

organizations or corporations for the purpose of developing the tourism potential of the state. If in the judgment of the commissioner a project will make a meaningful contribution to the tourism development of the state, he may enter into local or regional agreements. ~~The commissioner shall not agree to pay more than 50 percent of the total annual project cost.~~

Sec. 2. Minnesota Statutes 1980, Section 362.41, Subdivision 6, is amended to read:

Subd. 6. The commissioner shall designate a community development corporation as eligible to receive grants pursuant to this section if the corporation:

- (a) Is a non-profit corporation incorporated under chapter 317;
- (b) Designates in its articles of incorporation or bylaws a specific geographic community within which it will operate. At least ten percent of the population within the designated community must have low income. Within the metropolitan area as defined in section 473.121, subdivision 2, a designated community shall be an identifiable neighborhood, or a combination of neighborhoods or home rule charter or statutory cities, townships, unincorporated areas or combinations thereof. Outstate designated communities shall to the extent possible not cross existing economic development boundaries;
- (c) Limits voting membership to residents of the designated community;
- (d) Has a board of directors with 15 to 30 members, unless the corporation can demonstrate to the commissioner that a smaller or larger board is more advantageous. At least ~~60~~ 40 percent of the directors shall have low incomes and the remaining directors shall be members of the business or financial community and the community at large. ~~To~~ At least 60 percent of the directors shall be residents of the designated community, and to the greatest extent possible directors shall be residents of the designated community. The low income directors shall be elected by the members of the corporation, and the remaining directors may be elected by the members of the corporation or selected by the low income directors; and
- (e) Hires low income residents of the designated community to fill non-managerial and non-professional positions.

Approved May 28, 1981

CHAPTER 285 — S.F.No. 254

An act relating to natural resources; providing for the designation of endangered plant species; establishing a temporary technical advisory committee; amending Minnesota Statutes 1980, Section 97.488.

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

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

Section 1. Minnesota Statutes 1980, Section 97.488, is amended to read:

97.488 PROTECTION OF THREATENED AND ENDANGERED SPECIES.

Subdivision 1. **PROHIBITION.** Notwithstanding any other provision of law, the taking, import, transport, or sale of any endangered species of wild animal, or hides plant or other parts thereof, or the sale or possession with intent to sell any article made in whole or in part from the skin, hide, or other any parts of any endangered species of wild animal or plant is prohibited, except as provided in subdivision subdivisions 1a and 6.

Subd. 1a. APPLICATION. The provisions of subdivision 1 do not apply to plants on land classified for property tax purposes as class 3 or 3b agricultural land pursuant to section 273.13, or on ditches and roadways. The provisions of subdivision 1 do not apply to noxious weeds designated pursuant to sections 18.171 to 18.315 or to weeds otherwise designated as troublesome by the department of agriculture. When control of noxious weeds is necessary, it takes priority over the protection of endangered plant species, as long as reasonable effort is taken to preserve the endangered plant species first.

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 shall not be a violation of subdivision 1, as long as reasonable care is taken in the pesticide or other chemical application to avoid impact on adjacent lands.

The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking, shall not be a violation of subdivision 1.

For the purpose of this subdivision, class 3 or 3b agricultural land does not include timber land, waste land, or any land for which the owner receives a state paid wetlands or native prairie tax credit.

Subd. 2. DESIGNATION. The commissioner of natural resources shall, not later than January 1, 1984, by adoption of a regulation to that effect pursuant to sections 15.0411 to 15.0422, rules pursuant to chapter 15, shall designate any species of wild animal or plant as either:

(1) Endangered, upon a showing that such species is threatened with extinction throughout all or a significant portion of its range; or

(2) Threatened, upon a showing that such species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range; or

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(3) Species of special concern, upon a showing that while a species is not endangered or threatened, it is extremely uncommon in Minnesota, or has unique or highly specific habitat requirements and deserves careful monitoring of its status. Species on the periphery of their range which are not listed as threatened may be included in this category along with those species which were once threatened or endangered but now have increasing or protected, stable populations.

For purposes of this section, the range of the species in Minnesota shall be 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 shall be a prima facie showing for this the purpose of this section. The commissioner shall withdraw designation in the same manner. Until the commissioner adopts such regulation rules, those species designated as endangered by Section 4 (c) (3) of the Endangered Species Act of 1973 (PL 93-205) at the time of enactment thereof shall be considered endangered within the meaning of this section.

The commissioner shall reevaluate the designated species list every three years after it is first adopted and make appropriate changes. In particular, the review shall 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 pursuant to this subdivision.

