

section has expired or, if a request has been filed within that time, until the board makes a final decision as provided in this section.

Sec. 5. **REPEALER.** Laws 1963, Chapter 883, Section 2, is repealed, effective January 1, 1983.

Sec. 6. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved May 31, 1979.

CHAPTER 289—S.F.No.1553

An act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results and technical errors of a noncontroversial nature; providing for the effective date of Laws 1979, Chapter 56, Section 6; amending Laws 1979, Chapter 63, Section 1, Subdivision 2; Minnesota Statutes 1978, Sections 98.46, Subdivisions 3, as amended, and 18, as amended; 105.391, Subdivision 1, as amended; 550.36, as amended; amending a law enacted at the 1979 regular session styled as H.F. No. 1467, Article 1, Section 108; amending a law enacted at the 1979 regular session styled as H.F. No. 643, Section 27; and amending a law enacted at the 1979 regular session styled as S.F. No. 59, Section 9.

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

Section 1. Laws 1979, Chapter 56, Section 6, is effective the day following final enactment of this act.

Sec. 2. Laws 1979, Chapter 63, Section 1, Subdivision 2, is amended to read:

[609.774] Subd. 2. **AUTHORITY.** A supervising peace officer may order a telephone company to cut, reroute, or divert telephone lines for the purpose of establishing and controlling communications with a violator.

Sec. 3. Minnesota Statutes 1978, Section 98.46, Subdivision 3, as amended by Laws 1979, Chapter 94, Section 3, is amended to read:

Subd. 3. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To harvest wild rice, \$4:
- (2) To buy ~~or~~ and sell wild ginseng, \$5.

Sec. 4. Minnesota Statutes 1978, Section 98.46, Subdivision 18, as amended by Laws 1979, Chapter 104, Section 1, is amended to read:

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Subd. 18. Fees for the following licenses, to be issued to either residents or nonresidents shall be:

(1) For a wild rice dealer's license to buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside the state to anyone within the state except consumers, \$50 if the amount of wild rice bought or sold by the licensee within the year covered by the license does not exceed 50,000 pounds, \$200 if such amount exceeds 50,000 pounds. For the purposes hereof the weight of wild rice in its raw state shall govern. All raw rice purchased by a dealer shall be reported in accordance with clauses (2), (3), (4), and (5); ~~and (6)~~ of this subdivision.

(2) Every application for a license under this subdivision shall be made on oath in writing in such form as the commissioner shall prescribe, stating the amount of wild rice, whether raw or processed, bought or sold by the applicant during the calendar year preceding the year for which the license is sought, the amount which the applicant estimates he will buy or sell under the license, and such other pertinent information as the commissioner may require. The license fee shall be paid in advance, based on such estimate, subject to adjustment as hereinafter provided; provided, that no license shall be issued for any year based on a lesser amount of wild rice than was bought or sold by the applicant during the preceding calendar year.

(3) Every licensee under this subdivision shall keep a correct and complete book record of all wild rice bought or sold by him during the period covered by his license, showing the date of each transaction, the names and addresses of all other parties thereto, and the amount of wild rice involved, whether raw or processed. Every such record shall be open for inspection by the commissioner, the coordinator of wild rice, or any conservation officer or agent of the commissioner at all reasonable times. Every licensee shall transmit to the commissioner within ten days after the end of each calendar month during the period covered by the license a written report, in such form as the commissioner shall prescribe, signed by the licensee, stating the total amount of wild rice bought or sold by him during such calendar month, whether raw or processed.

(4) No dealer licensee under this subdivision shall at any time buy or sell any wild rice for which a license is required hereunder in excess of the amount covered by his license. In case a licensee shall desire to buy or sell any wild rice in excess of such amount, he shall before doing so make application for a supplemental license covering the increased amount of wild rice involved, and such license shall be issued to him upon payment of the prescribed fee therefor, less credit for the fees paid for the previous license or licenses issued to him hereunder for the same calendar year. Upon the issuance of such supplemental license, such previous license or licenses shall be surrendered to the commissioner.

(5) The wilful making of a false statement in any application for a license under this subdivision or in any report required hereunder, or the wilful making of a false entry in any record required hereunder, or any other violation of or failure to comply with any provision of this subdivision shall be a misdemeanor, punishable as provided by section 97.55, subdivision 1. Upon a second conviction within a period of three years of any person of any offense under this subdivision, any license hereunder then held by him shall

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immediately become null and void, and no such license shall be issued to him for one year after the date of such conviction.

