

Subd. 6. "City" means any statutory or home rule charter city, or any public body which (a) is the housing and redevelopment authority in and for a city, (OR) the port authority of a city, *or an economic development authority of a city established under sections 13 to 33*, and (b) is authorized by ordinance to exercise, on behalf of a city, the powers conferred by sections 462C.01 to 462C.08.

Sec. 36. Minnesota Statutes 1984, section 462C.02, subdivision 9, is amended to read:

Subd. 9. "Targeted area" means

(a) a development district established pursuant to section 472A.03,

(b) a development district established pursuant to Laws 1971, Chapter 677 as amended,

(c) a redevelopment project established pursuant to section 462.521,

(d) an industrial development district established pursuant to section 458.191,

(e) a census tract in which 70 percent or more of the families have income which is 80 percent or less of the statewide median family income as estimated by the United States department of housing and urban development, (OR)

(f) an area of chronic economic distress designated by the Minnesota housing finance agency, *or*



(g) *an economic development district established pursuant to section 25.*

Sec. 37. Minnesota Statutes 1985 Supplement, section 462C.12, subdivision 2, is amended to read:

Subd. 2. [POWERS.] The board is granted the following powers:

(a) The board may issue obligations and other forms of indebtedness under this section, subject to the terms and conditions set forth in the joint powers agreement, as may be from time to time amended.

(b) The board is authorized to exercise the powers conferred upon the cities of Minneapolis and St. Paul and their designated housing and redevelopment authorities, or the powers of an agency exercising the powers of a housing and redevelopment authority by this chapter and chapter 462 and any other general or special law of the state of Minnesota relating to housing or housing finance. The powers which may be exercised by the board include, without limitation, the power to undertake and implement projects, developments, or programs, the power to issue and sell obligations and other forms of indebtedness payable exclusively from the revenues of the programs, projects, or developments undertaken by the board, or any of the powers the Minnesota housing finance agency may exercise under chapter 462A, provided that the obligations and other forms of indebtedness may be sold upon terms and conditions as the board may from time to time determine. The board may exercise the powers conferred by this section only with respect to projects, programs, or developments within the corporate limits of the cities of Minneapolis and St. Paul, except as may be otherwise provided in a joint powers agreement entered into under section 471.59 between the board and any other city, housing and redevelopment authority, (OR) port authority or economic development authority established under sections 13 to 33 in the state of Minnesota.

(c) For the purposes of section 462C.09, the board may be authorized by the cities of Minneapolis and St. Paul, or by any other city with which the board enters into a joint powers agreement, to issue revenue bonds or obligations in an amount not to exceed the amount of bonds allocated by general or special law to such cities, or the board may issue mortgage credit certificates in lieu thereof.

Sec. 38. Minnesota Statutes 1984, section 471.88, subdivision 1, is amended to read:

Subdivision 1. The governing body of any port authority, seaway port authority, *economic development authority*, town, school district, hospital district, county, or city, by unanimous

vote, may contract for goods or services with an interested officer of the governmental unit in any of the following cases.

Sec. 39. Minnesota Statutes 1984, section 471.88, subdivision 9, is amended to read:

Subd. 9. When a port authority commissioner or *economic development authority commissioner* is engaged in or employed by a firm engaged in the business of importing or exporting or general trade, it shall be lawful for the authority to do business with the commissioner or his employer provided that in the fixing of any rates affecting shippers or users of the terminal facility, said commissioner shall not vote thereon.

Sec. 40. Minnesota Statutes 1984, section 471.88, subdivision 11, is amended to read:

Subd. 11. When a commissioner of any public housing (OR), port authority, or *economic development authority* is employed by a bank engaged in making loans or performing trust services involving real or personal property affected by any plan or such housing or port authority, no restriction shall apply to any such loans made or trust services performed by said bank if the commissioner shall disclose the nature of such loans or trust services of which he has personal knowledge, which disclosure shall be entered upon the minutes of such authority.

Sec. 41. Minnesota Statutes 1985 Supplement, section 472B.-04, is amended to read:

#### 472B.04 [POWERS OF MUNICIPALITY.]

A municipality may, to accomplish the purposes of this chapter:

(1) exercise any or all powers enumerated in chapter 458, but only if the municipality has been granted authority to exercise the powers enumerated in *sections 13 to 33*, chapters 458, 462, 472, 472A, and 474, in conjunction with the powers granted by this chapter;

(2) provide public facilities pursuant to chapters 429, 430, and any charter provision or any special law;

(3) acquire, by lease, purchase, gift, condemnation, or otherwise, land or interests in land, and convey land or interests in land. A municipality is empowered to acquire by condemnation any property, property right or interest in property, corporate or incorporeal, within its boundaries which may be needed by it for a project, for access, including surface and subsurface access, for ventilation, or for any other purpose which it finds by resolution to be needed by it in connection with mined underground

space development; and the fact that the property or interest in property so needed has been acquired by the owner under the power of eminent domain, or is already devoted to a public use, or is owned by the University of Minnesota, any city, county, school district, town, other municipality, or other governmental subdivision, railroad, or public or private utility, shall not prevent its acquisition by the municipality by the exercise of the right of eminent domain hereby conferred, provided the existing use thereof is not impaired; the necessity of the taking of any property or interest in property by the municipality shall be determined by resolution duly adopted by the governing body of the municipality, which shall describe the property or interest as nearly as it may be described and state the use and purpose to which it is to be devoted; except as otherwise provided in this chapter, the right of eminent domain shall be exercised in accordance with chapter 117, provided that any exercise of the right of eminent domain hereby conferred shall not be for the purpose of preventing the development, mining, and use of mineral resources;

(4) acting alone or with others, acquire, purchase, construct, lease, mortgage, maintain, operate, and convey projects;

(5) borrow money to carry out the purposes of this chapter;

(6) enter into contracts, sue and be sued and do or accomplish all other acts and things necessary or convenient to carry out the purposes and policies of this chapter; and

(7) exercise bonding authority as provided in section 472B.05.

Sec. 42. Minnesota Statutes 1984, section 474.02, subdivision 3, is amended to read:

Subd. 3. "Redevelopment agency" means any port authority referred to in chapter 458, or any city authorized by general or special law to exercise the powers of a port authority; *any economic development authority referred to in sections 13 to 33*; any housing and redevelopment authority referred to in chapter 462 or any body authorized to exercise the powers of a housing and redevelopment authority; and any area or municipal redevelopment agency referred to in chapter 472.

Sec. 43. Minnesota Statutes 1984, section 474.16, subdivision 2, is amended to read:

Subd. 2. "Local issuer" means any home rule charter or statutory city, any town, any housing and redevelopment authority referred to in chapter 462 or any body authorized to exercise the powers of a housing and redevelopment authority, any port authority referred to in chapter 458, *any economic development authority referred to in sections 13 to 33*, or any

body authorized to exercise the powers of a port authority, any area or municipal redevelopment agency referred to in chapter 472, any county, or any other municipal authority or agency established pursuant to special law other than the iron range resources and rehabilitation board, acting as an issuer of obligations pursuant to law.

Sec. 44. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to local government; authorizing home rule charter or statutory cities to establish economic development districts; granting powers to cities and authorities; amending Minnesota Statutes 1984, sections 116D.04, subdivision 1a; 117.521, subdivision 3; 272.01, subdivision 2; 273.72; 273.73, subdivisions 2 and 8; 273.86, subdivision 1; 355.11, subdivision 5; 462C.02, subdivisions 6 and 9; 471.88, subdivisions 1, 9, and 11; 474.02, subdivision 3; and 474.16, subdivision 2; Minnesota Statutes 1985 Supplement, sections 273.75, subdivision 4; 353.01, subdivision 2a; 462C.12, subdivision 2; and 472B.-04; proposing coding for new law in Minnesota Statutes, chapter 458; and proposing coding for new law as Minnesota Statutes, chapter 458C."

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 2050, A bill for an act relating to theft; modifying circumstances justifying detention of suspects in business establishments; modifying immunity from liability for detention; amending Minnesota Statutes 1985 Supplement, section 629.366, subdivisions 1 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1985 Supplement, section 629.366, subdivision 1, is amended to read:

Subdivision 1. [CIRCUMSTANCES JUSTIFYING DETENTION.] (a) A merchant or merchant's employee may detain a person (FOR THE SOLE PURPOSE OF DELIVERING HIM OR HER TO A PEACE OFFICER) if the merchant or employee has reasonable cause to believe:

(1) that the person has taken, or is taking, an article of value without paying for it, from the possession of the merchant in his or her place of business or from a vehicle or premises under the merchant's control;

(2) that the taking is done with the intent to wrongfully deprive the merchant of the property or the use or benefit of it; or

(3) that the taking is done with the intent to appropriate the use of property to the taker or any other person.

*(b) Subject to the limitations in paragraph (a), a merchant or merchant's employee may detain a person for any of the following purposes:*

*(1) to require the person to provide identification or verify identification;*

*(2) to inquire as to whether the person possesses unpurchased merchandise taken from the merchant and, if so, to receive the merchandise;*

*(3) to inform a peace officer; or*

*(4) to institute criminal proceedings against the person.*

**(c) (THE MERCHANT OR EMPLOYEE SHALL DELIVER THE DETAINED PERSON TO A PEACE OFFICER WITHOUT UNNECESSARY DELAY.)** The person detained shall be informed promptly of the purpose of the detention and may not be subjected to unnecessary or unreasonable force, nor to interrogation against his or her will. *A merchant or merchant's employee may not detain a person for more than one hour unless:*

*(1) the merchant or employee is waiting to surrender the person to a peace officer, in which case the person may be detained until a peace officer has accepted custody of or released the person; or*

*(2) the person detained is a minor, or claims to be, and the merchant or employee is waiting to surrender the minor to a peace officer or the minor's parent, guardian, or custodian, in which case the minor may be detained until the peace officer, parent, guardian, or custodian has accepted custody of the minor.*

*(d) If at any time the person detained requests that a peace officer be summoned, the merchant or merchant's employee must notify a peace officer immediately.*

Sec. 2. Minnesota Statutes 1985 Supplement, section 629.366, subdivision 3, is amended to read:

Subd. 3. [IMMUNITY.] No merchant, merchant's employee, or peace officer is criminally or civilly liable for (FALSE ARREST OR FALSE IMPRISONMENT OR WRONGFUL DETENTION) *any action authorized under subdivision 1 or 2 if the arresting person's action is based upon reasonable cause.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 2154, A bill for an act relating to taxation; sales and use; exempting materials consumed in certain manufacturing construction in distressed counties; amending Minnesota Statutes 1985 Supplement, sections 297A.15, subdivision 5; and 297A.257, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 20, after the period insert "*In the case of building materials qualifying under section 297A.257 where the tax was paid by a contractor, application must be made by the owner for the sales tax paid by all the contractors, subcontractors, and builders for the project. The application must include sufficient information to permit the commissioner to verify the sales tax paid for the project.*"

Page 2, line 9, after "*chapter*" insert "*, regardless of whether purchased by the owner or a contractor, subcontractor, or builder,*"

Page 2, line 15, delete "\$100,000,000; and" and insert "\$75,000,000."

Page 2, delete lines 16 and 17

Page 2, line 18, after "*of*" insert "*a project qualifying under*"

Page 2, line 20, after the first "*the*" insert "*initial*"

Page 2, delete line 23 and insert:

*"This act is effective for purchases and use made after May 1, 1986, provided that the first refunds for construction materials and supplies due as a result of the exemption under section 2 may not be paid by the commissioner before July 15, 1987."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 2157, A bill for an act relating to education; permitting research sites on performance based education; permitting waiver of certain legal mandates; proposing coding for new law in Minnesota Statutes, chapter 121.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1985 Supplement, section 169.44, subdivision 16, is amended to read:

Subd. 16. [OVERHEAD BOOK RACKS.] Types I and II school buses may be equipped with padded, permanent overhead book racks which do not hang over the center aisle of the bus. The (COMMISSIONER) *state board* of education shall implement this subdivision by rule promulgated before July 1, (1985) 1986.

