

compact is held contrary to the constitution of any party state, all other portions of this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected, as to all other provisions.

ARTICLE XI

ADJUDICATION OF DISPUTES

(a) IN GENERAL. The council shall:

(1) have initial authority to make determinations with respect to any dispute regarding

(A) interpretation of this compact;

(B) any rule or standard established by the council pursuant to article V; and

(C) any dispute or controversy between any parties to this compact; and

(2) hold a hearing concerning any dispute described in paragraph (1) at a regularly scheduled meeting of the council and only render a decision based upon a majority vote of the members of the council. Such decision shall be published pursuant to the requirements of article VI(e).

(b) DUTIES OF THE FBI. The FBI shall exercise immediate and necessary action to preserve the integrity of the III System, maintain system policy and standards, protect the accuracy and privacy of records, and to prevent abuses, until the council holds a hearing on such matters.

(c) RIGHT OF APPEAL. The FBI or a party state may appeal any decision of the council to the attorney general, and thereafter may file suit in the appropriate district court of the United States, which shall have original jurisdiction of all cases or controversies arising under this compact. Any suit arising under this compact and initiated in a state court shall be removed to the appropriate district court of the United States in the manner provided by United States Code, title 28, section 1446, or other statutory authority.

Sec. 3. [299C.582] POWERS WITH RELATION TO COMPACT.

The commissioner of public safety or a designee is hereby authorized and directed to do all things necessary or incidental to the carrying out of the compact.

Presented to the governor March 22, 2002

Signed by the governor March 25, 2002, 2:20 p.m.

CHAPTER 270—S.F.No. 222

An act relating to natural resources; establishing a gross misdemeanor penalty for gross overlimit violations of fish and game laws; setting certain restitution values; providing criminal

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penalties; requiring fish and game license seizure for certain violations; establishing possession criteria for commercial fishing operations; modifying commercial license reinstatement provisions; amending Minnesota Statutes 2000, sections 97A.015, by adding a subdivision; 97A.225, subdivision 1; 97A.255, by adding a subdivision; 97A.421, subdivision 5, by adding a subdivision; 97C.505, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 97A; 97C.

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

Section 1. Minnesota Statutes 2000, section 97A.015, is amended by adding a subdivision to read:

Subd. 42a. RESTITUTION VALUE OF THE WILD ANIMALS. “Restitution value of the wild animals” means the total value of the wild animals taken in a violation based on:

- (1) the values established under section 97A.345; or
- (2) the values determined by the court under section 97A.341, subdivision 4, if the values are not established under section 97A.345.

Sec. 2. Minnesota Statutes 2000, section 97A.225, subdivision 1, is amended to read:

Subdivision 1. **SEIZURE.** (a) An enforcement officer must seize all motor vehicles used to:

- (1) shine wild animals in violation of section 97B.081, subdivision 1;
- (2) transport big game animals illegally taken or fur-bearing animals illegally purchased; or
- (3) transport minnows in violation of section 97C.501, 97C.515, or 97C.525.

(b) An enforcement officer must seize all boats and motors used in netting fish on Lake of the Woods, Rainy Lake, Lake Superior, Namakan Lake, and Sand Point Lake in violation of licensing or operating requirements of section 97A.475, subdivision 31, 32, 33, ~~or 37~~ 30, 97C.825, 97C.831, or 97C.835, or a rule of the commissioner relating to these provisions.

(c) An enforcement officer may seize all boats and motors with their trailers, that are used to take, possess, or transport wild animals when the restitution value of the wild animals exceeds \$500.

Sec. 3. Minnesota Statutes 2000, section 97A.255, is amended by adding a subdivision to read:

Subd. 5. JOINT AND SEVERAL LIABILITY. When two or more people intentionally aid, advise, counsel, conspire with, or act in concert with each other to unlawfully take, transport, or possess wild animals when the restitution value of the wild animals exceeds \$500, each person is jointly and severally liable for the wild animals for purposes of:

- (1) license seizure and revocation under sections 97A.420 and 97A.421;
- (2) equipment and property seizure under section 97A.221;
- (3) boat, motor, and trailer seizure under section 97A.225; and
- (4) restitution under section 97A.341.

