

CHAPTER 868—H. F. No. 730

[Coded]

An act creating the state zoological board; establishing the Minnesota zoological garden and providing for the supervision, control and operation thereof; providing for assistance to other zoological gardens; and imposing certain penalties.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[85A.01] Minnesota zoological garden; creation; organization.** Subdivision 1. The Minnesota zoological garden is hereby established under the supervision and control of the state zoological board which is hereby created. The board shall consist of 11 members appointed by the governor with the advice and consent of the senate. Three of such members shall be appointed for terms ending the first Monday in January, 1971, four for terms ending the first Monday in January, 1973, and four for terms ending the first Monday in January, 1975. Thereafter each member shall be appointed for a term of six years and until his successor is appointed and qualified. The commissioner of economic development or his designee shall be an ex officio member of the board but shall not have a vote.

Subd. 2. The board shall annually elect a chairman from among its members and such other officers as it may deem necessary for the performance of its duties. It shall appoint a director to serve at its pleasure who is in the unclassified service of the state and who shall be chosen solely on the basis of his training, experience and other qualifications in the field of zoo management. The director shall act as executive secretary and appoint administrative officers and employees of the board with the approval of the board. With the approval of the board, he shall exercise the powers and duties set forth in section 3.

Subd. 3. The director, officers and employees are included in the meaning of state employee under the provisions of Minnesota Statutes, Section 352.01, Subdivision 2A.

Subd. 4. The board shall meet at such times and places as it may determine. Each voting member of the board shall be paid a per diem compensation of \$35 and shall be reimbursed for all reasonable expenses incurred in the performance of his duties in the same manner as other state employees and officers are reimbursed for such expenses.

Sec. 2. **[85A.02] Powers and duties.** Subdivision 1.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

The board shall possess the powers and shall be charged with the duties and responsibilities prescribed in this section.

Subd. 2. The board shall acquire, purchase, construct, equip, operate and maintain the Minnesota zoological garden at a site to be selected by the board but which must be located within the area comprised of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington. Prior to selection of the site the board shall prepare a comprehensive plan for site location and development which shall be submitted to the metropolitan council for consideration under provisions in Minnesota Statutes, Section 473B.06, Subdivision 6. The zoological garden shall consist of adequate facilities and structures for the collection, habitation, preservation, care, exhibition, examination or study of wild and domestic animals, including, but not limited to mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks. The board may provide such lands, buildings and equipment as it deems necessary for parking, transportation, entertainment, education or instruction of the public in connection with such zoological garden.

Subd. 3. The board may conduct research studies and programs, collect and analyze data and prepare reports, maps, charts and other information relating to the zoological garden or any wild or domestic animals or may contract for any of such services without complying with the requirements of Minnesota Statutes, Chapter 16.

Subd. 4. The board may appoint an advisory committee consisting of persons who are members of zoological societies or who have shown a background or interest in such societies or zoo management.

Subd. 5. The board may accept and use gifts, grants or contributions from any source for the establishment and operation of the zoological garden or for the establishment, improvement or operation of other zoological gardens located within the state of Minnesota.

Subd. 6. Lands necessary for any of the purposes enumerated in this section may be acquired by eminent domain proceedings under the authority of Minnesota Statutes, Chapter 117.

Subd. 7. The board may enact regulations governing the efficient protection of the Minnesota zoological garden and the related facilities and the conduct of persons entering therein. Regulations shall become effective in the manner provided by law for the promulgation of rules and regulations by state departments and agencies. A violation of any regulation promulgated by the board under this section is a misdemeanor.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Subd. 8. The board shall have the power to make grants to other zoological gardens now in existence and owned by a governmental subdivision of the state, for the purpose of capital improvements or the acquisition of wild and domestic animals. Such grants may be financed from the funds received by the board, except that funds received pursuant to section 3, subdivision 4, of this act shall be used only for the operation of the Minnesota zoological garden.

Subd. 9. The board shall comply with all federal laws and any rules or regulations prescribed by any agency of the federal government, relating to the quarantine, transportation, examination, habitation, care, and treatment of wild animals. The department of conservation may prescribe rules and regulations supplemental to such federal regulations, relating to the transportation, examination, care, and treatment of wild animals native to this state held or proposed to be acquired by the board and may inspect all such wild animals as often and at such times as it shall deem necessary.

Subd. 10. The board shall not be subject to the provisions of *Minnesota Statutes, Chapters 17 and 19, or the provisions of Minnesota Statutes, Chapters 97, 98, 99, 100, and 101, and Section 346.21, Subdivision 8, relating to purchase, barter, sale, possession, breeding, or transporting wild animals.*

Subd. 11. The board shall have all powers necessary or convenient to discharge the duties imposed upon it by law, and to operate the zoological garden in the manner which will best serve the public.

Subd. 12. The board shall report to the department of economic development on or before December 1 of each year on the activities of the board and the operation of the zoological garden. The commissioner of economic development shall evaluate the activities of the board and the operation of the zoological garden and report thereon to the legislature on or before January 15 of each odd numbered year.

Sec. 3. **[85A.03] Director.** Subdivision 1. Subject to the other provisions of this act the director shall have the powers and duties prescribed in this section.

Subd. 2. Subject to the approval of the board the director shall organize the Minnesota zoological garden and provide for such officers, agents and employees necessary for the operation thereof. All such persons employed shall be in the classified service of the state civil service with the same rights and privileges as other state officers and employees.

Subd. 3. As the executive secretary and principal administra-

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

tive officer of the board and subject to its approval, the director shall operate the Minnesota zoological garden and enforce all regulations and policy decisions of the board in regard thereto. He shall perform such other duties as may be directed by the board.

Subd. 4. As directed by the board, the director may establish a schedule of charges for admission to or the use of the Minnesota zoological garden or any related facility, provide for the sale of gifts, souvenirs, food and beverages, and grant concessions for the sale of such items. The granting of any concessions shall be subject to the terms and provisions of Minnesota Statutes, Chapter 16, unless the commissioner of administration determines that it is not feasible and not in the public interest to award a contract for the operation of such concession to the highest responsible bidder.

Sec. 4. **[85A.04] Zoological garden account.** A Minnesota zoological garden account in the state treasury is created. All receipts from the operation of the Minnesota zoological garden, taxes, gifts, or contributions shall be deposited to the credit of such account and are hereby appropriated annually to the state zoological board to carry out the terms and provisions of this act. Such moneys may be expended for operation, capital improvements and equipment and for acquisition of wild and domestic animals for the Minnesota zoological garden or for grants to other public zoological gardens for similar purposes as authorized by section 2, subdivision 8.

Sec. 5. This act is in effect on July 1, 1969.

Approved May 28, 1969.

CHAPTER 869—H. F. No. 747

An act relating to education; suspension or revocation of teacher's certificates; amending Minnesota Statutes 1967, Section 125.09, Subdivision 3.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 125.09, Subdivision 3 is amended to read:

Subd. 3. **Education; teachers; certificates; suspension or revocation.** Upon concluding such hearing, if conducted by the state board, ~~or the filing of such report, if conducted by the commissioner, deputy commissioner, member of the state board, or the pro-~~

Changes or additions indicated by italics, deletions by ~~strikeout~~.