Sec. 2. Minnesota Statutes 1985 Supplement, section 169.44, subdivision 17, is amended to read:

Subd. 17. ["MN" DESIGNATION IN BUS BODY SERIAL NUMBER.] School bus bodies manufactured after January 1, 1986 and used on streets and highways in this state must bear the designation "MN" in the bus body identification number. The manufacturer of the school bus body certifies by the "MN" designation that the bus body has been manufactured to meet the minimum standards required of school bus bodies by law. A school bus body manufactured before January 2, 1986, that does not bear a current inspection sticker on June 1, (1985) 1986 may not be used on streets and highways in the state after July 1, (1985) 1986, unless its manufacturer recertifies that the school bus body meets minimum standards required of school bus bodies by law. The (COMMISSIONER) *state board* of education shall implement this subdivision by rule promulgated before July 1, (1985) 1986.

Sec. 3. Laws 1985, First Special Session chapter 12, article 8, section 60, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] A task force on an academic high school league is established. The task force shall consist of 15 members appointed by the academic excellence

foundation. The foundation shall appoint at least one member from the state committee of the north central association and one member from the advisory committee for programs of excellence. The task force shall terminate by (JUNE 30) *December 31, 1986.*

Sec. 4. Laws 1985, First Special Session chapter 12, article 8, section 60, subdivision 4, is amended to read:

Subd. 4. [REPORT.] The task force shall report its findings and recommendations to the academic excellence foundation and the education committees of the legislature by (FEBRUARY 1) *December 15, 1986.*

Sec. 5. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective the day following the final enactment."*

Delete the title and insert:

"A bill for an act relating to education; correcting a delegation of rulemaking authority; extending deadlines for the academic high school league task force; amending Minnesota Statutes 1985 Supplement, section 169.44, subdivisions 16 and 17; and Laws 1985, First Special Session chapter 12, article 8, section 60, subdivisions 1 and 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 2169, A bill for an act relating to state lands; providing for a procedure to sell state leased lands; providing for maximum lease rates; proposing coding for new law in Minnesota Statutes, chapter 92; repealing Laws 1985, First Special Session chapter 14, article 17, section 4.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 4, line 3, after "8" insert "*, except as provided in section 3*"

Page 4, after line 3, insert:

"Sec. 3. [92.68] [PROCEEDS AND FUND.]



*Subdivision 1. [PROCEEDS OF LAND ACQUISITION ACCOUNT.] In order to ensure that the educational opportunities provided by Minnesota scientific and natural areas as described in section 86A.05, subdivision 5, are adequately available for present and future generations, proceeds under this act that are deposited in the land acquisition account under section 94.165 must be expended on scientific and natural areas.*

*Subd. 2. [ENDOWMENT FUND.] A natural areas legacy endowment fund shall be established by the commissioner of natural resources in order to accept and receive private contributions for educational opportunities provided by scientific and natural areas. The principal of the fund shall be retained in the endowment fund.*

*Expenditures from the interest proceeds derived from the principal may be used by the commissioner of natural resources for the protection, management, and inventory of lands with rare and endangered species or undisturbed plant communities that qualify as state scientific and natural areas under section 86A.05, subdivision 5."*

Page 4, line 4, delete "[92.68]" and insert "[92.69]"

Page 4, delete section 6

Page 4, line 24, delete "6" and insert "5"

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 4, after the semicolon insert "providing for an endowment fund and the disposition of proceeds of the land acquisition account;"

Page 1, line 5, delete everything after "92"

Page 1, line 6, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 2192, A bill for an act relating to education; authorizing school districts to form education districts; providing for additional aid and levy for education districts; authorizing intermediate districts to use levies for education

district purposes; authorizing grants to exemplary education districts; appropriating money; amending Minnesota Statutes 1984, sections 124.272, subdivisions 1, 2, 4, and by adding a subdivision; 136D.27; 136D.74, subdivision 2; 136D.87; Minnesota Statutes 1985 Supplement, sections 124.272, subdivision 3; and 275.125, subdivision 8a; proposing coding for new law in Minnesota Statutes, chapter 123.

Reported the same back with the following amendments:

Page 1, delete lines 22 to 29 and insert:

*"Subd. 2. [CRITERIA.] An education district may be formed by a group of school districts that, at the time of formation, meets one of the following criteria:*

*(1) two or more districts with a combined total enrollment of more than 20,000 pupils in average daily membership; or*

*(2) a group of districts that has at least 5,000 pupils in average daily membership or at least five districts and, in either case, has cooperated for at least one school year under sections 122.541, 123.351, 471.59, or other formal agreements recognized by the department of education; or*

*(3) a group of districts that has at least 10,000 pupils in average daily membership or at least ten districts or 7,500 square miles and, in any case, has an agreement to cooperatively provide educational services."*

Page 2, delete lines 1 to 9

Page 2, line 29, after *"employ"* insert *"teachers and other"*

Page 2, line 31, delete *"staff"* and insert *"teachers"*

Page 3, line 19, delete *"the"* and insert *"all"*

Page 3, line 20, delete *"unit"* and insert *"units"*

Page 3, line 23, delete *"approval"* and insert *"review and comment"*

Page 3, line 35, delete *"student"* and insert *"pupil"*

Page 3, line 36, delete *"professional"* and after *"services"* insert *"for professional staff"*

Page 4, line 11, delete *"and"* and insert *"or"*

Page 5, line 7, delete "STAFF; ADDITIONAL" and insert "FILLING TEACHING POSITIONS"

Page 6, line 12, delete "approved"

Page 6, line 20, delete "approved"

Page 6, line 28, delete "approved"

Page 8, line 5, before the first "The" insert "*Each year*" and strike "may each year"

Page 8, line 7, strike "for area vocational"

Page 8, line 8, strike "technical schools" and after the comma insert "*may*"

Page 8, strike line 9

Page 8, line 10, strike everything before "tax" and strike "may be certified"

Page 8, line 15, delete "approved"

Page 9, line 2, strike everything after the first comma

Page 9, line 3, strike everything before "tax" and strike "may be certified"

Page 9, line 8, delete "approved"

Page 9, line 25, before the first "The" insert "*Each year*" and strike "may each year"

Page 9, line 27, strike "for area vocational"

Page 9, line 28, strike "technical schools" and after the comma insert "*may*"

Page 9, strike line 29

Page 9, line 30, strike everything before "tax" and strike "may be certified"

Page 9, line 35, delete "approved"

Pages 10 and 11, delete sections 11 and 12

Page 11, line 18, delete "3, 4, and 5" and insert "7, 8, and 9"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "appropriating money;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 2210, A bill for an act relating to taxation; providing for reduction of the original assessed value of a tax increment financing district in the city of Litchfield.

Reported the same back with the following amendments:

Page 1, line 18, after the period insert "*In no case may the reduction result in an original assessed value for the district that is less than the assessed value of the district determined immediately after the date of the fire.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 2243, A bill for an act relating to marriage dissolution and legal separation; requiring appointment of guardians ad litem in certain child custody proceedings; amending Minnesota Statutes 1984, section 518.165.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 518.165, is amended to read:

518.165 [GUARDIANS FOR MINOR CHILDREN.]

*Subdivision 1.* [PERMISSIVE APPOINTMENT OF GUARDIAN AD LITEM.] In all proceedings for child custody or for dissolution or legal separation where custody or visitation

of a minor child is in issue, the court may appoint a guardian ad litem from a panel established by the court to represent the interests of the child. The guardian ad litem shall advise the court with respect to custody, support and visitation. (THE COURT MAY ENTER AN ORDER FOR COSTS, FEES AND DISBURSEMENTS IN FAVOR OF THE CHILD'S GUARDIAN AD LITEM. THE ORDER MAY BE MADE AGAINST EITHER OR BOTH PARTIES, EXCEPT THAT ANY PART OF THE COSTS, FEES, AND DISBURSEMENTS WHICH THE COURT FINDS THE PARTIES ARE INCAPABLE OF PAYING SHALL BE BORNE BY THE COUNTY.)

*Subd. 2. [REQUIRED APPOINTMENT OF GUARDIAN AD LITEM.] In all proceedings for child custody or for marriage dissolution or legal separation in which custody or visitation of a minor child is an issue, if the minor child is alleged by a party to the proceeding or any other person to be a victim of domestic child abuse or neglect, as those terms are defined in sections 260.015 and 626.556, respectively, the court shall appoint a guardian ad litem. The guardian ad litem shall represent the interests of the child and advise the court with respect to custody, support, and visitation. If the child is represented by a guardian ad litem in any other pending proceeding, the court shall appoint that guardian to represent the child in the instant proceeding. Nothing in this subdivision requires the court to appoint a guardian ad litem in any proceeding for child custody, marriage dissolution, or legal separation in which an allegation of domestic child abuse or neglect has not been made.*

*Subd. 3. [FEES.] A guardian ad litem appointed under either subdivision 1 or 2 may be appointed either as a volunteer or on a fee basis. If a guardian ad litem is appointed on a fee basis, the court shall enter an order for costs, fees, and disbursements in favor of the child's guardian ad litem. The order may be made against either or both parties, except that any part of the costs, fees, or disbursements which the court finds the parties are incapable of paying shall be borne by the county in which the proceeding is being held. In no event may the court order that costs, fees, or disbursements be paid by a party receiving public assistance or legal assistance or by a party whose annual income falls below the poverty line as established under United States Code, title 42, section 9902 (2) as amended through December 31, 1985."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 2391, A bill for an act relating to human services; regulating withholding for purposes of child support; amending

Minnesota Statutes 1985 Supplement, section 518.611, subdivisions 4 and 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1985 Supplement, section 518.611, subdivision 4, is amended to read:

Subd. 4. [EFFECT OF ORDER.] Notwithstanding any law to the contrary, the order is binding on the employer, trustee, or other payor of the funds when service under subdivision 2 has been made. Withholding must begin no later than the first pay period that occurs after 14 days following the date of the notice. An employer or other payor of funds in this state is required to withhold income according to court orders for withholding issued by other states or territories. The payor shall withhold from the income payable to the obligor the amount specified in the order and amounts required under subdivision 2, paragraph (b) and shall remit, *(MONTHLY OR MORE FREQUENTLY) within ten days of the date the obligor is paid the remainder of the income*, the amounts withheld to the public authority. *Employers may combine all amounts withheld from one pay period into one payment to each public authority, but shall separately identify each obligor making payment.* Amounts received by the public authority which are in excess of public assistance expended for the party or for a child shall be remitted to the party. An employer shall not discharge, or refuse to hire, or otherwise discipline an employee as a result of a wage or salary withholding authorized by this section. The employer or other payor of funds shall be liable to the obligee for any amounts required to be withheld.

