

jail, workhouse, or correctional farm in certain instances; amending Minnesota Statutes 2000, section 641.12, subdivision 3.

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

Section 1. Minnesota Statutes 2000, section 641.12, is amended by adding a subdivision to read:

Subd. 3. INMATE PAYMENT OF ROOM AND BOARD. (a) A county board may require that an offender convicted of a crime and confined in the county jail, workhouse, or correctional or work farm pay the cost of the offender's room, board, clothing, medical, dental, and other correctional services. The board shall establish a schedule to charge offenders under this subdivision. The costs may be collected at any time while the offender is under sentence or after the sentence has been discharged. During the period of confinement, the costs may be deducted from any money possessed by the offender or any money deposited with the local correctional or law enforcement agency on the offender's behalf. The board, or local correctional agency or sheriff with authority over the jail, workhouse, or farm, may use any available civil means of debt collection in collecting costs under this subdivision.

(b) The chief executive officer of the local correctional agency or sheriff may waive payment of the costs under this subdivision if the officer or sheriff determines that the offender does not have the ability to pay the costs, payment of the costs would create undue hardship for the offender or the offender's immediate family, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the costs.

(c) If an offender has been ordered by a court to pay restitution, the offender shall be obligated to pay the restitution ordered before paying the costs under this subdivision. However, if the offender is making reasonable payments to satisfy the restitution obligation, the local correctional agency or sheriff may also collect costs under this section.

Presented to the governor April 4, 2002

Signed by the governor April 8, 2002, 2:30 p.m.

CHAPTER 323—S.F.No. 2678

An act relating to natural resources; making technical changes and clarifications; modifying certain requirements for nonresident youth small game hunting; modifying requirements for firearms safety certificate; modifying prohibitions of hunting while under the influence; providing for taking unprotected birds; making certain stamp exemptions; modifying certain report requirements; amending Minnesota Statutes 2000, sections 86B.311, subdivision 5; 97A.015, subdivisions 16, 17; 97A.085, subdivision 7; 97A.451, subdivision 3a; 97B.020; 97B.065, subdivisions 1, 3, 4; 97B.066, subdivision 1; 97B.651; 97B.655, subdivision 1; 97B.715,

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subdivision 1; 97B.801; 97C.031; 97C.317; 169A.03, subdivision 3; Minnesota Statutes 2001 Supplement, section 97C.305, subdivision 2; Laws 1989, chapter 335, article 1, section 21, subdivision 8.

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

Section 1. Minnesota Statutes 2000, section 86B.311, subdivision 5, is amended to read:

Subd. 5. **RIDING ON GUNWALES OR DECKING.** A person may not ride or sit and a person may not operate a motorboat while a person is riding or sitting on (i) the starboard or port gunwales; (ii) the decking over the bow, sides, or stern; or (iii) the transom, of a motorboat while underway unless the motorboat is provided with adequate guards or railing to prevent passengers from falling overboard.

Sec. 2. Minnesota Statutes 2000, section 97A.015, subdivision 16, is amended to read:

Subd. 16. **DIRECTOR.** "Director" means the director of ~~the division of fish and wildlife~~ any or all of the divisions of enforcement, fisheries, wildlife, and ecological services unless a specific division is identified.

Sec. 3. Minnesota Statutes 2000, section 97A.015, subdivision 17, is amended to read:

Subd. 17. **DIVISION.** "Division" means ~~the division of fish and wildlife of the department of natural resources~~ any or all of the divisions of enforcement, fisheries, wildlife, and ecological services unless a specific division is identified.

Sec. 4. Minnesota Statutes 2000, section 97A.085, subdivision 7, is amended to read:

Subd. 7. **GAME REFUGE BOUNDARY POSTING.** (a) The designation of a state game refuge is not effective until the boundary has been posted with notices that measure at least 12 inches.

(b) The notices must be posted at intervals of not more than 500 feet or less along the boundary. The notices must also be posted at all public road entrances to the refuges, except where the boundary is also an international or state boundary in public waters. Where the boundary of a refuge extends more than 500 feet continuously through a body of water, instead of placing notices in the water, notices with the words, "Adjacent Waters Included," may be placed on the shoreline at the intersection of the boundary and the water 20 feet or less above the high water mark and at intervals of 500 feet or less along the shoreline.

(c) A certification by the commissioner or the director of the wildlife division, or a certification filed with the commissioner or director by a conservation officer, refuge supervisor, or other authorized officer or employee, stating that the required notices have been posted is prima facie evidence of the posting.

Sec. 5. Minnesota Statutes 2000, section 97A.451, subdivision 3a, is amended to read:

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Subd. 3a. **NONRESIDENTS UNDER AGE 16; SMALL GAME.** (a) A nonresident under age 16 may obtain a small game license at the resident fee if the nonresident:

- (1) possesses a firearms safety certificate; or
- (2) if age 13 or under, is accompanied by a parent or guardian when purchasing the license.

