

dividends and additions to reserves shall be distributed on the basis of patronage, and that the records of the association may show the interest of patrons, stockholders of any classes and members in the reserves. The articles of incorporation shall always contain the provisions above required and may contain any other lawful provision; except that the names, post office addresses and terms of offices of the first directors may be omitted after their successors have been elected by the stockholders or when the articles are amended in their entirety. Cooperative associations may be incorporated for any of the purposes for which an association may also be formed upon a membership basis and without capital stock. Such associations organized on a capital stock basis may be organized, and shall have the same powers and authority as are conferred upon such associations, and the articles of incorporation of any such non-stock associations shall contain the provisions required in the articles of incorporation of an association organized upon a capital stock basis whenever the same are applicable to an association organized upon a membership basis. Except as provided for by section 308.07, subdivision 4, no member of an association organized upon a membership basis shall have more than one vote, and a membership shall be transferable only with the consent and approval of the board of directors of the association. Holders of shares of common stock which entitle the holder thereof to vote, shall be deemed to be members of associations organized on a capital stock basis. As used in sections 308.05 to 308.18, "stockholder," unless otherwise specified, means and includes only a holder of a share of common stock which entitles the holder thereof to vote.

Approved March 12, 1971.

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#### CHAPTER 48—H.F.No.369

*An act relating to archaeology; making various changes in the law governing field archaeology; providing a penalty; amending Minnesota Statutes 1969, Sections 138.31, Subdivision 2; 138.33; 138.36, Subdivision 2; 138.40 and 138.41, Subdivision 1.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 138.31, Subdivision 2, is amended to read:

Subd. 2. **ARCHAEOLOGY; REVISION.** "State site" or "state archaeological site" means a land or water area, owned or leased by

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

or subject to the paramount right of the state, county, township, or municipality where there are objects or other evidence of archaeological interest. This term includes all aboriginal mounds and earthworks, ancient burial grounds, prehistoric ruins, historical remains, and other archaeological features on state land or on land subject to the paramount rights of the state. Historical remains do not include bottles or ceramics manufactured after 1875.

Sec. 2. Minnesota Statutes 1969, Section 138.33, is amended to read:

**138.33 UNLICENSED FIELD ARCHAEOLOGY PROHIBITED.** No person, including state or other public employees other than the state archaeologist and individuals duly licensed by the director of the Minnesota historical society shall engage in any field archaeology on any state site.

Sec. 3. Minnesota Statutes 1969, Section 138.36, Subdivision 2, is amended to read:

Subd. 2. **POWER TO ISSUE.** The director of the Minnesota historical society, acting as an agent of the state, may issue a license to a qualified person approved by the state archaeologist to engage in field archaeology on a specified state site. The director of the Minnesota historical society may also issue a license to a qualified person, either in connection with the right to engage in field archaeology on a specified site, or alone, to engage in purely preliminary or exploratory activities in a specified area where a site is thought to exist. If a state site or an area to be described in a license is under the jurisdiction of any other agency of the state, or, if the field archaeology to be licensed may interfere with a project of any other agency, the applicant for a permit shall obtain the approval of that agency. ~~No agency shall withhold approval without good cause.~~ The attorney general upon recommendation of the director of the historical society may apply to the district court for injunctive relief to restrain activities which in his opinion may damage historical or archaeological sites on public lands or waters.

Sec. 4. Minnesota Statutes 1969, Section 138.40, is amended to read:

**138.40 COOPERATION OF STATE AGENCIES; DEVELOPMENT PLANS.** Subdivision 1. The department of natural resources, the department of highways, and all other state agencies whose activities may be affected, shall cooperate with the historical society and the state archaeologist to carry out the provisions of sections 138.31 to 138.42 and the rules and regulations issued thereunder, but sections 138.31 to 138.42 are not meant to burden persons who wish to use state property for recreational and other lawful purposes or to unnecessarily restrict the use of state property.

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

Subd. 2. State and other governmental agencies shall comply with and aid in the enforcement of provisions of sections 138.31 to 138.42. Conservation officers and other enforcement officers of the department of natural resources shall enforce the provisions of sections 138.31 to 138.42 and report violations to the director of the society. When archaeological or historic sites are known or based on investigations or are suspected to exist on public lands or waters, the agency or department controlling said lands or waters shall use the professional services of archaeologists from the university of Minnesota, Minnesota historical society, or other qualified professional archaeologists, to preserve these sites. In the event that archaeological excavation is required to protect or preserve these sites, state and other governmental agencies may use their funds for such activities.

Subd. 3. When archaeological or historic sites are known or suspected to exist on public lands or waters, the agency or department controlling said lands or waters shall submit construction or development plans to the state archaeologist, and the director of the society for review at the time bids are advertised. The state archaeologist and the society shall promptly review such plans and make recommendations for the preservation of archaeological or historic sites which may be endangered by construction or development activities.

Sec. 5. Minnesota Statutes 1969, Section 138.41, Subdivision 1, is amended to read:

138.41 **PENALTIES.** Subdivision 1. **WILLFUL VIOLATIONS.** Whoever willfully violates section 138.33, or willfully defaces, injures, destroys, displaces, or removes any object or data belonging to the state, or willfully interferes with evidence or work on any state site or other site for which a license has been issued, or willfully violates any other provision of sections 138.31 to 138.42, or the rules and regulations issued by the director of the historical society, ~~upon conviction, shall be punishable by a fine of not more than \$100 or imprisonment for not more than 90 days, or both~~ is guilty of a gross misdemeanor.

Approved March 12, 1971.

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## CHAPTER 49—H.F.No.396

[Coded]

*An act relating to moto. vehicles; proportionate registration and taxation of certain rental vehicles.*

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