Sec. 2. Minnesota Statutes 1985 Supplement, section 518.611, subdivision 6, is amended to read:

Subd. 6. [PRIORITY.] An order for withholding under this section or execution or garnishment upon a judgment for child support arrearages or preadjudicated expenses shall have priority over an attachment, execution, garnishment, or wage assignment and shall not be subject to the statutory limitations on amounts levied against the income of the obligor. Amounts withheld from an employee's income must not exceed the maximum permitted under the Consumer Credit Protection Act, United States Code, title 15, section 1673(b)(2). If there is more than one withholding order on a single employee, the employer shall put them into effect, *giving priority first to amounts currently due and not in arrears and then to other amounts, in the (ORDER) sequence in which the withholding orders were received up to the maximum allowed in the Consumer Credit Protection Act.*

Sec. 3. Minnesota Statutes 1984, section 518.611, is amended by adding a subdivision to read:

*Subd. 8a. [LUMP SUM PAYMENTS.] Upon the transmittal of the last reimbursement payment to the employee, where lump sum severance pay, accumulated sick pay and vacation pay is paid upon termination of employment, the employer shall withhold the court order support reflecting the number of months' net income that the lump sum payment represents.*

Sec. 4. Minnesota Statutes 1985 Supplement, section 518.645, is amended to read:

**518.645 [FORM OF ORDER.]**

Unless otherwise ordered by the court, an order for withholding of support or maintenance payments issued under this chapter shall be substantially in the following form:

**IT IS ORDERED THAT:**

1. The sum of ..... per ..... representing child support and/or spousal maintenance, ordered by the Court, shall be withheld from the (Husband/Wife Respondent/Petitioner)'s income on ..... by (his/her) present employer or other payor of funds, ..... , and any future employer or other payor of funds, and shall be remitted to:

..... , monthly or more frequently, in accordance with the provisions of Minnesota Statutes, Chapter 518. The file number above and the Obligor's name shall be included with each remittance.

2. An additional amount equal to 20 percent of the amount required to be withheld by paragraph 1 shall be withheld from the income of the Obligor by the employer or payor until the entire arrearage in paragraph 3(b) is paid.

3. The parties are notified that CHILD SUPPORT AND/OR MAINTENANCE WILL BE WITHHELD FROM INCOME ONLY AFTER ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET:

(a) ..... or the Obligor determines that the Obligor is at least thirty days in arrears in the payment of child support and/or spousal maintenance;

(b) ..... or the Obligor serves written notice of income withholding on the Obligor showing the determination

that child support and/or maintenance payments are thirty days in arrears;

(c) Within fifteen days after service of the notice of income withholding, the Obligor fails to move the Court to deny withholding on the grounds that an arrearage of least 30 days does not exist as of the date of the notice of income withholding or on other grounds limited to mistakes of fact and, ex parte, to stay service of withholding on the employer or other payor of funds until the motion to deny withholding is heard. Within 45 days from the date of the notice of income withholding, the court shall hold the hearing on the motion to deny withholding and notify the parties of its decision; and

(d) Not sooner than 15 days after service of written notice of income withholding on the Obligor, ..... or the Obligee serves a copy of the notice of income withholding and a copy of the Court's withholding order on the employer or other payor of funds, who will then be obligated to withhold payments from income and forward the amount withheld to .....

4. The parties and the employer or other payor of funds are further notified that **NO EMPLOYER MAY DISCHARGE, SUSPEND, OR OTHERWISE PENALIZE OR DISCIPLINE AN EMPLOYEE BECAUSE THE EMPLOYER MUST WITHHOLD SUPPORT OR MAINTENANCE MONEY.** Minnesota Statutes, section 518.611.

5. The payments shall begin to be withheld no later than the first pay period that occurs after 14 days following the date of mailing of the notice to the employer or other payor of funds in paragraph 3(d) and from that date the employer or other payor of funds is liable for amounts required to be withheld.

6. This order for withholding takes priority over any attachment, execution, garnishment, or wage assignment levied against the income of the Obligor. Amounts withheld are not subject to other statutory limitations on amounts levied against the income of the Obligor but must not exceed the maximum permitted under the federal Consumer Credit Protection Act, United States Code, title 15, section 1673(b)(2). If there is more than one withholding order on a single Obligor, the employer or other payor of funds shall put them into effect in the order received, up to the maximum allowed under the Consumer Credit Protection Act.

7. When the Obligor's employment is terminated or the periodic payment ends, the employer or other payor of funds is required to notify ..... within 30 days of the termination date. The notice must include the Obligor's home address of record and, if known, the name and address of the Obligor's new employer or other payor of funds.



8. *Upon transmittal of the last reimbursement payment to the obligor, where lump sum severance pay, accumulated sick pay and vacation pay is paid upon termination of employment, the employer must withhold the court ordered support reflecting the number of months' net income that the lump sum payment represents.*

(8.) 9. If the Obligee serves the employer or other payor of funds under paragraph 3(d), the Obligee shall also serve the determination and order on . . . . ., together with an application and fee to use collection services.

(9.) 10. Service of this Order shall be . . . . .

Sec. 5. [518.646] [NOTICE OF ORDER.]

*Whenever these laws require service of a court's order on an employer, union or payor of funds, service of a verified notice of order may be made in lieu thereof. The verified notice shall contain the title of the action, the name of the court, the court file number, the date of the court order, and shall recite the operative provisions of the order."*

Delete the title and insert:

"A bill for an act relating to human services; regulating withholding for purposes of child support; amending Minnesota Statutes 1984, section 518.611, by adding a subdivision; and Minnesota Statutes 1985 Supplement, sections 518.611, subdivisions 4 and 6; and 518.645; proposing coding for new law in Minnesota Statutes, chapter 518."

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 2392, A bill for an act relating to child abuse; providing immunity from liability for disclosure; amending Minnesota Statutes 1985 Supplement, section 626.556, subdivision 4.

Reported the same back with the following amendments:

Page 1, lines 14 and 15, delete the new language

Page 1, line 16, strike "and"

Page 1, line 17, after "(2)" insert *"any social worker or supervisor employed by a local welfare agency complying with subdivision 10d; and*

*(3)"*

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

S. F. No. 923, A bill for an act relating to controlled substances; prescribing "small amount" of marijuana; clarifying certain Schedule II controlled substances; prescribing amount of marijuana for possession in a motor vehicle; amending Minnesota Statutes 1984, sections 152.01, subdivision 16; 152.02, subdivision 3; and 152.15, subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

S. F. No. 1014, A bill for an act relating to public safety; subjecting rules relating to drunk driving to certain provisions of the administrative procedure act; repealing rules; providing for the application of certain traffic regulations; eliminating redundant and surplus language; requiring courts to furnish information relating to prior convictions without charge in gross misdemeanor prosecutions of the driving while under the influence of alcohol law; clarifying the prosecution for failure to appear in court; providing for notice to grandparents in certain matters concerning juveniles; providing for rights of grandparents at hearings concerning juveniles; requiring revocation of the drivers license of a person who flees in a motor vehicle from a peace officer; authorizing criminal trials with petit juries composed of six persons for gross misdemeanor prosecutions; clarifying the receipt of a copy of a confession or admission; admitting into evidence for impeachment purposes certain convictions of prior driving offenses; amending Minnesota Statutes 1984, sections 14.02, subdivision 4; 169.02, subdivision 1; 169.121, subdivisions 1, 2, and 3; 169.123, subdivision 2; 169.128; 169.129; 169.92, subdivision 1; 171.17; 171.30, subdivision 1; 260.141, subdivision 1; 260.155, subdivision 6; 593.01, subdivision 2; and 611.033; proposing coding for new law in Minnesota Statutes, chapter 634.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 160.27, subdivision 5, is amended to read:

Subd. 5. [MISDEMEANORS.] Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

- (1) Obstruct any highway or deposit snow or ice thereon;
- (2) Plow or perform any other detrimental operation within the road right of way except in the preparation of the land for planting a perennial hay crop, and the harvesting of said crop;
- (3) Erect a fence on the right of way of a trunk highway, county state-aid highway, county highway or town road, except to erect a lane fence to the ends of a livestock pass;
- (4) Dig any holes in any highway; except to locate markers placed to identify sectional corner positions and private boundary corners;
- (5) Remove any earth, gravel or rock from any highway;
- (6) Obstruct any ditch draining any highway or drain any noisome materials into any ditch;
- (7) Place or maintain any building or structure within the limits of any highway;
- (8) Place or maintain any advertisement within the limits of any highway;
- (9) Paint, print, place, or affix any advertisement or any object within the limits of any highway;
- (10) Deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;
- (11) Remove, injure, displace, or destroy right of way markers, or reference or witness monuments, or markers placed to preserve section or quarter section corners;
- (12) Improperly place or fail to place warning signs and detour signs as provided by law;

(13) Drive over, through, or around any barricade, fence, or obstruction erected for the purpose of preventing traffic from passing over a portion of a highway closed to public travel or to remove, deface, or damage any such barricade, fence, or obstruction.

(VIOLATIONS HEREOF SHALL BE PROSECUTED BY THE COUNTY ATTORNEY OF THE COUNTY WHERE THE VIOLATIONS OCCUR.) Any (PERSON CONVICTED OF SUCH VIOLATIONS SHALL BE GUILTY OF) *violation of this subdivision is a misdemeanor.*

Sec. 2. [387.213] [SHERIFF'S CONTINGENT FUND FOR DRUG AND ALCOHOL INVESTIGATIONS.]

*A sheriff's contingent fund is created in each county to be kept by the county treasurer as all other county funds. One-fourth of all money paid into the county treasury on account of fines imposed for violation of the provisions of chapter 152 or 340A shall be credited to this contingent fund. The sheriff may expend money from this fund for the purpose of investigating and securing evidence of violations of chapters 152 and 340A. Money may be withdrawn from the fund by the sheriff upon the order of the district court after application. At the close of the fiscal year any money in the fund in excess of \$3,000 shall be transferred into the general fund.*

Sec. 3. Minnesota Statutes 1984, section 593.01, subdivision 2, is amended to read:

Subd. 2. The provisions of subdivision 1, as to the number of jurors (DOES) *do not* apply to a criminal action where the offense charged is a (GROSS MISDEMEANOR OR A) felony. In that event the petit jury is a body of 12 persons, unless the defendant consents to a jury of six.

Sec. 4. Minnesota Statutes 1984, section 609.13, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding a conviction is for a felony:

(1) The conviction is deemed to be for a misdemeanor or a gross misdemeanor if the sentence imposed is within the limits provided by law for a misdemeanor or gross misdemeanor as defined in section 609.02; or

(2) The conviction is deemed to be for a misdemeanor if the imposition of the *prison* sentence is stayed, the defendant is placed on probation, and he is thereafter discharged without a *prison* sentence.

Sec. 5. Minnesota Statutes 1985 Supplement, section 609.135, subdivision 1, is amended to read:

Subdivision 1. [TERMS AND CONDITIONS.] Except when a sentence of life imprisonment is required by law, or when a mandatory minimum term of imprisonment is required by section 609.11, any court may stay imposition or execution of sentence and (a) may order noninstitutional sanctions without placing the defendant on probation, or (b) may place the defendant on probation with or without supervision and on the terms the court prescribes, including noninstitutional sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person. No noninstitutional sanction may be ordered performed at a location that fails to observe applicable requirements or standards of chapter 181A or 182, or any rule promulgated under them. For purposes of this subdivision, subdivision 6, and section 609.14, the term "noninstitutional sanctions" includes but is not limited to restitution, *fines*, community work service, and work in lieu of or to work off fines.

A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169.121.

Sec. 6. Minnesota Statutes 1984, section 609.135, subdivision 2, is amended to read:

Subd. 2. (1) In case the conviction is for a felony such stay shall be for not more than *three years or the maximum period* for which the sentence of imprisonment might have been imposed, *whichever is longer*.

(2) In case the conviction is for a misdemeanor the stay shall not be for more than one year.

(3) In case the conviction is for a gross misdemeanor the stay shall not be for more than two years.

(4) At the expiration of such stay, unless the stay has been revoked or the defendant discharged prior thereto, the defendant shall be discharged.

Sec. 7. Minnesota Statutes 1984, section 609.135, subdivision 4, is amended to read:

Subd. 4. The court may, as a condition of probation, require the defendant to serve up to one year incarceration in a county jail, a county regional jail, a county workfarm, county workhouse or other local correctional facility, *or require the defen-*

*dant to pay a fine, or both.* The court may allow the defendant the work release privileges of section 631.425 during the period of incarceration.

