

rate implementation of registrations in beneficiary form, may be contained in a registering entity's terms and conditions.

(b) The following are illustrations of registrations in beneficiary form which a registering entity may authorize:

(1) Sole owner-sole beneficiary: John S. Brown TOD (or POD) John S. Brown Jr.

(2) Multiple owners-sole beneficiary: John S. Brown Mary B. Brown JT TEN TOD John S. Brown Jr.

(3) Multiple owners-primary and secondary (substituted) beneficiaries: John S. Brown Mary B. Brown JT TEN TOD John S. Brown Jr. SUB BENE Peter Q. Brown or John S. Brown Mary B. Brown JT TEN TOD John S. Brown Jr. LDPS.

#### Sec. 13. [524.6-311] APPLICATION.

Sections 1 to 13 apply to registrations of securities in beneficiary form made before, on, or after the effective date of sections 1 to 13 by decedents dying on or after the effective date.

#### Sec. 14. EFFECTIVE DATE.

This act is effective June 1, 1992.

Presented to the governor April 14, 1992

Signed by the governor April 15, 1992, 1:25 p.m.

### CHAPTER 462—S.F.No. 2389

*An act relating to natural resources; allowing use of alternative rulemaking procedures for certain rules of the commissioner of natural resources; regulating activities relating to stromatolites; changing definitions; modifying provisions relating to game refuges, scientific and natural areas, experimental waters, and special management waters; expanding certain authorities relating to deer licenses; exempting certain rules of the commissioner from the administrative procedure act; allowing nonmetal tags for fish nets; authorizing rulemaking; amending Minnesota Statutes 1990, sections 86A.05, subdivision 5; 97A.015, subdivisions 15 and 40; 97A.085, subdivisions 2, 3, 4, 5, 8, and by adding a subdivision; 97A.411, subdivision 3; 97A.485, subdivision 9; 97C.001; 97C.005; 97C.351; and 103G.615, subdivision 3; Minnesota Statutes 1991 Supplement, sections 14.29, subdivision 4; and 97A.093; and Laws 1991, chapter 259, section 25, as amended; proposing coding for new law in Minnesota Statutes, chapter 84.*

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

New language is indicated by underline, deletions by ~~strikeout~~.

Section 1. Minnesota Statutes 1991 Supplement, section 14.29, subdivision 4, is amended to read:

Subd. 4. **GAME AND FISH RULES.** (a) The commissioner of natural resources may adopt rules under sections 14.29 to 14.36 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game, to prohibit or allow taking of wild animals to protect a species, and to prohibit or allow importation, transportation, or possession of a wild animal; and

(2) sections 84.093, 84.14, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas.

Clause (2) does not limit or supersede the commissioner's authority to establish opening dates, days, and hours of the wild rice harvesting season under section 84.14, subdivision 3.

(b) If conditions exist that do not allow the commissioner to comply with sections 14.29 to 14.36, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 14.32, complying with sections 3.846, subdivision 2, and 14.36, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under section 3.846, subdivision 2, if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

New language is indicated by underline, deletions by ~~strikeout~~.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 14.35, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

(h) A rule adopted under this subdivision is not subject to the 180-day time limit in subdivision 2.

Sec. 2. **[84.1525] STROMATOLITES.**

Subdivision 1. PERMIT REQUIRED. A person may not possess, move, or disturb a stromatolite located in waters of the state except under a permit issued by the commissioner.

Subd. 2. RULES. The commissioner may adopt rules governing the issuance of permits under subdivision 1.

Sec. 3. Minnesota Statutes 1990, section 86A.05, subdivision 5, is amended to read:

Subd. 5. **STATE SCIENTIFIC AND NATURAL AREAS; PURPOSE; RESOURCE AND SITE QUALIFICATIONS; ADMINISTRATION; DESIGNATION.** (a) A state scientific and natural area shall be established to protect and perpetuate in an undisturbed natural state those natural features which possess exceptional scientific or educational value.

(b) No unit shall be authorized as a scientific and natural area unless its proposed location substantially satisfies the following criteria:

(1) Embraces natural features of exceptional scientific and educational value, including but not limited to any of the following:

(i) natural formations or features which significantly illustrate geological processes;

(ii) significant fossil evidence of the development of life on earth;

(iii) an undisturbed plant community maintaining itself under prevailing natural conditions typical of Minnesota;

(iv) an ecological community significantly illustrating the process of succession and restoration to natural condition following disruptive change;

(v) a habitat supporting a vanishing, rare, endangered, or restricted species of plant or animal;

(vi) a relict flora or fauna persisting from an earlier period; or

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(vii) a seasonal haven for concentrations of birds and animals, or a vantage point for observing concentrated populations, such as a constricted migration route; and

(2) Embraces an area large enough to permit effective research or educational functions and to preserve the inherent natural values of the area.