Sec. 5. Minnesota Statutes 1978, Section 550.36, as amended by Laws 1979, Chapter 105, Section 2, is amended to read:

550.36 STAY OF EXECUTION ON MONEY JUDGMENT. Execution of a judgment for the payment of money only shall be stayed for six months if, within ten days after the entry thereof, the judgment debtor shall file with the clerk a bond, running to the judgment creditor, his personal representatives and assigns, in double the amount of the judgment, to be approved by the court, and conditioned for the payment of the judgment, with interest, during the time for which the stay is granted. Interest shall be computed in the same manner and at the same rate provided for interest on verdicts in section 549.09 ~~and shall apply to stays granted in the month succeeding the month in which the rate is computed.~~ Within two days thereafter notice that such bond has been filed, with a copy of the same, shall be served on the judgment creditor, if he be a resident of the county, or upon his agent or attorney, if he have one, and the judgment creditor may except to the sufficiency of the bond; and, upon his application upon notice or order to show cause, the court, if it find the bond insufficient, may order execution to issue notwithstanding the same, unless the judgment debtor give such further bond as it shall deem sufficient. If the condition of any such bond be not performed, the execution shall issue for the amount of the judgment, with interest and costs, against the judgment debtor and the sureties. When an execution issues against sureties the officer shall certify in his return what amount, if any, was collected from them and the date thereof. If a stay be granted after execution issued, any levy made thereon shall be released and the execution shall be returned and the reason noted by the officer.

Sec. 6. Minnesota Statutes 1978, Section 105.391, Subdivision 1, as amended by 1979 Senate File 808, is amended to read:

105.391 PUBLIC WATERS INVENTORY AND CLASSIFICATION. Subdivision 1. On the basis of all information available to him and the criteria set forth in ~~section 1~~ sections 2 and 3, the commissioner shall inventory the waters of each county and make a preliminary designation as to which constitute public waters and wetlands. The commissioner shall send a list and map of the waters which he has preliminarily designated as public waters and wetlands in each county to the county board of that county for its review and comment. The county board shall conduct at least one public informational meeting within the county regarding the commissioner's preliminary designation. After conducting the meetings and within 90 days after receipt of the list or maps, the county board shall present its recommendation to the commissioner, listing any waters regarding which the board disagrees with the commissioner's preliminary designation and stating with particularity the waters involved and the reasons for disagreement. The commissioner shall review the county board's response and, if he agrees with any of the board's recommendations, he shall revise the list and map to reflect the recommendations. Within 30 days after receiving the county board's recommendations, he shall also notify the county board as to which recommendations he accepts and rejects and the reasons for his decision. After the revision of the map and list, if any, or if no response is received from the county board within the 90 days review

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period, the commissioner shall file the revised list and map with the recorder of each county and shall cause the list and map to be published in the official newspaper of the county. The published notice shall also state that any person or any county may challenge the designation of specific waters as public waters or wetlands or may request the designation of additional waters as public waters or wetlands, by filing a petition for a hearing with the commissioner within 90 days following the date of publication. The petition shall state with particularity the waters for which the commissioner's designation is disputed and shall set forth the reasons for disputing the designation. If any designations are disputed by petition, the commissioner shall order a public hearing to be held within the county within 60 days following the 90 day period, notice of which shall be published in the state register and the official newspaper of the county. The hearings shall be conducted by a hearings unit composed of one person appointed by the affected county board, one person appointed by the commissioner and one board member of the local soil and water conservation district or districts within the county who shall be selected by the other two members at least 20 days prior to the hearing date. The expenses of and per diem payments to any member of the hearings unit who is not a state employee shall be paid as provided for in section 15.059, subdivision 3, within the limits of funds available from grants to the county pursuant to section 16. In the event there is a watershed district whose boundaries include the waters involved, the district may provide the hearings unit with its recommendations. Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to sections 15.0424 and 15.0425. The commissioner, the county or any person aggrieved by the decision of the hearings unit may appeal from the hearings unit's order. Upon receipt of the order of the hearings unit and after the appeal period has expired, or upon receipt of the final order of the court in the case of an appeal, the commissioner shall publish a list of the waters determined to be public waters and wetlands. The commissioner shall complete the public waters and wetlands inventory by December 31, 1982.

Sec. 7. A law enacted at the 1979 regular session styled as S.F. No. 59, Section 9, is amended by deleting "Sections 1, 2, 5, 6 and 7" and inserting in lieu thereof "Sections 1, 2, 5, 6, 7, and 8".

Sec. 8. A law enacted at the 1979 regular session styled as H.F. No. 643, Section 27, is amended by adding at the end thereof a sentence to read: "This paragraph shall not apply to a decree of dissolution entered before the effective date of this section."

Sec. 9. A law enacted by the 1979 regular session styled as H.F. No. 1467, Article I, Section 108, is amended in the last sentence before the period by deleting "115" and inserting in lieu thereof "109".

Sec. 10. This act is effective the day following final enactment. Unless otherwise provided within the section, each section of this act is effective on the effective date of the act amended by that section.

Approved May 31, 1979.

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