Sec. 8. Minnesota Statutes 1985 Supplement, section 609.52, subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING THEFT.] Whoever does any of the following commits theft and may be sentenced as provided in subdivision 3:

(1) intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of the property; or

(2) having a legal interest in movable property, intentionally and without consent, takes the property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) obtains for himself or another the possession, custody or title to property or performance of services by a third person by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(a) the issuance of a check, draft, or order for the payment of money or the delivery of property knowing that he is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(b) a promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(c) the unauthorized use of a financial transaction card, or the number thereof, or other identification device issued by an organization to a person for use in purchasing goods or services on credit; or

(d) the preparation or filing of a claim for reimbursement, a rate application, or a cost report used to establish a rate or claim for payment for medical care provided to a recipient of medical assistance under chapter 256B, which intentionally and falsely states the costs of or actual services provided by a vendor of medical care; or

(4) by swindling, whether by artifice, trick, device, or any other means, obtains property or services from another person; or

(5) intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and;

(a) the control exercised manifests an indifference to the rights of the owner or the restoration of the property to him; or

(b) he pledges or otherwise attempts to subject the property to an adverse claim; or

(c) he intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to his own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to him; or

(7) intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

(8) intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to his own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to his own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known or available to him from a source other than the owner of the trade secret; or

(9) leases or rents personal property under a written instrument and who with intent to place the property beyond the control of the lessor conceals or aids or abets the concealment of the property or any part thereof, or any lessee of the property who sells, conveys or encumbers the property or any part thereof without the written consent of the lessor, without informing the person to whom he sells, conveys, or encumbers that the same is subject to such lease and with intent to deprive the lessor of possession thereof. Evidence that a lessee used a false or fictitious name or address in obtaining the property or fails or refuses to return the property to lessor within five days after written demand for the return has been served personally in the manner provided for service of process of a civil action or sent by certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to the person at the address for the person set forth in

the lease or rental agreement, or, in the absence of the address, to the person's last known place of residence; or

(10) alters, removes or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes or obliterates the numbers or symbols is not the owner and does not have the permission of the owner to make the alteration, removal or obliteration; or

(11) with the intent to prevent the identification of property involved, so as to deprive the rightful owner of possession thereof, alters or removes any permanent serial number, permanent distinguishing number or manufacturer's identification number on personal property or possesses, sells or buys any personal property with knowledge that the permanent serial number, permanent distinguishing number or manufacturer's identification number has been removed or altered; or

(12) intentionally deprives another of a lawful charge for cable television service by

(i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive or other connection, or by

(ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall be construed to prohibit the electronic video rerecording of program material transmitted on the cable communications system by a subscriber for fair use as defined by Public Law Number 94-553, section 107; or

(13) except as provided in paragraphs (12) and (14), obtains the services of another with the intention of receiving those services without making the agreed or reasonably expected payment of money or other consideration; or

(14) intentionally deprives another of a lawful charge for telecommunications service by:

(i) making, using, or attempting to make or use an unauthorized connection whether physical, electrical, by wire, microwave, radio or other means to a component of a local telecommunication system as provided in chapter 237; or

(ii) attaching an unauthorized device to a cable, wire, microwave, radio or other component of a local telecommunication system as provided in chapter 237.



The existence of an unauthorized connection is *prima facie* evidence that the occupier of the premises:

- (i) made or was aware of the connection; and
- (ii) was aware that the connection was unauthorized; or

*(15) with intent to defraud, diverts corporate property other than in accordance with general business purposes or for purposes other than those specified in the corporation's articles of incorporation; or*

*(16) with intent to defraud, authorizes or causes a corporation to make a distribution in violation of section 302A.551, or any other state law in conformity with it.*

Sec. 9. Minnesota Statutes 1984, section 611.033, is amended to read:

**611.033 [COPY OF CONFESSION OR ADMISSION.]**

A statement, confession, or admission in writing shall not be received in evidence in any criminal proceeding against any defendant unless within a reasonable time of the taking thereof the defendant is furnished with a copy thereof and which statement, confession, or admission shall have endorsed thereon or attached thereto the receipt of the accused or certification of a peace officer which shall state that a copy thereof has been received by or made available to the accused. *Nothing in this section requires that a videotape, audiotape, or transcript of a tape be given to the defendant at the time the statement, confession, or admission is made or within a reasonable time thereafter, provided that the videotape or audiotape is available to the defendant or the defendant's attorney for review within a reasonable time of the defendant's arrest, as well as in discovery pursuant to the rules of criminal procedure."*

Delete the title and insert:

"A bill for an act relating to crimes; providing for prosecution by city attorneys of certain misdemeanors; reinstating the sheriff's contingent fund for drug and alcohol-violation investigation; permitting six-member juries in gross misdemeanor cases; permitting the imposition of fines and minimum probation periods on persons placed on probation; expanding the crime of theft to cover diversions of corporate property and unlawful distributions; amending Minnesota Statutes 1984, sections 160.27, subdivision 5; 593.01, subdivision 2; 609.13, subdivision 1; 609.135, subdivisions 2 and 4; and 611.033; and Minnesota Statutes 1985 Supplement, sections 609.135, subdivision 1; and 609.52, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 387."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1349, A bill for an act relating to insurance; providing that insurers or health maintenance organizations must not require a public employer to contribute toward the payment of insurance premiums or charges for insurance for retired officers or employees; amending Minnesota Statutes 1984, section 471.61, subdivision 2a.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

S. F. No. 1531, A bill for an act relating to agriculture; ratifying the Interstate Compact on Agricultural Grain Marketing; proposing coding for new law as Minnesota Statutes, chapter 236A.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Erickson from the Committee on Education to which was referred:

House Resolution No. 41, A house resolution congratulating the football team from Zumbrota High School for winning Runnerup in the 1985 Class C State High School Football Championship.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

Erickson from the Committee on Education to which was referred:

House Resolution No. 42, A house resolution commending the people and schools of Zumbrota upon the centennial of the graduation of its first class.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1101, 1652, 1990, 2050, 2154, 2157, 2169, 2210, 2243, 2391 and 2392 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1742, 1797, 1823, 1851, 1642, 1880, 1914, 1919, 1965, 1613, 496, 1441, 1680, 1733, 1950, 923, 1014 and 1349 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Brandl introduced:

H. F. No. 2518, A bill for an act relating to education; authorizing a second chance educational program for certain children and pupils; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was read for the first time and referred to the Committee on Education.

Bishop and Jennings, D., introduced:

H. F. No. 2519, A bill for an act relating to health; providing for a declaration by competent adults that life-sustaining treatment be withheld or withdrawn; adopting provisions of the uniform rights of the terminally ill act; providing for creation of a durable power of attorney for health care; imposing penalties; amending Minnesota Statutes 1984, sections 523.01; and 523.23, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 145; proposing coding for new law as Minnesota Statutes, chapter 523A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Begich, Battaglia, Minne, Eliooff and Solberg introduced:

H. F. No. 2520, A bill for an act relating to taxation; imposing levy limits on certain towns and cities; altering provisions governing distribution of certain taconite tax proceeds; reducing the taconite railroad gross earnings tax rate; reducing occupation and royalty tax rates; providing for the deduction of taconite production taxes and transportation costs; amending Minnesota Statutes 1984, sections 275.125, subdivision 9; 275.50, subdivision 2; 275.51, subdivision 3f; 298.225, by adding a subdivision; and 298.24, subdivision 1; Minnesota Statutes 1985 Supplement, sections 294.22; 298.01, subdivision 1; 298.03; 298.225, subdivision 1; 298.28, subdivision 1; and 299.01, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Segal introduced:

H. F. No. 2521, A bill for an act relating to insurance; creating a joint underwriting association; requiring participation by insurers; proposing new law coded as Minnesota Statutes, chapter 62I.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Miller and Redalen introduced:

H. F. No. 2522, A bill for an act relating to utilities; public safety; allowing certain counties to petition public utilities commission and department of administration to delay implementation of 911 emergency telephone services for two years; prohibiting 911 access charges in areas where 911 is not available; amending Minnesota Statutes 1984, section 403.08, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 403.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

McKasy, Kostohryz, Valento, Cohen and Gruenes introduced:

H. F. No. 2523, A bill for an act relating to the Minnesota high school league; requiring due process on certain conference matters; establishing certain requirements for expulsion from a

conference; amending Minnesota Statutes 1984, section 129.121, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Clark, Pappas, Otis, Vellenga and Brandl introduced:

H. F. No. 2524, A resolution memorializing the President and Congress to declare that the United States will refrain from testing nuclear weapons and to negotiate a test ban treaty with the Soviet Union.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Forsythe introduced:

H. F. No. 2525, A bill for an act relating to military affairs; providing for pay of public employees in certain military service; amending Minnesota Statutes 1984, section 192.26.

The bill was read for the first time and referred to the Committee on Appropriations.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1526 and 1848.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 985.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 1526, A bill for an act relating to natural resources; recodifying laws governing wild animals in general, the taking and possession of game and fish, and the management of natural resources; providing penalties; amending Minnesota Statutes 1984, sections 9.071; 14.02, subdivision 4; 14.38, subdivision 6; 18.021, subdivision 3; 84.0274, subdivision 6; 84.88, subdivision 2; 84.89; 84A.02; 85.018, subdivision 8; 86A.06; 105.391, subdivisions 3 and 12; 105.417, subdivision 4; 111.81, subdivision 1; 343.21, subdivision 8; 343.30; 352B.01, subdivision 2; 361.25; 383C.13; 477A.12; 477A.13; Minnesota Statutes 1985 Supplement, section 105.74; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97B; 97C; 609; and 624; repealing Minnesota Statutes 1984, and 1985 Supplement, chapters 97, 98, 99, 100, 101, and 102.

The bill was read for the first time.

Rose moved that S. F. No. 1526 and H. F. No. 1652, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1848, A bill for an act relating to costs and attorney fees; providing for recovery of costs and attorney fees by prevailing parties in civil actions and contested case proceedings involving the state; amending Minnesota Statutes 1984, section 14.62, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time.

Backlund moved that S. F. No. 1848 and H. F. No. 1962, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 985, A bill for an act relating to administrative procedure; clarifying provisions relating to emergency rules; defining order and rule; limiting certain agency actions; requiring an order to be rendered in accordance with the contested case procedures of the administrative procedure act; amending Minnesota Statutes 1984, sections 14.02, by adding a subdivision; 14.29, subdivisions 1 and 2; and 14.57; Minnesota Statutes 1985 Supplement, section 14.02, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 14.

The bill was read for the first time.

Voss moved that S. F. No. 985 and H. F. No. 1101, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be acted upon immediately following Special Orders pending for Thursday, March 6, 1986:

H. F. Nos. 1749, 2295, 2344, 124, 2198, 2023, 397, 2324, 2394, 2428, 1892, 2296, 2374, 2371, 1797, 1911, 1744, 2407, 2429, 1910, 901, 1890, 1917, 1885, 2315, 2195 and 1568.

SPECIAL ORDERS

H. F. No. 1781 was reported to the House.

Uphus moved that H. F. No. 1781 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 2216 was reported to the House.

Johnson moved to amend H. F. No. 2216, as follows:

Amend the title as follows:

Page 1, line 4, delete "auditor or" and insert "surveyor and"

The motion prevailed and the amendment was adopted.

Johnson; Jennings, L., and Lieder moved to amend H. F. No. 2216, as amended, as follows:

Page 7, line 15, restore the stricken "permanent landmark" and insert a period

Page 7, line 18, before "*durable*" insert "*If there is no monument present, a*"

Page 7, line 20, before the period insert "*shall be placed*"

The motion prevailed and the amendment was adopted.