(c) State scientific and natural areas shall be administered by the commissioner of natural resources, in consultation with qualified persons, in a manner which is consistent with the purposes of this subdivision to preserve, perpetuate and protect from unnatural influences the scientific and educational resources within them. Interpretive studies may be provided for the general public. Physical development shall be limited to the facilities absolutely necessary for protection, research, and educational projects, and, where appropriate, for interpretive services.

(d) An area designated as a state scientific and natural area shall not be altered in designation or use without holding a public hearing on the matter at a time and place designated in the notice of the hearing, which shall be published once in a legal newspaper in each county in which the lands are situated at least seven days in advance of the hearing. At the hearing the commissioner shall provide an opportunity for any person to be heard.

~~(d)~~ (e) At the discretion of the managing agency, each scientific and natural area shall be designated as one of the following types:

(i) Research unit. Use is limited to programs conducted by qualified scientists and college graduate and postgraduate students.

(ii) Educational unit. Permitted uses include all activities specified in paragraph (i) above and primary, secondary, and college undergraduate programs.

(iii) Public use unit. Permitted uses include all uses permitted in paragraphs (i) and (ii) above and interpretive programs for the benefit of the general public.

Sec. 4. Minnesota Statutes 1990, section 97A.015, subdivision 15, is amended to read:

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 section ~~97C.004~~ 97C.005.

Sec. 5. Minnesota Statutes 1990, section 97A.015, subdivision 40, is amended to read:

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

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 6. Minnesota Statutes 1990, section 97A.085, subdivision 2, is amended to read:

Subd. 2. **ESTABLISHMENT BY COMMISSIONER'S ORDER COMMISSIONER.** The commissioner may designate, ~~by order,~~ a contiguous area of at least 640 acres as a game refuge if more than 50 percent of the area is in public ownership.

Sec. 7. Minnesota Statutes 1990, section 97A.085, subdivision 3, is amended to read:

Subd. 3. **ESTABLISHMENT BY PETITION OF LAND HOLDERS.** The commissioner may designate ~~by order~~ a 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.

Sec. 8. Minnesota Statutes 1990, section 97A.085, subdivision 4, is amended to read:

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.

Sec. 9. Minnesota Statutes 1990, section 97A.085, is amended by adding a subdivision to read:

Subd. 4a. HEARING REQUIRED. Before designating a game refuge under this section, the commissioner must hold a public hearing within the county where the majority of the proposed game refuge exists. Notices of the time and place of the hearing must be posted in five 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. Designation of a game refuge under this section is not subject to chapter 14.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 10. Minnesota Statutes 1990, section 97A.085, subdivision 5, is amended to read:

Subd. 5. **GAME REFUGE FOR SPECIFIED GAME.** The commissioner may; ~~by order,~~ designate a game refuge under this section for only specified species. The game refuge must be posted accordingly.

Sec. 11. Minnesota Statutes 1990, section 97A.085, subdivision 8, is amended to read:

Subd. 8. **MODIFICATION OR ABANDONMENT.** A state game refuge may be vacated or modified by ~~order of the commissioner~~ under the same procedures required for establishment of the refuge. ~~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.~~

Sec. 12. Minnesota Statutes 1991 Supplement, section 97A.093, is amended to read:

**97A.093 HUNTING, TRAPPING, AND FISHING IN SCIENTIFIC AND NATURAL AREAS.**

Except as otherwise provided by law, scientific and natural areas are closed to hunting, trapping, and fishing ~~unless opened by rule of the commissioner;~~

(1) for scientific and natural areas designated before May 15, 1992, the designating document allows hunting, trapping, or fishing; or

(2) for other scientific and natural areas, the commissioner allows hunting, trapping, or fishing in accordance with the procedure in section 86A.05, subdivision 5, paragraph (d).

Sec. 13. Minnesota Statutes 1990, section 97A.411, subdivision 3, is amended to read:

Subd. 3. **ARCHERY DEER LICENSE.** (a) Except as provided in paragraph (b), 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.