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Sec. 4. [97A.338] GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.

A person who takes, possesses, or transports wild animals over the legal limit, in closed season, or without a valid license, when the restitution value of the wild animals is over \$1,000 is guilty of a gross overlimit violation. A violation under this section is a gross misdemeanor.

Sec. 5. [97A.420] SEIZURE OF LICENSES.

Subdivision 1. SEIZURE. (a) An enforcement officer shall immediately seize the license of a person who unlawfully takes, transports, or possesses wild animals when the restitution value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the person may not obtain any license to take the same type of wild animals involved, including a duplicate license, until an action is taken under subdivision 6.

(b) In addition to the license seizure under paragraph (a), if the restitution value of the wild animals unlawfully taken, possessed, or transported is \$5,000 or more, all other game and fish licenses held by the person shall be immediately seized. Except as provided in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit, including a duplicate license, until an action is taken under subdivision 6.

(c) A person may not take wild animals covered by a license seized under this subdivision until an action is taken under subdivision 6.

Subd. 2. ADMINISTRATIVE REVIEW. (a) At any time after the seizure of a license under subdivision 1 and before revocation under section 97A.421, a person may request in writing a review of the seizure under this section. Upon receiving the request for review, the commissioner shall review the seizure, the evidence upon which it was based, and other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the seizure.

(b) Within 15 days after receiving the request for administrative review, the commissioner shall issue a written report of the review and shall order that the seizure be either sustained or rescinded.

(c) The review provided in this subdivision is not subject to the contested case provisions of the Administrative Procedure Act under chapter 14. The availability of administrative review does not preclude judicial review under this section.

Subd. 3. JUDICIAL REVIEW. (a) Within 30 days following the seizure of a license under subdivision 1, a person may petition the court for review. The petition must be filed with the district court administrator in the county where the incident occurred, together with proof of service of a copy on the commissioner and the county attorney. A responsive pleading is not required of the commissioner of natural resources, and court fees may not be charged for the appearance of the representative of the commissioner in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state specifically the grounds upon which the petitioner seeks rescission of the license seizure.

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(c) The filing of the petition does not stay the license seizure. The judicial review shall be conducted according to the Rules of Civil Procedure.

Subd. 4. HEARING. (a) A hearing under subdivision 3 must be before a district court judge in the county where the incident occurred giving rise to the license seizure. The hearing must be to the court and may be conducted at the same time as hearings upon pretrial motions in a related criminal prosecution. The commissioner must be represented by the county attorney.

(b) The hearing must be held at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review.

(c) The scope of the hearing must be limited to the issue of whether there is probable cause to believe that the person violated section 97A.338.

(d) The court shall order that the license seizure be either sustained or rescinded. Within 14 days following the hearing, the court shall forward a copy of the order to the commissioner.

(e) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the Rules of Civil Appellate Procedure.

Subd. 5. TEMPORARY RELEASE OF COMMERCIAL LICENSES. At any time during the period that a game or fish license is seized under subdivision 1, a person possessing a commercial license issued under the game and fish laws may make a written request to the commissioner to temporarily release the commercial license. If the commissioner determines that the public welfare will not be injured, the commissioner may temporarily reinstate the commercial license upon payment of a temporary reinstatement fee of \$1,000 cash or bond in favor of the state for each commercial license to be released. An additional fee is not required for vehicles licensed under section 97A.475, subdivision 26, clause (2) or (4). If the license is returned under subdivision 6, paragraph (a), the temporary reinstatement fee shall be returned to the licensee. If the license is revoked under subdivision 6, paragraph (b), the temporary reinstatement fee shall be deposited in the game and fish fund and is not refundable.

Subd. 6. RETURN OR REVOCATION OF LICENSES UPON DISMISSAL OR CONVICTION. (a) Upon acquittal, dismissal, or determination not to charge a person for a violation, the license seizure under subdivision 1 is immediately rescinded and any license seized in connection with the incident must be returned to the licensee.

(b) Upon conviction of a violation when the restitution value of the wild animals exceeds \$500, revocation of licenses and license privileges must be imposed as provided under section 97A.421, subdivision 2a.