H. F. No. 2216, A bill for an act relating to land surveying; providing for the surveying of lands by a county board; providing for the establishment of an office of county surveyor and the assignment of its duties; providing a penalty; amending Minnesota Statutes 1984, sections 381.01; 381.02; 381.03; 381.04; 381.05; 381.06; 381.07; 381.08; 381.09; 381.10; 381.12; 381.13; 389.011; 389.02; 389.03; 389.04; 389.08; Minnesota Statutes 1985

Supplement, section 389.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 381; repealing Minnesota Statutes 1984, section 389.06.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Knuth	Pauly	Skoglund
Anderson, R.	Elioff	Kostohryz	Peterson	Solberg
Backlund	Erickson	Krueger	Piepho	Sparby
Battaglia	Fjoslien	Kvam	Piper	Staten
Beard	Forsythe	Levi	Poppenhagen	Sviggum
Becklin	Frederick	Lieder	Price	Thiede
Begich	Frederickson	Long	Quinn	Thorson
Bennett	Frerichs	Marsh	Quist	Tjornhom
Bishop	Greenfield	McDonald	Redalen	Tomlinson
Blatz	Gruenes	McPherson	Rees	Tompkins
Boerboom	Hartinger	Miller	Rest	Tunheim
Boo	Hartle	Munger	Rice	Uphus
Brandl	Haukoos	Murphy	Richter	Valan
Brinkman	Heap	Nelson, D.	Riveness	Valento
Brown	Himle	Nelson, K.	Rodosovich	Vanasek
Burger	Jacobs	Neuenschwander	Schafer	Vellenga
Carlson, D.	Jaros	Norton	Scheid	Voss
Carlson, J.	Jennings, L.	Ogren	Schoenfeld	Waltman
Carlson, L.	Johnson	Olsen, S.	Schreiber	Welle
Clark	Kahn	Omann	Seaberg	Wenzel
Cohen	Kalis	Onnen	Segal	Wynia
Dempsey	Kelly	Otis	Shaver	Zaffke
DenOuden	Kiffmeyer	Ozment	Sherman	Spk. Jennings, D.
Dimler	Knickerbocker	Pappas	Simoneau	

The bill was passed, as amended, and its title agreed to.

H. F. No. 2263, A bill for an act relating to corporations; conforming to federal law; changing applicability of shareholder voting on control share acquisitions; providing for lesser relief than dissolution under certain circumstances; amending Minnesota Statutes 1984, section 302A.751, by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 302A.449, subdivision 7; and 302A.671, subdivisions 1 and 3; repealing Laws 1985, First Special Session chapter 5, section 21.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Backlund	Beard	Begich	Bishop
Anderson, R.	Battaglia	Becklin	Bennett	Blatz



Boerboom	Gruenes	McDonald	Poppenhagen	Sparby
Boo	Hartinger	McEachern	Price	Stanius
Brandl	Hartle	McLaughlin	Quinn	Staten
Brinkman	Haukoos	McPherson	Quist	Sviggum
Brown	Heap	Miller	Redalen	Thiede
Burger	Himle	Minne	Rees	Thorson
Carlson, D.	Jacobs	Munger	Rest	Tjornhom
Carlson, J.	Jaros	Murphy	Rice	Tomlinson
Carlson, L.	Jennings, L.	Nelson, D.	Richter	Tompkins
Clark	Johnson	Nelson, K.	Riveness	Tunheim
Cohen	Kahn	Neuenschwander	Rodosovich	Uphus
Dempsey	Kalis	Norton	Sarna	Valan
DenOuden	Kelly	Ogren	Schafer	Valento
Dimler	Kiffmeyer	Olsen, S.	Scheid	Vanasek
Dyke	Knickerbocker	Omann	Schoenfeld	Vellenga
Elioff	Knuth	Onnen	Schreiber	Voss
Erickson	Kostohryz	Otis	Seaberg	Waltman
Fjoslien	Krueger	Ozment	Segal	Welle
Forsythe	Kvam	Pappas	Shaver	Wenzel
Frederick	Levi	Pauly	Sherman	Wynia
Frederickson	Lieder	Peterson	Simoneau	Zaffke
Frerichs	Long	Piepho	Skoglund	Spk. Jennings, D.
Greenfield	Marsh	Piper	Solberg	

The bill was passed and its title agreed to.

H. F. No. 2032 was reported to the House.

Valan moved that H. F. No. 2032 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 2111, A bill for an act relating to the city of Medina; authorizing a payment by the city for utility construction.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clark	Haukoos	Long	Onnen
Anderson, R.	Clausnitzer	Heap	Marsh	Otis
Backlund	Cohen	Himle	McDonald	Pappas
Battaglia	Dempsey	Jacobs	McEachern	Pauly
Beard	DenOuden	Jaros	McLaughlin	Peterson
Becklin	Dimler	Jennings, L.	McPherson	Piepho
Begich	Dyke	Johnson	Miller	Piper
Bennett	Elioff	Kahn	Minne	Poppenhagen
Bishop	Erickson	Kalis	Munger	Price
Blatz	Fjoslien	Kelly	Murphy	Quinn
Boerboom	Forsythe	Kiffmeyer	Nelson, D.	Quist
Brandl	Frederick	Knickerbocker	Nelson, K.	Redalen
Brinkman	Frederickson	Knuth	Neuenschwander	Rees
Brown	Frerichs	Kostohryz	Norton	Rest
Burger	Greenfield	Krueger	O'Connor	Rice
Carlson, D.	Gruenes	Kvam	Ogren	Richter
Carlson, J.	Hartinger	Levi	Olsen, S.	Riveness
Carlson, L.	Hartle	Lieder	Omann	Rodosovich

Rose	Segal	Stanjus	Tunheim	Waltman
Sarna	Shaver	Staten	Uphus	Welle
Schafer	Sherman	Sviggum	Valan	Wenzel
Scheid	Simoneau	Thiede	Valento	Wynia
Schoenfeld	Skoglund	Tjornhom	Vanasek	Zaffke
Schreiber	Solberg	Tomlinson	Vellenga	Spk. Jennings, D.
Seaberg	Sparby	Tompkins	Voss	

The bill was passed and its title agreed to.

H. F. No. 2187, A bill for an act relating to Olmsted county; increasing the amount the county board may appropriate annually for use as a contingent fund; amending Laws 1965, chapter 433, section 1, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Kostohryz	Otis	Simoneau
Anderson, R.	Elioff	Krueger	Ozment	Skoglund
Backlund	Erickson	Kvam	Pappas	Solberg
Battaglia	Fjoslien	Levi	Pauly	Sparby
Beard	Forsythe	Lieder	Peterson	Stanjus
Becklin	Frederick	Long	Piepho	Staten
Begich	Frederickson	Marsh	Piper	Sviggum
Bennett	Frerichs	McDonald	Poppenhagen	Thiede
Bishop	Greenfield	McEachern	Price	Tjornhom
Blatz	Gruenes	McLaughlin	Quinn	Tomlinson
Boerboom	Hartinger	McPherson	Quist	Tompkins
Boo	Hartle	Miller	Redalen	Tunheim
Brandl	Haukoos	Minne	Rees	Uphus
Brinkman	Heap	Munger	Rice	Valan
Brown	Himle	Murphy	Richter	Valento
Burger	Jacobs	Nelson, D.	Riveness	Vanasek
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Vellenga
Carlson, J.	Jennings, L.	Neuenschwander	Rose	Voss
Carlson, L.	Johnson	Norton	Sarna	Waltman
Clark	Kahn	O'Connor	Schafer	Welle
Clausnitzer	Kalis	Ogren	Scheid	Wenzel
Cohen	Kelly	Olsen, S.	Schoenfeld	Wynia
Dempsey	Kiffmeyer	Omann	Segal	Zaffke
DenOuden	Knickerbocker	Onnen	Shaver	Spk. Jennings, D.
Dimler	Knuth	Osthoff	Sherman	

The bill was passed and its title agreed to.

H. F. No. 2329, A bill for an act relating to Dakota county; authorizing the issuance of bonds for the construction of library buildings and an annual levy for debt retirement.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dimler	Knuth	Otis	Simoneau
Anderson, R.	Dyke	Kostohryz	Ozment	Skoglund
Backlund	Elioff	Krueger	Pappas	Solberg
Battaglia	Erickson	Kvam	Pauly	Sparby
Beard	Fjoslien	Levi	Piepho	Stanius
Becklin	Forsythe	Lieder	Piper	Staten
Begich	Frederick	Long	Poppenhagen	Thiede
Bennett	Frederickson	Marsh	Price	Thorson
Bishop	Frerichs	McDonald	Quinn	Tjornhom
Blatz	Greenfield	McEachern	Quist	Tomlinson
Boerboom	Gruenes	McLaughlin	Redalen	Tompkins
Boo	Hartinger	McPherson	Rees	Tunheim
Brandl	Hartle	Miller	Rest	Uphus
Brinkman	Haukoos	Minne	Rice	Valan
Brown	Himle	Murphy	Richter	Valento
Burger	Jacobs	Nelson, D.	Riveness	Vanasek
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Vellenga
Carlson, J.	Jennings, L.	Neuenschwander	Rose	Voss
Carlson, L.	Johnson	Norton	Sarna	Waltman
Clark	Kahn	O'Connor	Schoenfeld	Welle
Clausnitzer	Kalis	Ogren	Seaberg	Wenzel
Cohen	Kelly	Olsen, S.	Segal	Wynia
Dempsey	Kiffmeyer	Omann	Shaver	Zaffke
DenOuden	Knickerbocker	Onnen	Sherman	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 1800, A bill for an act relating to local government; authorizing the counties of Becker, Grant, Hubbard, Otter Tail, Stevens, Todd, Traverse, Wadena, and Wilkin to enter into contracts and agreements for solid waste management.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Burger	Frederick	Kalis	McPherson
Anderson, R.	Carlson, D.	Frederickson	Kelly	Miller
Backlund	Carlson, J.	Frerichs	Kiffmeyer	Minne
Battaglia	Carlson, L.	Greenfield	Knickerbocker	Munger
Beard	Clark	Gruenes	Knuth	Murphy
Becklin	Clausnitzer	Hartinger	Kostohryz	Nelson, D.
Begich	Cohen	Hartle	Krueger	Nelson, K.
Bennett	Dempsey	Haukoos	Kvam	Neuenschwander
Bishop	DenOuden	Heap	Levi	Norton
Blatz	Dimler	Himle	Lieder	O'Connor
Boerboom	Dyke	Jacobs	Long	Ogren
Boo	Elioff	Jaros	Marsh	Olsen, S.
Brandl	Erickson	Jennings, L.	McDonald	Omann
Brinkman	Fjoslien	Johnson	McEachern	Onnen
Brown	Forsythe	Kahn	McLaughlin	Osthoft

Otis	Quist	Schafer	Sparby	Valento
Ozment	Redalen	Scheid	Stanias	Vanasek
Pappas	Rees	Schoenfeld	Staten	Vellenga
Pauly	Rest	Seaberg	Swiggum	Voss
Peterson	Rice	Segal	Thorson	Waltman
Piepho	Richter	Shaver	Tjornhom	Welle
Piper	Riveness	Sherman	Tomlinson	Wenzel
Poppenhagen	Rodosovich	Simoneau	Tompkins	Wynia
Price	Rose	Skoglund	Tunheim	Spk. Jennings, D.
Quinn	Sarna	Solberg	Valan	

The bill was passed and its title agreed to.

H. F. No. 2185 was reported to the House.

There being no objection H. F. No. 2185 was temporarily laid over on Special Orders.

H. F. No. 1869 was reported to the House.

Quinn and Solberg moved to amend H. F. No. 1869, the third engrossment, as follows:

Delete section 2 and renumber accordingly.

A roll call was requested and properly seconded.