(b) The commissioner may issue a license to take a second deer by archery under section 97B.301, subdivision 4, that is valid immediately upon issuance.

Sec. 14. Minnesota Statutes 1990, section 97A.485, subdivision 9, is amended to read:

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, except a license to take a second deer under section 97B.301, subdivision 4;

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(2) to guide bear hunters; and

(3) to guide turkey hunters.

(b) Paragraph (a) does not apply to deer licenses for discharged military personnel under section 97A.465, subdivision 4.

(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.

Sec. 15. Minnesota Statutes 1990, section 97C.001, is amended to read:

97C.001 **EXPERIMENTAL WATERS.**

Subdivision 1. **DEFINITION; DESIGNATION.** (a) Experimental waters are lakes and streams where special regulations are used and evaluated to meet a specific fisheries objective.

(b) The commissioner may designate all or part of a lake or stream any waters of the state having free access to the public 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. For all experimental waters, the commissioner shall develop an evaluation plan and specify a termination date. On the termination date, the commissioner shall vacate or extend the experimental waters designation, or designate the experimental waters as special management waters under section 97C.005. The commissioner shall by rule establish methods and criteria for public initiation of experimental waters designation and for public participation in the evaluation of the waters designated.

(c) Designation of experimental waters under this section is not subject to chapter 14.

Subd. 2. **PUBLIC NOTICE AND MEETING.** (a) Before the commissioner designates, or vacates or extends the designation of, experimental waters, a public meeting must be held in the county where the largest portion of the ~~lake or stream~~ waters is located.

(b) At least seven 90 days before the public meeting and during the open angling season for fish the taking of which is, or is proposed to be, regulated under subdivision 3 on the waters under consideration, notice of the proposed designation, vacation, or extension must be posted at publicly maintained access points on the water.

(c) Before the public meeting, notice of the meeting must be published in a legal news release issued by the commissioner and in a newspaper within the counties of general circulation in the area where the lake or stream is proposed experimental waters are located. The notice must be published at least once between 30 and 60 days before the meeting, and at least once between 7 and 30 days before the meeting.

New language is indicated by underline, deletions by ~~strikeout~~.

(d) The notices required in this subdivision must summarize the proposed action, invite public comment, and specify a deadline for the receipt of public comments. The commissioner shall mail a copy of each required notice to persons who have registered their names with the commissioner for this purpose. The commissioner shall consider any public comments received in making a final decision.

(e) If a lake water to be designated has is a lake with a water area of more than 1,500 acres, or is a stream or river with a reach of more than six miles, a public meeting must also be held in the seven-county metropolitan area.

**Subd. 3. SEASONS, LIMITS, AND RULES OTHER REQUIREMENTS.** The commissioner may, in accordance with the procedures in subdivision 2 or by order rule under chapter 14, establish open seasons, limits, methods, and other ~~rules to take~~ requirements for taking fish on experimental waters.

Sec. 16. Minnesota Statutes 1990, section 97C.005, is amended to read:

**97C.005 SPECIAL MANAGEMENT ~~LAKES~~ WATERS.**

Subdivision 1. DEFINITION; DESIGNATION. The commissioner may ~~classify waters~~ (a) Special management waters are waters that:

(1) have been subject to special regulations that have been evaluated and proven effective under an experimental waters designation under section 97C.001; or

(2) are classified by the commissioner for their primary use as trophy lakes, family fishing lakes, designated trout lakes, designated trout streams, special species management lakes, and other designated uses.

(b) The commissioner may designate any waters of the state, including experimental waters, as special management waters. The commissioner shall by rule establish methods and criteria for public participation in the evaluation and designation of waters as special management waters.

(c) Designation of special management waters under this section is not subject to chapter 14.

**Subd. 2. PUBLIC NOTICE AND MEETING.** (a) Before the commissioner designates special management waters, public comment must be received and, for waters other than those proposed to be designated as trout streams or trout lakes, a public meeting must be held in the county where the largest portion of the waters is located.

(b) For waters previously designated as experimental waters, a proposed change in status to special management waters must be announced before the public meeting by notice published in a news release issued by the commissioner and in a newspaper of general circulation in the area where the waters are located. The notice must be published at least once between 30 and 60 days before the public meeting, and at least once between seven and 30 days before

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the meeting. If a water proposed to be designated is a lake with a water area of more than 1,500 acres, or is a stream or river with a reach of more than six miles, a public meeting must also be held in the seven-county metropolitan area.

