

Sec. 7. Minnesota Statutes 1986, section 105.482, subdivision 5, is amended to read:

Subd. 5. **LIMITATIONS.** If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is less than ~~\$75,000~~ \$250,000, the commissioner may direct that the state owned dam be repaired or reconstructed or that a grant be made to repair or reconstruct a dam owned by a local governmental unit ~~without the approval of the state executive council.~~ If the cost of repair or reconstruction of a state owned dam, or a grant to a local governmental unit is \$75,000 or more but less than \$150,000, the expenditure shall be made only with the approval of the state executive council. If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is ~~\$150,000~~ \$250,000 or more, the commissioner may recommend the project to the legislature for its consideration and action, except in the following emergency situations. With the approval of the ~~executive council~~ commissioner of finance after consulting with the legislative advisory commission, the commissioner may direct that a state owned dam be repaired or reconstructed or a grant be made to a local governmental unit where the commissioner determines that an emergency condition exists and that there is danger that life will be lost or that substantial property losses will be suffered if such action is not promptly taken.

Sec. 8. **APPROPRIATION.**

\$1,000,000 is appropriated from the water pollution control fund to the commissioner of natural resources for the purposes of sections 4 and 5, to be available until July 1, 1989.

Sec. 9. **COMPLEMENT.**

The approved complement of the department of natural resources is increased by 5 positions.

Sec. 10. **EFFECTIVE DATE.**

Sections 1, 2, and 8 are effective the day following final enactment.

Approved May 28, 1987

CHAPTER 307—S.F.No. 915

An act relating to crime; amending trespass law to prohibit harassment on private property; prohibiting following and pursuing with intent to harass, abuse, or threaten; removing requirement that caller not disclose identity for purposes of misdemeanor harassing telephone calls; prohibiting intentional harassment by delivering a letter or object; providing penalties; amending Minnesota Statutes 1986, sections 609.02, by adding subdivisions; 609.605, subdivision 1; 609.746; 609.79, subdivision 1; and 609.795.

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 1986, section 609.02, is amended by adding a subdivision to read:

Subd. 12. HARASS. As used in sections 609.605, subdivision 1, clause (13), 609.746, 609.79, and 609.795, "harass" means to interfere with another person so as to persecute or oppress that person.

Sec. 2. Minnesota Statutes 1986, section 609.02, is amended by adding a subdivision to read:

Subd. 13. THREATEN. As used in sections 609.605, subdivision 1, clause (13), 609.746, 609.79, and 609.795, "threaten" means to express a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act.

Sec. 3. Minnesota Statutes 1986, section 609.605, subdivision 1, is amended to read:

Subdivision 1. **MISDEMEANOR.** Whoever intentionally does any of the following is guilty of a misdemeanor:

(1) smokes in a building, area, or common carrier in which "no smoking" notices have been prominently posted, or when requested not to by the operator of the common carrier; or

(2) trespasses or permits animals under the actor's control to trespass upon a railroad track; or

(3) permits domestic animals or fowls under the actor's control to go upon the lands of another within a city; or

(4) interferes unlawfully with any monument, sign, or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or of a tract of land; or

(5) trespasses upon the premises of another and, without claim of right, refuses to depart therefrom on demand of the lawful possessor thereof; or

(6) occupies or enters the dwelling of another, without claim of right or consent of the owner or the consent of one who has the right to give consent, except in an emergency situation. As used in this clause, "dwelling" means the building or part of the building used by an individual as a place of residence on either a full-time or a part-time basis. The dwelling may be part of a multidwelling or multipurpose building, or a manufactured home as defined in section 168.011, subdivision 8; or

(7) enters the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing thereon without the permission of the owner or occupant; or

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(8) refuses the request of the operator of a public conveyance to either pay the required fare or leave the conveyance; or

(9) takes any animal on a public conveyance without the consent of the operator; or

(10) without the permission of the owner, tampers with or gets into or upon a motor vehicle as defined in section 609.55, subdivision 1, or rides in or upon such motor vehicle knowing it was taken and is being driven by another without the permission of the owner; or

(11) enters or is found upon the premises of a public or private cemetery without authorization during hours the cemetery is posted as closed to the public; or

(12) without authorization of the adjutant general enters or is present upon the Camp Ripley military reservation; or

(13) returns to the property of another with the intent to harass, abuse, or threaten another, after being told to leave the property and not to return, if the actor has no claim of right to the property and no consent of one with authority to consent.

Sec. 4. Minnesota Statutes 1986, section 609.746, is amended to read:

609.746 **INTERFERENCE WITH PRIVACY.**

Subdivision 1. SURREPTITIOUS INTRUSION. ~~Any~~ A person who enters upon another's property and surreptitiously gazes, stares, or peeps in the window of a house or place of dwelling of another with intent to intrude upon or interfere with the privacy of a member of the household ~~thereof~~ is guilty of a misdemeanor.

Subd. 2. INTRUSION ON PRIVACY. A person who, with the intent to harass, abuse, or threaten another, repeatedly follows or pursues another, after being told not to do so by the person being followed or pursued, is guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 1986, section 609.79, subdivision 1, is amended to read:

Subdivision 1. Whoever,

(1) By means of a telephone,

(a) Makes any comment, request, suggestion or proposal which is obscene, lewd; or lascivious, ~~filthy or indecent~~;

(b) Repeatedly makes a telephone call calls, whether or not conversation ensues, ~~without disclosing the caller's identity and~~ with intent to annoy; abuse, threaten, or harass ~~any person at the called number~~,

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(c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number, or

(2) Having control of a telephone, knowingly permits it to be used for any purpose prohibited by this section, shall be guilty of a misdemeanor.

Sec. 6. Minnesota Statutes 1986, section 609.795, is amended to read:

609.795 ~~OPENING SEALED LETTER, TELEGRAM, OR PACKAGE;~~ OPENING; HARASSMENT.

Whoever does ~~either~~ any of the following is guilty of a misdemeanor:

(1) Knowing that the actor does not have the consent of either the sender or the addressee, intentionally opens any sealed letter, telegram, or package addressed to another; or

(2) Knowing that a sealed letter, telegram, or package has been opened without the consent of either the sender or addressee, intentionally publishes any of the contents thereof; or

(3) With the intent to harass, abuse, or threaten, repeatedly uses the mails or delivers letters, telegrams, or packages.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective August 1, 1987, and apply to crimes committed on or after that date.

Approved May 28, 1987

CHAPTER 308—S.F.No. 1029

An act relating to utilities; establishing program to provide communication-impaired people with devices enabling their use of telephones; creating advisory committee and requiring report; providing for payment of costs of program; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Section 1. **[237.50] DEFINITIONS.**

Subdivision 1. SCOPE. The terms used in sections 1 to 7 have the meanings given them in this section.

Subd. 2. BOARD. "Board" means the telecommunication access for communication-impaired persons board established in section 2.

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