The question was taken on the Quinn and Solberg amendment and the roll was called. There were 64 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Minne	Piper	Skoglund
Backlund	Jacobs	Munger	Price	Solberg
Battaglia	Jaros	Murphy	Quinn	Sparby
Beard	Jennings, L.	Nelson, D.	Rest	Staten
Begich	Kahn	Nelson, K.	Rice	Tomlinson
Brandl	Kalis	Neuenschwander	Riveness	Tunheim
Brinkman	Kelly	Norton	Rodosovich	Vanasek
Brown	Knuth	O'Connor	Sarna	Vellenga
Carlson, L.	Kostohryz	Ogren	Scheid	Voss
Clark	Krueger	Osthoff	Schoenfeld	Welle
Cohen	Lieder	Otis	Segal	Wenzel
Elioff	Long	Pappas	Sherman	Wynia
Ellingson	McLaughlin	Peterson	Simoneau	

Those who voted in the negative were:

Anderson, R.	Carlson, J.	Frederick	Johnson	Olsen, S.
Becklin	Clausnitzer	Frederickson	Kiffmeyer	Omann
Bennett	Dempsey	Frerichs	Knickerbocker	Onnen
Bishop	DenOuden	Gruenes	Kvam	Ozment
Blatz	Dimler	Hartinger	Levi	Pauly
Boerboom	Dyke	Hartle	Marsh	Piepho
Boo	Erickson	Haukoos	McDonald	Poppenhagen
Burger	Fjoslien	Heap	McPherson	Quist
Carlson, D.	Forsythe	Himle	Müller	Redalen

Rees	Schreiber	Sviggum	Tompkins	Waltman
Richter	Seaberg	Thiede	Uphus	Zaffke
Rose	Shaver	Thorson	Valan	Spk. Jennings, D.
Schafer	Stanius	Tjornhom	Valento	

The motion did not prevail and the amendment was not adopted.

H. F. No. 1869 was read for the third time.

#### POINT OF ORDER

McLaughlin raised a point of order pursuant to rule 4.9 relating to who may be admitted to the House floor. The Speaker ruled the point of order well taken.

Simoneau moved to re-refer H. F. No. 1869 to the Committee on Governmental Operations. The motion did not prevail.

H. F. No. 1869, A bill for an act relating to local government units; authorizing the privatization of facilities for the treatment of wastewater and the furnishing of potable water; amending Minnesota Statutes 1984, section 474.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 297A; proposing coding for new law as Minnesota Statutes, chapter 471A.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 78 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Kiffmeyer	Poppenhagen	Thiede
Backlund	Erickson	Knickerbocker	Quist	Thorson
Becklin	Fjoslien	Krueger	Redalen	Tjornhom
Bennett	Forsythe	Kvam	Rees	Tomlinson
Bishop	Frederick	Levi	Richter	Tompkins
Blatz	Frederickson	Marsh	Rose	Uphus
Boerboom	Frerichs	McDonald	Schafer	Valan
Boo	Gruenes	McEachern	Schoenfeld	Valento
Brinkman	Hartinger	McPherson	Schreiber	Vanasek
Burger	Hartle	Miller	Seaberg	Vellenga
Carlson, D.	Haukoos	Olsen, S.	Segal	Waltman
Carlson, J.	Heap	Omann	Shaver	Wenzel
Clausnitzer	Himle	Onnen	Sherman	Zaffke
Dempsey	Jennings, L.	Ozment	Sparby	Spk. Jennings, D.
DenOuden	Johnson	Pauly	Stanius	
Dimler	Kalis	Piepho	Sviggum	

Those who voted in the negative were:

Anderson, G.	Brandl	Clark	Ellingson	Kahn
Beard	Brown	Cohen	Jacobs	Kostohryz
Begich	Carlson, L.	Elioff	Jaros	Long

McLaughlin	Norton	Peterson	Rodosovich	Staten
Minne	O'Connor	Price	Sarna	Tunheim
Munger	Ogren	Quinn	Scheid	Voss
Murphy	Osthoff	Rest	Simoneau	Welle
Nelson, D.	Otis	Rice	Skoglund	Wynia
Nelson, K.	Pappas	Riveness	Solberg	

The bill was passed and its title agreed to.

H. F. No. 2051, A bill for an act relating to the city of St. Paul; permitting the establishment of special service districts in the city and providing taxing and other authority.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Backlund	Dyke	Krueger	Pauly	Skoglund
Battaglia	Elioff	Levi	Peterson	Solberg
Beard	Ellingson	Lieder	Piepho	Sparby
Becklin	Erickson	Long	Piper	Stanius
Begich	Fjoslien	Marsh	Poppenhagen	Staten
Bennett	Forsythe	McDonald	Price	Sviggum
Bishop	Frederick	McEachern	Quinn	Thorson
Blatz	Frederickson	McLaughlin	Quist	Tjornhom
Boerboom	Frerichs	McPherson	Redalen	Tomlinson
Boo	Greenfield	Minne	Rees	Tompkins
Brandl	Gruenes	Munger	Rest	Tunheim
Brinkman	Hartinger	Murphy	Richter	Uphus
Brown	Hartle	Nelson, D.	Riveness	Valento
Burger	Heap	Nelson, K.	Rodosovich	Vanasek
Carlson, D.	Himle	Neuenschwander	Rose	Vellenga
Carlson, J.	Jacobs	Norton	Sarna	Voss
Carlson, L.	Johnson	O'Connor	Schoenfeld	Welle
Clark	Kahn	Ogren	Schreiber	Wenzel
Clausnitzer	Kalis	Olsen, S.	Seaberg	Wynia
Cohen	Kelly	Omann	Segal	Spk. Jennings, D.
Dempsey	Kiffmeyer	Onnen	Shaver	
DenOuden	Knickerbocker	Otis	Sherman	
Dimler	Kostohryz	Pappas	Simoneau	

Those who voted in the negative were:

Osthoff	Rice	Schafer	Zaffke
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The bill was passed and its title agreed to.

H. F. No. 2364, A bill for an act relating to transportation; railroads; permitting transportation regulation board to approve certain rate changes and applications for track abandonment or discontinuance of service in certain cases without a public hearing; providing for imposition of misdemeanor penalty for certain

violations relating to movement of hazardous materials; amending Minnesota Statutes 1984, sections 221.041, subdivision 1; and 221.291, subdivision 3; Minnesota Statutes 1985 Supplement, sections 219.741; and 219.85.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dimler	Krueger	Piper	Sparby
Anderson, R.	Dyke	Levi	Poppenhagen	Stanis
Backlund	Elioff	Lieder	Price	Staten
Battaglia	Ellingson	Long	Quinn	Sviggum
Beard	Erickson	McDonald	Quist	Thiede
Becklin	Fjoslien	McEachern	Redalen	Thorson
Begich	Forsythe	McLaughlin	Rees	Tjornhom
Bennett	Frederick	McPherson	Rest	Tomlinson
Bishop	Frederickson	Miller	Rice	Tompkins
Blatz	Frerichs	Minne	Richter	Tunheim
Boerboom	Greenfield	Murphy	Riveness	Uphus
Boo	Hartinger	Nelson, K.	Rodosovich	Valan
Brandl	Harile	Neuenschwander	Rose	Valento
Brinkman	Haukoos	Norton	Sarna	Vanasek
Brown	Heap	Ogren	Schafer	Vellenga
Burger	Jacobs	Olsen, S.	Scheid	Voss
Carlson, D.	Jaros	Omann	Schoenfeld	Welle
Carlson, J.	Jennings, L.	Onnen	Schreiber	Wenzel
Carlson, L.	Johnson	Otis	Seaberg	Wynia
Clark	Kahn	Ozment	Segal	Zaffke
Clausnitzer	Kelly	Pappas	Sherman	Spk. Jennings, D.
Cohen	Kiffmeyer	Pauly	Simoneau	
Dempsey	Knickerbocker	Peterson	Skoglund	
DenOuden	Kostohryz	Piepho	Solberg	

Those who voted in the negative were:

Gruenes                  Marsh

The bill was passed and its title agreed to.

H. F. No. 2365, A bill for an act relating to transportation; clarifying procedures in certain contested matters brought before the transportation regulation board; amending Minnesota Statutes 1984, sections 174A.02, subdivision 4; and 216A.05, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were :

Anderson, G.	Dyke	Kostohryz	Pappas	Simoneau
Anderson, R.	Elioff	Krueger	Pauly	Skoglund
Backlund	Ellingson	Levi	Peterson	Solberg
Battaglia	Erickson	Lieder	Piepho	Sparby
Beard	Fjoslien	Long	Piper	Stanius
Becklin	Forsythe	McDonald	Poppenhagen	Staten
Begich	Frederick	McEachern	Price	Sviggunn
Bennett	Frederickson	McLaughlin	Quinn	Thiede
Bishop	Frerichs	McPherson	Quist	Thorson
Blatz	Greenfield	Miller	Redalen	Tjornhom
Boerboom	Hartinger	Minne	Rees	Tomlinson
Boo	Hartle	Munger	Rest	Tompkins
Brandl	Haukoos	Murphy	Rice	Tunheim
Brinkman	Heap	Nelson, D.	Richter	Uphus
Brown	Himle	Nelson, K.	Riveness	Valan
Burger	Jacobs	Neuenschwander	Rodosovich	Valento
Carlson, D.	Jaros	Norton	Sarna	Vanasek
Carlson, J.	Jennings, L.	O'Connor	Schafer	Vellenga
Carlson, L.	Johnson	Ogren	Scheid	Voss
Clark	Kahn	Olsen, S.	Schoenfeld	Waltman
Clausnitzer	Kalis	Omann	Schreiber	Welle
Cohen	Kelly	Onnen	Seaberg	Wenzel
Dempsey	Kiffmeyer	Osthoff	Segal	Wynia
DenOuden	Knickerbocker	Otis	Shaver	Zaffke
Dimler	Knuth	Ozment	Sherman	Spk. Jennings, D.

Those who voted in the negative were :

Gruenes            Marsh

The bill was passed and its title agreed to.

H. F. No. 2370, A bill for an act relating to transportation; railroads; permitting the transportation regulation board to grant clearance variances without evidentiary hearings in certain cases; amending Minnesota Statutes 1985 Supplement, section 219.47, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 3 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Brandl	Dyke	Haukoos	Krueger
Anderson, R.	Brinkman	Elioff	Heap	Kvam
Backlund	Brown	Ellingson	Jacobs	Levi
Battaglia	Burger	Erickson	Jaros	Lieder
Beard	Carlson, J.	Fjoslien	Jennings, L.	Long
Becklin	Carlson, L.	Forsythe	Johnson	McDonald
Begich	Clark	Frederick	Kahn	McEachern
Bennett	Clausnitzer	Frederickson	Kalis	McLaughlin
Bishop	Cohen	Frerichs	Kelly	McPherson
Blatz	Dempsey	Greenfield	Knickerbocker	Miller
Boerboom	DenOuden	Hartinger	Knuth	Minne
Boo	Dimler	Hartle	Kostohryz	Munger



Murphy	Pappas	Richter	Simoneau	Uphus
Nelson, D.	Pauly	Riveness	Skoglund	Valan
Nelson, K.	Peterson	Rodosovich	Solberg	Valento
Neuenschwander	Piepho	Sarna	Sparby	Vanasek
Norton	Piper	Schafer	Stanius	Vellenga
O'Connor	Poppenhagen	Scheid	Staten	Voss
Ogren	Price	Schoenfeld	Thiede	Waltman
Olsen, S.	Quinn	Schreiber	Thorson	Wenzel
Omann	Quist	Seaberg	Tjornhom	Wynia
Onnen	Redalen	Segal	Tomlinson	Zaffke
Otis	Rees	Shaver	Tompkins	Spk. Jennings, D.
Ozment	Rest	Sherman	Tunheim	

Those who voted in the negative were:

Gruenes          Marsh          Sviggum

The bill was passed and its title agreed to.