Sec. 6. Minnesota Statutes 2000, section 97A.421, is amended by adding a subdivision to read:

Subd. 2a. LICENSE REVOCATION AFTER CONVICTION. (a) A person may not obtain a license to take a wild animal and is prohibited from taking wild animals for a period of five years after the date of conviction of:

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(1) a violation when the restitution value of the wild animals is \$5,000 or more;
or

(2) a violation when the restitution value of the wild animals exceeds \$500 and the violation occurs within ten years of one or more previous license revocations under this subdivision.

(b) A person may not obtain a license to take the type of wild animals involved in a violation when the restitution value of the wild animals exceeds \$500, and is prohibited from taking the type of wild animals involved in the violation for a period of three years after the date of conviction of a violation.

(c) The time period of multiple revocations under paragraph (a), clause (2), shall be consecutive and no wild animals of any kind may be taken during the entire period.

(d) The court may not stay or reduce the imposition of license revocation provisions under this subdivision.

Sec. 7. Minnesota Statutes 2000, section 97A.421, subdivision 5, is amended to read:

Subd. 5. COMMISSIONER MAY REINSTATE CERTAIN LICENSES AFTER CONVICTION. If the commissioner determines that the public welfare will not be injured, the commissioner may reinstate licenses voided under subdivision 1 and issue licenses to persons ineligible under subdivision 2 or 2a. The commissioner's authority applies only to licenses to:

(1) maintain and operate fur or game farms, aquatic farms, or private fish hatcheries;

(2) take fish ~~commercially~~ in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior by commercial netting;

(3) buy fish from Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior commercial fishing commercial netting licensees; and

(4) sell or export turtles or live minnows.

Sec. 8. Minnesota Statutes 2000, section 97C.505, is amended by adding a subdivision to read:

Subd. 8. POSSESSION FOR MINNOW DEALERS. When nets and traps are lawfully set and tended, minnows and incidentally taken game fish under four inches in length are not considered to be in possession until the minnows or game fish are placed on a motor vehicle or trailer for transport on land.

Sec. 9. [97C.843] POSSESSION FOR COMMERCIAL NETTING.

When commercial nets, seines, bags, or cribs are lawfully set and tended, incidentally taken fish not included in the license are not considered in possession if they are returned to the water or if they are tagged in accordance with section 97C.835 before they are placed on a motor vehicle or trailer for transport on land.

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Sec. 10. RULES FOR RESTITUTION VALUES FOR FISH AND WILD-LIFE.

(a) The restitution value for a canvasback is \$100. The restitution value for trumpeter swans is \$1,000. The base restitution value for a yellow perch is \$10 and the quality size limit is ten inches. The restitution values for the following game fish based on size are:

(1) green or orange spotted sunfish that are less than four inches in length, no value;

(2) yellow perch and members of the Centrarchidae family, not included in clause (1), that are less than four inches in length, ten cents per fish;

(3) walleye taken on Lake Superior or in St. Louis bay that are less than two inches in length, ten cents per fish; and

(4) all other game fish that are less than four inches in length and not included in clauses (1) to (3), \$1 per fish.

(b) The commissioner of natural resources shall amend the permanent rules relating to restitution values for fish and wildlife, Minnesota Rules, chapter 6133, according to this section and pursuant to Minnesota Statutes, section 14.388, clause (3). Except as provided in Minnesota Statutes, section 14.388, section 14.386 does not apply.

Sec. 11. EFFECTIVE DATE.

Sections 1 to 10 are effective March 1, 2003, and the criminal provisions apply to crimes committed on or after that date.

Presented to the governor March 22, 2002

Signed by the governor March 25, 2002, 2:15 p.m.

CHAPTER 271—S.F.No. 2578

An act relating to county government; providing for client-directed support programs; amending Minnesota Statutes 2000, section 375.18, by adding a subdivision.

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

Section 1. Minnesota Statutes 2000, section 375.18, is amended by adding a subdivision to read:

Subd. 1c. CLIENT-DIRECTED SUPPORT PROGRAM. Notwithstanding any law to the contrary, a county board, at its discretion, and upon approval by the department of human services, may implement a client-directed support program that authorizes responsible parties for county human services and public health clients to

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