Subd. 3. **STUDIES.** The commissioner of natural resources may conduct such investigations as he shall deem appropriate to determine the status and requirements for survival of any resident species of wild animal or plant.

Subd. 4. **MANAGEMENT.** Notwithstanding any other provision of law, whenever any resident species of wild animal or plant has been designated as threatened or endangered pursuant to this section, the commissioner of natural resources may undertake such management programs and in connection therewith may issue such orders, related to wild animals, and promulgate such regulations adopt rules as he deems necessary to bring the species to a point at which it is no longer threatened or endangered. Subject to the provisions of subdivision 6, management programs for endangered or threatened species may include, but need not be limited to, methods and procedures such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, transplantation and regulated taking.

Subd. 5. **ENFORCEMENT.** Any peace officer or conservation officer, pursuant to chapter 626, may execute a warrant to search for and seize any goods, merchandise, or wildlife plant or animal taken, sold or offered for sale in violation of this section, or any thing used in connection with a violation of this section. Seized property shall be held pending judicial proceedings. Upon conviction, seized property is forfeit. Goods, merchandise, or wildlife plants or animals shall be offered to a scientific or educational institution or destroyed.

Subd. 6. **GENERAL EXCEPTIONS.** The commissioner may permit, on prescribed conditions, any act otherwise prohibited by subdivision 1 ~~for any of the following purposes if:~~

(1) The act is for the purpose of zoological, educational or scientific study;

(2) ~~Enhancement of~~ The act enhances the propagation or survival of the affected species; ~~or~~

(3) ~~Prevention of~~ The act prevents injury to persons or property, provided that for the purpose of preventing such injury; ~~or~~

(4) The social and economic benefits of the act outweigh the harm caused by it.

No member of an endangered species may be destroyed pursuant to clause (3) or (4) until all alternatives, including but not limited to live trapping and transplantation, have been evaluated and rejected. ~~He~~ The commissioner may permit, on prescribed conditions, the propagation of a species or subspecies for its preservation. A member of a threatened or endangered species may be captured or destroyed without permit by any person when necessary in an emergency to avoid an immediate and demonstrable threat to human life or property.

The commissioner shall give any approval under this subdivision for forest management, including as part of a permit, sale, or lease of land for timber harvesting.

Subd. 7. **APPLICATION.** This section shall not apply retroactively or so as to prohibit importation into this state and subsequent possession, transport and sale of wild animals or ~~hides or other, wild plants or~~ parts thereof legally imported into the United States or legally acquired and exported from another territory, state, possession or political subdivision of the United States.

Sec. 2. TECHNICAL COMMITTEE.

The commissioner shall appoint a technical committee of not more than 30 persons with knowledge and experience in botany, zoology, and other relevant disciplines to recommend criteria for determining the special concern, endangered or threatened status of species and those species appropriate for designation. For purposes of these recommendations, the commissioner shall organize appropriate working subcommittees in various species areas. In addition, the committee shall generally advise the commissioner regarding administration of this section and shall review current programs of the department and recommend appropriate changes and new programs for restoration, recovery, habitat improvement and habitat protection for designated species. The committee shall be appointed not later than July 1, 1981, and shall recommend its list of species for designation to the commissioner and the

legislature not later than January 1, 1983, and shall make a written report to the commissioner and the legislature on program recommendations prior to January 1, 1984. Members of the committee shall serve without compensation but shall be reimbursed for expenses in the same manner and amount as state employees. The committee shall terminate upon the adoption of rules designating animal species and the proposal of designated plant species to the legislature under section 97.488, subdivision 2, but in no event later than January 1, 1984.

Sec. 3. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved May 28, 1981

CHAPTER 286 — S.F.No. 268

An act relating to insurance; regulating suicide provisions in life insurance contracts; proposing new law coded in Minnesota Statutes, Chapter 61A.

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

Section 1. [61A.031] SUICIDE PROVISIONS.

The sanity or insanity of a person shall not be a factor in determining whether a person committed suicide within the terms of an individual or group life insurance policy regulating the payment of benefits in the event of the insured's suicide. This section shall not be construed to alter present law but is intended to clarify present law.

Approved May 28, 1981

CHAPTER 287 — S.F.No. 278

An act relating to transportation; extending the life of the joint commuter rail study commission and the deadline for its report; amending Laws 1980, Chapter 607, Article XIII, Section 2, Subdivisions 3 and 5.

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

Section 1. Laws 1980, Chapter 607, Article XIII, Section 2, Subdivision 3, is amended to read:

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