(b) A nonresident age 13 or under must be accompanied by a parent or guardian to take small game. A nonresident age 12 or under is not required to possess a firearms safety certificate under section 97B.020 to take small game.

Sec. 6. Minnesota Statutes 2000, section 97B.020, is amended to read:

97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has a firearms safety certificate or equivalent certificate, driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13, previous hunting license, or other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement. A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or national guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

(b) A person born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a).

Sec. 7. Minnesota Statutes 2000, section 97B.065, subdivision 1, is amended to read:

Subdivision 1. **ACTS PROHIBITED.** (a) A person may not take wild animals with a firearm or by archery:

- (1) when the person is under the influence of alcohol;
- (2) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;
- (3) when the person is under the influence of a combination of any two or more of the elements in clauses (1) and (2);
- (4) when the person's alcohol concentration is 0.10 or more;
- (5) when the person's alcohol concentration as measured within two hours of the time of taking is 0.10 or more; or

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(6) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate a firearm or bow and arrow.

(b) An owner or other person having charge or control of a firearm or bow and arrow may not authorize or permit an individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to possess the firearm or bow and arrow in this state or on a boundary water of this state.

(c) A person may not possess a loaded or uncased firearm or an uncased bow afield under any of the conditions in paragraph (a).

Sec. 8. Minnesota Statutes 2000, section 97B.065, subdivision 3, is amended to read:

Subd. 3. **PRELIMINARY SCREENING TEST.** When an officer authorized under subdivision 2 to make arrests has reason to believe that the person may be violating or has violated subdivision 1, paragraph (a) or (c), the officer may require the person to provide a breath sample for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of the preliminary screening test must be used for the purpose of deciding whether an arrest should be made under this section and whether to require the chemical tests authorized in section 97B.066, but may not be used in any court action except: (1) to prove that a test was properly required of a person under section 97B.066, or (2) in a civil action arising out of the operation of a firearm or bow and arrow. Following the preliminary screening test, additional tests may be required of the person as provided under section 97B.066. A person who refuses a breath sample is subject to the provisions of section 97B.066 unless, in compliance with that section, the person submits to a blood, breath, or urine test to determine the presence of alcohol or a controlled substance.

Sec. 9. Minnesota Statutes 2000, section 97B.065, subdivision 4, is amended to read:

Subd. 4. **EVIDENCE.** In a prosecution for a violation of subdivision 1, paragraph (a) or (c), or an ordinance in conformity with it, the admission of evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine is governed by section 169A.45.

Sec. 10. Minnesota Statutes 2000, section 97B.066, subdivision 1, is amended to read:

Subdivision 1. **MANDATORY CHEMICAL TESTING.** A person who takes wild animals with a bow or firearm in this state or on a boundary water of this state is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 97B.065, subdivision

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2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was hunting in violation of section 97B.065, subdivision 1, paragraph (a) or (c), and one of the following conditions exists:

(1) the person has been lawfully placed under arrest for violating section 97B.065, subdivision 1, paragraph (a) or (c);

(2) the person has been involved while hunting in an accident resulting in property damage, personal injury, or death;

(3) the person has refused to take the preliminary screening test provided for in section 97B.065, subdivision 3; or

(4) the screening test was administered and indicated an alcohol concentration of 0.10 or more.

Sec. 11. Minnesota Statutes 2000, section 97B.651, is amended to read:

97B.651 UNPROTECTED MAMMALS AND BIRDS.

Mammals that are unprotected wild animals and unprotected birds may be taken at any time and in any manner, except with artificial lights, or by using a motor vehicle in violation of section 97B.091. Poison may not be used to take unprotected mammals or unprotected birds unless the safety of humans and domestic livestock is ensured. Unprotected mammals and unprotected birds may be possessed, bought, sold, or transported in any quantity.

Sec. 12. Minnesota Statutes 2000, section 97B.655, subdivision 1, is amended to read:

Subdivision 1. **OWNERS AND OCCUPANTS MAY TAKE CERTAIN ANIMALS.** A person may take mink, squirrel, rabbit, hare, raccoon, lynx, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the person where the animal is causing damage. The person may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this subdivision with artificial lights during open season. A person that kills mink, raccoon, lynx, bobcat, fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer or employee of the wildlife division within 24 hours after the animal is killed.

Sec. 13. Minnesota Statutes 2000, section 97B.715, subdivision 1, is amended to read:

Subdivision 1. **STAMP REQUIRED.** (a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person required to possess a small game license may not hunt pheasants without:

(1) a pheasant stamp in possession; and

(2) a pheasant stamp validation on the small game license when issued electronically.

(b) The following persons are exempt from this subdivision:

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- (1) residents under age 18 or over age 65; and
- (2) persons hunting on licensed commercial shooting preserves; and
- (3) resident disabled veterans with a license issued under section 97A.441, subdivision 6a.

Sec. 14. Minnesota Statutes 2000, section 97B.801, is amended to read:

97B.801 MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.

