

The commissioner shall prescribe seasons, limits, and areas for taking migratory waterfowl in accordance with federal law.

Sec. 22. Minnesota Statutes 1990, section 97C.805, subdivision 1, is amended to read:

Subdivision 1. **OPEN SEASON.** The commissioner shall, by ~~order~~ rule, prescribe the open season and open state waters for netting lake whitefish and ciscoes. The commissioner may ~~prescribe that the date for the open season to begin is prior to the effective date of the order under section 97A.051; open specific lakes and waters that are otherwise closed~~ if the commissioner posts notice of the date and time in appropriate public places at least 48 hours before the open season begins.

Sec. 23. **INSTRUCTION TO REVISOR.**

The revisor of statutes shall delete the references to commissioner's orders or similar terms in Minnesota Statutes, chapters 97A, 97B, and 97C, and insert a reference to the commissioner's rule or similar terms.

Sec. 24. **EXPIRATION OF EXISTING COMMISSIONER'S ORDERS.**

Commissioner's orders that would be rules within the definition of Minnesota Statutes, section 14.02, subdivision 4, but for the exception in Minnesota Statutes 1990, section 14.03, subdivision 3, and have not been adopted under the rulemaking provisions of Minnesota Statutes, chapter 14, expire and are terminated July 1, 1993. This section is intended to allow sufficient time for the commissioner to make recommendations to the legislature regarding orders existing as of the effective date of this act that should be exempted from the rulemaking requirements in section 5, and for the legislature to act on the recommendations.

Sec. 25. **EFFECTIVE DATE.**

This act is effective July 1, 1992.

Presented to the governor May 28, 1991

Signed by the governor May 31, 1991, 5:06 p.m.

CHAPTER 260—S.F.No. 432

An act relating to employment; regulating certain construction bids; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 181.

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

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

Section 1. **[181.721] CONSTRUCTION BID EQUITY.**

Subdivision 1. WORKERS' COMPENSATION AND UNEMPLOYMENT CONTRIBUTION COSTS. A successful bidder on a project must provide coverage for workers' compensation and unemployment compensation for its employees required under chapters 176 and 268, respectively, and other state and federal laws.

Subd. 2. EMPLOYEE STATUS. Employee status shall be determined using the same tests and in the same manner as employee status is determined under the applicable workers' compensation and unemployment insurance laws and rules.

Subd. 3. SCOPE. This section applies to any nonresidential project for the construction, repair, remodeling, alteration, conversion, modernization, improvement, rehabilitation, replacement, or renovation of a building or structure.

Subd. 4. CIVIL REMEDY. A person injured by a violation of subdivision 1 may bring an action for damages against the violator. There is a rebuttable presumption that a losing bidder on a project on which a violation of subdivision 1 has occurred has suffered damages in an amount equal to the profit it projected to make on its bid. The court may award attorney fees, costs, and disbursements to a party recovering under this subdivision.

Subd. 5. PENALTY. In addition to any other penalties provided by law for the failure to obtain required workers' compensation coverage or the failure to make unemployment insurance contributions, a person violating subdivision 1 is guilty of a misdemeanor.

Presented to the governor May 28, 1991

Signed by the governor May 31, 1991, 4:47 p.m.

CHAPTER 261—H.F.No. 1042

An act relating to economic development; changing the organization of the department of trade and economic development; providing for a report by the house economic development committee and the senate economic development and housing committee to the legislature on proposed economic development policy; creating a workplace safety program; amending Minnesota Statutes 1990, section 116J.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 116J.

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