(c) For proposed special management waters, other than designated trout lakes and designated trout streams, that were not previously designated as experimental waters, notice of the proposed designation must be given as provided in this paragraph. The notice must be posted at publicly maintained access points at least 90 days before the public meeting and during the open angling season for fish the taking of which on the waters is proposed to be regulated under subdivision 3. Before the public meeting, notice of the meeting must be published in a news release issued by the commissioner and in a newspaper of general circulation in the area where the proposed special management waters are located. The notice must be published at least once between 30 and 60 days before the meeting, and at least once between seven and 30 days before the meeting. If a water to be designated is a lake with a water area of more than 1,500 acres, or is a stream or river with a reach of more than six miles, a public meeting must also be held in the seven-county metropolitan area.

(d) For waters proposed to be designated as trout streams or trout lakes, notice of the proposed designation must be published at least 90 days before the effective date of the designation in a news release issued by the commissioner and in a newspaper of general circulation in the area where the waters are located. In addition, all riparian owners along the waters must be notified at least 90 days before the effective date of the designation.

(e) The notices required in this subdivision must summarize the proposed action, invite public comment, and specify a deadline for the receipt of public comments. The commissioner shall mail a copy of each required notice to persons who have registered their names with the commissioner for this purpose. The commissioner shall consider any public comments received in making a final decision.

Subd. 3. SEASONS, LIMITS, AND OTHER RULES. The commissioner may, in accordance with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on special management waters.

Sec. 17. Minnesota Statutes 1990, section 97C.351, is amended to read:

**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.

Sec. 18. Minnesota Statutes 1990, section 103G.615, subdivision 3, is amended to read:

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Subd. 3. **PERMIT STANDARDS.** The commissioner shall, by ~~order~~ rule, prescribe standards to issue and deny permits under ~~subdivision 2~~ this section. The standards must ensure that aquatic plant control is consistent with shoreland conservation ordinances, lake management plans and programs, and wild and scenic river plans.

Sec. 19. Laws 1991, chapter 259, section 25, is amended to read:

Sec. 25. **EFFECTIVE DATE.**

This act is Sections 17, 21, and 22 are effective May 15, 1992. Sections 1 to 16, and 18 to 20 are effective July 1, 1992.

Sec. 20. **EFFECTIVE DATE.**

Sections 2, 12 and 19 are effective May 15, 1992. Sections 1, 3 to 11 and 13 to 18 are effective July 1, 1992.

Presented to the governor April 14, 1992

Signed by the governor April 17, 1992, 9:57 a.m.

#### CHAPTER 463—S.F.No. 1856

*An act relating to real property; abolishing issuance of duplicate certificates of title and duplicate CPTs for use by lessees and mortgagees of registered land; providing for mortgage satisfaction or release by fewer than all mortgagees; regulating various notice, hearing, and other procedures and requirements for foreclosures and other involuntary transfers of real property; providing for new certificates of title or CPT to be issued for registered land adjoining a vacated street or alley; providing that purchase money mortgages are subject to rights or interest of nonmortgaging spouse; providing that marital property interest of nontitled spouse is not subject to levy, judgments, or tax liens; clarifying provisions relating to notice of termination of contract for deed; changing certain dates relating to validation of mortgage foreclosures; amending Minnesota Statutes 1990, sections 507.03; 508.44, subdivision 2; 508.45; 508.55; 508.56; 508.57; 508.58; 508.59; 508.67; 508.71, subdivision 6; 508.73; 508.835; 508A.11, subdivision 3; 508A.44, subdivision 2; 508A.45; 508A.55; 508A.56; 508A.57; 508A.58; 508A.59; 508A.71, subdivision 6; 508A.73; 508A.835; 508A.85, subdivision 3; 514.08, subdivision 2; 518.54, subdivision 5; 559.21, subdivisions 2a and 3; 580.15; 582.01, by adding a subdivision; and 582.27; Minnesota Statutes 1991 Supplement, sections 508.82; and 508A.82; proposing coding for new law in Minnesota Statutes, chapters 507; and 580.*

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

Section 1. Minnesota Statutes 1990, section 507.03, is amended to read:

**507.03 PURCHASE-MONEY MORTGAGE; NONJOINER OF SPOUSE.**

New language is indicated by underline, deletions by ~~strikeout~~.