(a) Except as provided in this section or section 97A.405, subdivision 2, a person required to possess a small game license may not take migratory waterfowl without:

- (1) a Minnesota migratory waterfowl stamp in possession; and
- (2) a migratory waterfowl stamp validation on the small game license when issued electronically.

(b) Residents under age 18 or over age 65; resident disabled veterans with a license issued under section 97A.441, subdivision 6a; and persons hunting on their own property are not required to possess a stamp or a license validation under this section.

Sec. 15. Minnesota Statutes 2000, section 97C.031, is amended to read:

97C.031 LAKES WITH UNBALANCED FISH POPULATIONS.

The commissioner may establish and amend a list of lakes and rivers that have been found by the fisheries director to contain an unbalanced fish population, or to contain species of fish that have become stunted from overpopulation. The list may not include more than 100 lakes and rivers, or more than six in a county. The commissioner may, by rule, establish open seasons, limits, and methods of taking fish from lakes and rivers on the list. The rule must be published in each county containing the lake or river.

Sec. 16. Minnesota Statutes 2001 Supplement, section 97C.305, subdivision 2, is amended to read:

Subd. 2. **EXCEPTION.** A trout and salmon stamp validation is not required to take fish by angling or to possess trout and salmon if:

(1) the person:

(i) possesses a license to take fish by angling for a period of 24 hours from the time of issuance under section 97A.475, subdivision 6, clause (5), or subdivision 7, clause (5), and

(ii) is taking fish by angling, or the trout or salmon were taken by the person, during the period the license is valid; ~~or~~

(2) the person is taking fish, or the trout or salmon were taken by the person, as authorized under section 97C.035; or

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(3) the person has a valid license issued under section 97A.441, subdivision 1, 2, 3, 4, or 5.

Sec. 17. Minnesota Statutes 2000, section 97C.317, is amended to read:

97C.317 FISHING AS A PARTY.

While two or more persons are taking fish by angling as a party, the total number of fish taken and the total number of fish possessed by the party may not exceed the limit of the number of persons in the party that may take and possess fish by angling. For the purpose of this section, a party means:

(1) for persons who are not on the water that, the persons are maintaining unaided visual and vocal contact;

(2) for persons who are on frozen water surfaces, the persons are maintaining unaided visual and vocal contact; and

(3) for persons who are on the open water that surfaces, the persons are angling from a single watercraft.

Sec. 18. Minnesota Statutes 2000, section 169A.03, subdivision 3, is amended to read:

Subd. 3. **AGGRAVATING FACTOR.** "Aggravating factor" includes:

(1) a qualified prior impaired driving incident within the ten years immediately preceding the current offense;

(2) having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense; or

(3) having a child under the age of 16 in the motor vehicle at the time of the offense if the child is more than 36 months younger than the offender.

Sec. 19. Laws 1989, chapter 335, article 1, section 21, subdivision 8, is amended to read:

Subd. 8. Enforcement

\$12,631,000

\$12,952,000

Summary by Fund

General	\$ 2,246,000	\$ 2,246,000
All-Terrain	\$ 152,000	\$ 152,000
Snowmobile	\$ 282,000	\$ 282,000
Water Recreation	\$ 1,972,000	\$ 1,972,000
Game and Fish	\$ 7,979,000	\$ 8,300,000

\$1,124,300 the first year and \$1,124,300 the second year are from the water recre-

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ation account for grants to counties for boat and water safety.

The undercover operations unit within this division shall submit an annual a biennial finance report to the chair of the house appropriations committee and the chair of the senate finance committee by January 15 of each odd-numbered year detailing the expenditures for the previous fiscal year biennium and projecting the expenditures for the forthcoming fiscal year biennium.

Sec. 20. EFFECTIVE DATE.

Sections 7 to 10 are effective August 1, 2002, and apply to crimes committed on or after that date. Section 18 is effective the day following final enactment.

Presented to the governor April 4, 2002

Signed by the governor April 8, 2002, 2:27 p.m.

CHAPTER 324—S.F.No. 3352

An act relating to the environment; amending provisions of the Dry Cleaner Environmental Response and Reimbursement Law; amending Minnesota Statutes 2000, sections 115B.48, subdivision 5; 115B.49, subdivision 4.

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

Section 1. Minnesota Statutes 2000, section 115B.48, subdivision 5, is amended to read:

Subd. 5. **DRYCLEANING SOLVENT.** "Drycleaning solvent" means a chlorine- or hydrocarbon-based formulation or product that is used as a primary cleaning agent in drycleaning operations any nonaqueous solvent for use in the cleaning of garments or other fabrics at a dry-cleaning facility, including, but not limited to:

- (1) perchloroethylene and its degradation products; and
- (2) petroleum-based solvents and their degradation products.

Sec. 2. Minnesota Statutes 2000, section 115B.49, subdivision 4, is amended to read:

Subd. 4. **REGISTRATION; FEES.** (a) The owner or operator of a drycleaning facility shall register on or before October 1 of each year with the commissioner of revenue in a manner prescribed by the commissioner of revenue and pay a registration

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