H. F. No. 1782, A bill for an act relating to natural resources; enacting the lake improvement district act; providing for the creation, powers, and termination of lake improvement districts; amending Minnesota Statutes 1984, sections 378.41; 378.42; 378.43; 378.44; 378.46; 378.47; 378.51; 378.52; 378.55; 378.56; and 378.57; proposing coding for new law in Minnesota Statutes, chapter 378; repealing Minnesota Statutes 1984, sections 378.41, subdivision 3; 378.45; and 378.53.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dimler	Kelly	O'Connor	Rodosovich
Anderson, R.	Dyke	Kiffmeyer	Ogren	Rose
Backlund	Elioff	Knickerbocker	Olsen, S.	Sarna
Battaglia	Ellingson	Knuth	Omann	Schafer
Beard	Erickson	Kostohryz	Onnen	Scheid
Becklin	Fjoslien	Krueger	Osthoff	Schoenfeld
Begich	Forsythe	Kvam	Otis	Seaberg
Bennett	Frederick	Levi	Ozment	Segal
Bishop	Frederickson	Lieder	Pappas	Shaver
Blatz	Frerichs	Long	Pauly	Sherman
Boerboom	Greenfield	Marsh	Peterson	Simoneau
Boo	Gruenes	McDonald	Piepho	Skoglund
Brandl	Hartinger	McEachern	Piper	Solberg
Brinkman	Hartle	McLaughlin	Poppenhagen	Sparby
Brown	Haukoos	McPherson	Price	Stanius
Burger	Heap	Miller	Quinn	Staten
Carlson, D.	Himle	Minne	Quist	Sviggum
Carlson, J.	Jacobs	Munger	Redalen	Thiede
Carlson, L.	Jaros	Murphy	Rees	Thorson
Clark	Jennings, L.	Nelson, D.	Rest	Tjornhom
Clausnitzer	Johnson	Nelson, K.	Rice	Tomlinson
Cohen	Kahn	Neuenschwander	Richter	Tompkins
Dempsey	Kalis	Norton	Riveness	Tunheim

Uphus  
Valan  
Valento

Vanasek  
Vellenga  
Voss

Waltman  
Welle

Wenzel  
Wynia

Zaffke  
Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 2141 was reported to the House.

Schoenfeld moved to amend H. F. No. 2141, the first engrossment, as follows:

Page 2, after line 7, insert:

"Sec. 3. Minnesota Statutes 1984, section 500.24, is amended by adding a subdivision to read:

*Subd. 6. [DISPOSAL OF LAND.]*

*A state or federal agency or a corporation other than a family farm corporation, or an authorized farm corporation, when leasing or selling farm land or farm homestead, must offer or make a good faith effort to offer land for sale or lease to the former owner at a price no higher than the highest price offered by a third party that is acceptable to the seller or lessor. An offer delivered by certified mail to the former owner's last known address is a good faith offer. This subdivision does not apply to a sale or lease that occurs after the seller or lessor has held the property for five years."*

Amend the title as follows:

Page 1, line 5, after the semicolon, insert:

*"requiring the sale or lease of certain farm land to certain persons,"*

The motion prevailed and the amendment was adopted.

H. F. No. 2141, A bill for an act relating to agriculture; requiring certain corporate owners of agricultural land to reimburse the state for damage to conservation practices; requiring certain lease terms; requiring the sale or lease of certain farm land to certain persons; amending Minnesota Statutes 1984, section 500.24, by adding subdivisions.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Lieder	Piepho	Solberg
Anderson, R.	Forsythe	Long	Piper	Sparby
Backlund	Frederick	Marsh	Poppenhagen	Stanius
Battaglia	Frederickson	McDonald	Price	Staten
Beard	Frerichs	McEachern	Quinn	Sviggum
Becklin	Greenfield	McLaughlin	Quist	Thiede
Begich	Gruenes	McPherson	Redalen	Thorson
Bennett	Hartinger	Miller	Rees	Tjornhom
Blatz	Hartle	Minne	Rest	Tomlinson
Boerboom	Haukoos	Murphy	Rice	Tompkins
Brandl	Heap	Nelson, D.	Richter	Tunheim
Brinkman	Jacobs	Nelson, K.	Riveness	Uphus
Brown	Jaros	Neuenschwander	Rodosovich	Valan
Burger	Jennings, L.	Norton	Rose	Valento
Carlson, D.	Johnson	O'Connor	Sarna	Vanasek
Carlson, L.	Kahn	Ogren	Schafer	Vellenga
Clark	Kalis	Olsen, S.	Scheid	Voss
Clausnitzer	Kelly	Omann	Schoenfeld	Waltman
Cohen	Kiffmeyer	Onnen	Schreiber	Welle
Dempsey	Knickerbocker	Osthoft	Seaberg	Wenzel
DenOuden	Knuth	Otis	Segal	Wynia
Dyke	Kostohryz	Ozment	Shaver	Zaffke
Elioff	Krueger	Pappas	Sherman	Spk. Jennings, D.
Ellingson	Kvam	Pauly	Simoneau	
Erickson	Levi	Peterson	Skoglund	

The bill was passed, as amended, and its title agreed to.

H. F. No. 2100, A bill for an act relating to agriculture; state agricultural society; removing the time and geographical restrictions on the society's ability to impose certain restrictions on performers at the state fairgrounds; amending Minnesota Statutes 1985 Supplement, section 37.17, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Hartinger	Lieder	Omann
Anderson, R.	Clark	Hartle	Long	Onnen
Backlund	Clausnitzer	Haukoos	Marsh	Osthoft
Battaglia	Cohen	Heap	McDonald	Otis
Beard	Dempsey	Himle	McEachern	Ozment
Becklin	Dimler	Jacobs	McLaughlin	Pauly
Begich	Dyke	Jennings, L.	McPherson	Peterson
Bennett	Elioff	Johnson	Miller	Piepho
Bishop	Ellingson	Kahn	Minne	Piper
Blatz	Erickson	Kalis	Munger	Poppenhagen
Boerboom	Fjoslien	Kiffmeyer	Murphy	Price
Boo	Forsythe	Knickerbocker	Nelson, D.	Quinn
Brandl	Frederick	Knuth	Nelson, K.	Redalen
Brinkman	Frederickson	Kostohryz	Norton	Rees
Brown	Frerichs	Krueger	O'Connor	Rice
Burger	Greenfield	Kvam	Ogren	Richter
Carlson, D.	Gruenes	Levi	Olsen, S.	Riveness

Rodosovich	Segal	Staten	Uphus	Welle
Rose	Shaver	Sviggum	Valan	Wenzel
Sarna	Sherman	Thiede	Valento	Wynia
Schafer	Simoneau	Thorson	Vanasek	Zaffke
Schoenfeld	Solberg	Tjornhom	Vellenga	Spk. Jennings, D.
Schreiber	Sparby	Tompkins	Voss	
Seaberg	Stanius	Tunheim	Waltman	

The bill was passed and its title agreed to.

H. F. No. 2017, A bill for an act relating to crimes; making certain videotaped statements admissible in proceedings involving physical or sexual abuse against a child; amending Minnesota Statutes 1984, section 595.02, by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 260.156; and 595.02, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Pauly	Simoneau
Backlund	Erickson	Kvam	Peterson	Skoglund
Battaglia	Fjoslien	Levi	Piepho	Solberg
Beard	Forsythe	Lieder	Piper	Sparby
Becklin	Frederick	Long	Poppenhagen	Stanius
Begich	Frederickson	Marsh	Price	Staten
Bennett	Ferichs	McDonald	Quinn	Sviggum
Bishop	Greenfield	McEachern	Quist	Thiede
Blatz	Gruenes	McLaughlin	Redalen	Thorson
Boerboom	Hartinger	Miller	Rees	Tjornhom
Boo	Hartle	Minne	Rest	Tomlinson
Brandl	Haukoos	Munger	Rice	Tompkins
Brinkman	Heap	Murphy	Richter	Tunheim
Brown	Himle	Nelson, D.	Riveness	Uphus
Burger	Jacobs	Nelson, K.	Rodosovich	Valan
Carlson, D.	Jaros	Norton	Rose	Valento
Carlson, L.	Jennings, L.	O'Connor	Sarna	Vanasek
Clark	Johnson	Ogren	Schafer	Vellenga
Clausnitzer	Kahn	Olsen, S.	Scheid	Voss
Cohen	Kalis	Omann	Schoenfeld	Waltman
Dempsey	Kelly	Onnen	Schreiber	Welle
DenOuden	Kiffmeyer	Osthoff	Seaberg	Wenzel
Dimler	Knickerbocker	Otis	Segal	Wynia
Dyke	Knuth	Ozment	Shaver	Zaffke
Elioff	Kostohryz	Pappas	Sherman	Spk. Jennings, D.

The bill was passed and its title agreed to.

Nelson, K., was excused for the remainder of today's session.

H. F. No. 1749, A bill for an act relating to education; allowing independent school district No. 281, Robbinsdale, to make a levy for transportation of certain pupils.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 103 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Knickerbocker	Pauly	Sparby
Backlund	Elioff	Krueger	Piepho	Stanius
Battaglia	Ellingson	Kvam	Poppenhagen	Sviggunn
Beard	Erickson	Levi	Price	Thiede
Becklin	Fjoslien	Lieder	Quist	Thorson
Begich	Forsythe	Long	Redalen	Tjornhom
Bennett	Frederick	Marsh	Rees	Tomlinson
Blatz	Frerichs	McDonald	Rest	Tompkins
Boerboom	Gruenes	McEachern	Richter	Tunheim
Boo	Hartinger	McPherson	Rodosovich	Uphus
Brandl	Hartle	Miller	Rose	Valan
Brinkman	Haukoos	Minne	Sarna	Valento
Burger	Heap	Munger	Schafer	Vanasek
Carlson, D.	Himle	Murphy	Scheid	Waltman
Carlson, J.	Jacobs	Neuenschwander	Seaberg	Welle
Carlson, L.	Jaros	O'Connor	Segal	Wenzel
Clark	Johnson	Ogren	Shaver	Wynia
Clausnitzer	Kahn	Olsen, S.	Sherman	Zaffke
Cohen	Kalis	Omann	Simoneau	Spk. Jennings, D.
Dempsey	Kelly	Onnen	Skoglund	
Dimler	Kiffmeyer	Otis	Solberg	

Those who voted in the negative were:

Anderson, G.	Greenfield	Nelson, D.	Peterson	Schreiber
Brown	Knuth	Norton	Quinn	Staten
DenOuden	Kostohryz	Pappas	Rice	Voss

The bill was passed and its title agreed to.

H. F. No. 2295, A bill for an act relating to independent school district No. 709; providing for severance pay for employees.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Boerboom	Clark	Erickson	Hartle
Anderson, R.	Boo	Clausnitzer	Fjoslien	Haukoos
Backlund	Brandl	Cohen	Forsythe	Heap
Battaglia	Brinkman	Dempsey	Frederick	Himle
Beard	Brown	DenOuden	Frederickson	Jacobs
Becklin	Burger	Dimler	Frerichs	Jaros
Begich	Carlson, D.	Dyke	Greenfield	Jennings, L.
Bennett	Carlson, J.	Elioff	Gruenes	Johnson
Blatz	Carlson, L.	Ellingson	Hartinger	Kahn

Kalis	Minne	Piepho	Schreiber	Tunheim
Kelly	Munger	Piper	Seaberg	Uphus
Kiffmeyer	Murphy	Poppenhagen	Segal	Valan
Knickerbocker	Nelson, D.	Price	Shaver	Valento
Knuth	Neuenschwander	Quinn	Sherman	Vanasek
Kostohryz	Norton	Quist	Simoneau	Vellenga
Krueger	O'Connor	Redalen	Skoglund	Voss
Kvam	Ogren	Rees	Sparby	Waltman
Levi	Olsen, S.	Rest	Stanis	Welle
Lieder	Omann	Richter	Staten	Wenzel
Long	Onnen	Riveness	Sviggum	Wynia
Marsh	Osthoff	Rodosovich	Thiede	Zaffke
McDonald	Otis	Sarna	Thorson	Spk. Jennings, D.
McEachern	Pappas	Schafer	Tjornhom	
McLaughlin	Pauly	Scheid	Tomlinson	
McPherson	Peterson	Schoenfeld	Tompkins	

The bill was passed and its title agreed to.

H. F. No. 2344, A bill for an act relating to St. Louis county; making certain offices appointive; allowing the county board to assign certain offices to the unclassified service; amending Minnesota Statutes 1984, sections 375A.06, subdivision 5; 383C.035 and 383C.136.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Levi	Piper	Sparby
Anderson, R.	Ellingson	Lieder	Poppenhagen	Stanis
Backlund	Erickson	Long	Price	Staten
Battaglia	Fjoslien	Marsh	Quinn	Sviggum
Beard	Forsythe	McDonald	Quist	Thiede
Becklin	Frederick	McEachern	Redalen	Thorson
Begich	Frerichs	McLaughlin	Rees	Tjornhom
Bennett	Greenfield	McPherson	Rest	Tomlinson
Blatz	Gruenes	Minne	Rice	Tompkins
Boerboom	Hartinger	Munger	Richter	Tunheim
Boo	Hartle	Murphy	Riveness	Uphus
Brandl	Haukoos	Nelson, D.	Rodosovich	Valan
Brinkman	Heap	Neuenschwander	Rose	Valento
Brown	Himle	Norton	Sarna	Vanasek
Burger	Jacobs	O'Connor	Schafer	Vellenga
Carlson, D.	Jennings, L.	Ogren	Scheid	Voss
Carlson, J.	Johnson	Olsen, S.	Schoenfeld	Waltman
Carlson, L.	Kalis	Omann	Schreiber	Welle
Clark	Kelly	Onnen	Seaberg	Wenzel
Clausnitzer	Kiffmeyer	Otis	Segal	Wynia
Cohen	Knickerbocker	Ozment	Shaver	Zaffke
Dempsey	Knuth	Pappas	Sherman	Spk. Jennings, D.
DenOuden	Kostohryz	Pauly	Simoneau	
Dimler	Krueger	Peterson	Skoglund	
Dyke	Kvam	Piepho	Solberg	

Those who voted in the negative were:

Jaros

The bill was passed and its title agreed to.

Levi moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

### GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Segal moved that the names of Nelson, K., and Wenzel be added as authors on House Resolution No. 45. The motion prevailed.

Clark moved that the name of Rose be added as chief author and the name of Clark be shown as second author on H. F. No. 1144. The motion prevailed.

Uphus moved that the name of Schoenfeld be added as an author on H. F. No. 1781. The motion prevailed.

Heap moved that the name of Tjornhom be added as an author on H. F. No. 1945. The motion prevailed.

Fjoslien moved that his name be stricken as an author on H. F. No. 2010. The motion prevailed.

Bennett moved that the name of Bishop be added as an author on H. F. No. 2038. The motion prevailed.

McPherson moved that the name of Tjornhom be added as an author on H. F. No. 2170. The motion prevailed.

Frederick moved that the name of Shaver be added as an author on H. F. No. 2229. The motion prevailed.

Heap moved that the name of Simoneau be added as an author on H. F. No. 2263. The motion prevailed.

Ogren moved that the names of Solberg and Segal be added as authors on H. F. No. 2505. The motion prevailed.

Krueger moved that the name of Otis be added as an author on H. F. No. 2507. The motion prevailed.

Shaver moved that the name of Rees be added as an author on H. F. No. 2511. The motion prevailed.

Nelson, K., moved that the name of Pappas be added as an author on H. F. No. 2515. The motion prevailed.

Bishop moved that H. F. No. 2519 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Judiciary.

A roll call was requested and properly seconded.

The question was taken on the Bishop motion and the roll was called. There were 44 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Knuth	Olsen, S.	Simoneau
Backlund	Frederickson	Kostohryz	Otis	Skoglund
Bishop	Frerichs	Levi	Pappas	Tomlinson
Boo	Greenfield	Long	Piper	Vellenga
Brandl	Hartle	McLaughlin	Price	Voss
Carlson, L.	Jaros	Minne	Rest	Welle
Clark	Jennings, L.	Munger	Rodosovich	Wynia
Cohen	Kahn	Norton	Seaberg	Spk. Jennings, D.
Forsythe	Kelly	Ogren	Segal	

Those who voted in the negative were:

Battaglia	Elioff	McDonald	Quist	Thiede
Beard	Erickson	McEachern	Redalen	Thorson
Becklin	Fjoslien	McPherson	Rees	Tjornhom
Begich	Gruenes	Miller	Rice	Tompkins
Bennett	Hartinger	Murphy	Richter	Tunheim
Blatz	Haukoos	Nelson, D.	Riveness	Uphus
Boerboom	Himle	O'Connor	Sarna	Valan
Brinkman	Jacobs	Omann	Schafer	Valento
Brown	Johnson	Onnen	Schoenfeld	Vanasek
Burger	Kalis	Ozment	Schreiber	Waltman
Clausnitzer	Kiffmeyer	Pauly	Sherman	Wenzel
Dempsey	Krueger	Peterson	Solberg	Zaffke
DenOuden	Kvam	Piepho	Sparby	
Dimler	Lieder	Poppenhagen	Stanius	
Dyke	Marsh	Quinn	Sviggum	

The motion did not prevail.

Brandl moved that H. F. No. 1804 be returned to its author. The motion prevailed.

Kelly, Osthoff, O'Connor, Vellenga and Tomlinson introduced:

House Concurrent Resolution No. 13, A house concurrent resolution commending those people responsible for planning and constructing the 1986 St. Paul Winter Carnival ice palace.

The resolution was referred to the Committee on Rules and Legislative Administration.



House Resolution No. 41 was reported to the House.

HOUSE RESOLUTION NO. 41

A house resolution congratulating the football team from Zumbrota High School for winning Runnerup in the 1985 Class C State High School Football Championship.

*Whereas*, high school athletic competition contributes to good citizenship by teaching high school students the principles of cooperation and fair play; and

*Whereas*, high school sports promote vigorous good health of the participants and lift the spirits of fans; and

*Whereas*, the football team from Zumbrota participated in the Class C State Football Tournament as one of just eight teams from among the 455 teams that originally participated in high school football; and

*Whereas*, every member of the football team contributed to an impressive effort to win the final game of the tournament; and

*Whereas*, the football team won the 1985 Class C State Football Runnerup Championship; and

*Whereas*, the football team finished the year with an outstanding 13 and 1 win-loss record; and

*Whereas*, Zumbrota High School's players and fans have exhibited outstanding sportsmanship, skill, and desire throughout the season; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that congratulations are extended to the football team of Zumbrota High School on the accomplishments, talents, and determination of their football team and to the team's coach, and to the team's fans. In particular, congratulations are extended to Pat Scharf, Dan DuFrane, Rick Swenson, Tony Stensland, Mike Ritter, Joel Mona, Dean Berg, Glenn Bowman, Mike Olson, Dan Bennett, Jon Milow, Dan Blakstad, Mark Weeks, Bob Prigge, Mark Ehlers, Tony Aunan, Mike Lohman, Peter Wold, Eric Hemme, Scott Sheridan, Lonnie Hinrichs, Neal Kylo, Paul Thompson, Todd Copley, Craig Stehr, Aaron Wichman, Bill McDonald, John Brekken, Chris Quast, Mark Radke, Mike Finstuen, Mike Friedrich, Ken Belanger, Jr., Matt Henning, Bob McDonald, and Brett Madison, the team members; to Wendy Kalass, Lori Groth, Tammy Kempf, Julie Hennig, Louise Pflibsen, and Chrissy Holst, the cheerleaders; to Chad Larson and Bob Archer, the student managers; to John Dunbar, Frank Aunan, and Bob Martin, the assistant coaches; to Dr. Bob

Thompson, the team physician; and to Ken Belanger, Sr., the head coach.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to enroll a copy of this resolution, to be authenticated by his signature and that of the Speaker, and that it be presented to the principal of Zumbrota High School.

Waltman moved that House Resolution No. 41 be now adopted. The motion prevailed and House Resolution No. 41 was adopted.

House Resolution No. 42 was reported to the House.

#### HOUSE RESOLUTION NO. 42

A house resolution commending the people and schools of Zumbrota upon the centennial of the graduation of its first class.

*Whereas*, the first class, consisting of two students, graduated from the Zumbrota schools in 1886; and

*Whereas*, the 100th class, consisting of 50 students, will graduate this spring; and

*Whereas*, in the 100 years the people, town, and schools of Zumbrota have grown and prospered; and

*Whereas*, the Zumbrota schools have adopted the essential objectives that the students not just absorb information but develop a mastery of fundamental skills, a love of learning, a strong character centered on a feeling of self-worth, an ability to work productively with others, the skill to be a good citizen and productive member of society, an appreciation of the arts, and the capacity for independent thought; and

*Whereas*, the Zumbrota schools are well known for the high level of skill of its staff and administration; and

*Whereas*, in celebration of its 100 years, the Zumbrota High School football team won the 1985 Class C State Football Runnerup Championship and finished the year with a 13 and 1 win-loss record; and

*Whereas*, it is appropriate to commend the people, town, and schools of Zumbrota upon this occasion; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the state of Minnesota that it commends the people, town, and schools of Zumbrota for providing 100 years of superior education.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and present it to the Superintendent of the Zumbrota schools.

Waltman moved that House Resolution No. 42 be now adopted. The motion prevailed and House Resolution No. 42 was adopted.

Begich and Heap introduced:

House Resolution No. 46, A house resolution proclaiming June 21, 1986, to be Save American Industry and Jobs Day in Minnesota.

#### SUSPENSION OF RULES

Begich moved that the rules be so far suspended that House Resolution No. 46 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 46

A house resolution proclaiming June 21, 1986, to be Save American Industry and Jobs Day in Minnesota.

*Whereas*, from our roots and throughout our more than 200 years of development, American business, industry, and workers generated the model industrial economy and strength which became the envy of the world; and

*Whereas*, our early farm oriented economy soon gave way to a multifaceted national economy; and

*Whereas*, the willingness of business and industry to be flexible and able to change, to create change, and a workforce willing and capable to meet the challenge has resulted in a higher standard of living than that of any other nation in the world; and

*Whereas*, American workers and American manufacturers have produced more consumer products than could have been imagined 200 years ago and throughout this time American workers have excelled in meeting production, assembly, and transportation requirements of consumers and of governments; and

*Whereas*, American industry and workers have met the call during times of peace and during times of national and global emergencies at home and abroad, the calls from afar which saved many allied nations from an aggressor; and

*Whereas*, as an industrial nation, with an ever expanding population and marketplace, domestic and foreign producers have benefited from the openness of our markets; and

*Whereas*, our openness has helped lift the economies of many nations, improve the economic stability of trading nations and their workers, and has been especially helpful to workers in third world nations that enjoy special trading privileges in our markets; and

*Whereas*, because we have faith in our democratic institutions, industry and workers to improve the quality of life here and everywhere, to blend the pursuit of profit through competition without forgetting to advance our long held social values of justice and fairness in the community and throughout one's worklife and into retirement; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it proclaims June 21, 1986, as a day of recognition of the accomplishments of workers, business, and manufacturing industries and to ask all Americans to join in a national salute to their combined achievements. In so doing, it encourages all appropriate local activity that will broaden the recognition and celebration of Save American Industry and Jobs Day on June 21, 1986.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Speaker, and present them to representatives of business and labor in Minnesota.

Beginch moved that House Resolution No. 46 be now adopted. The motion prevailed and House Resolution No. 46 was adopted.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 11:00 a.m., Friday, March 7, 1986. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Friday, March 7, 1986.

EDWARD A. BURDICK, Chief Clerk, House of Representatives