

Approved May 17, 1975.

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**CHAPTER 163—S.F.No.413**

*An act relating to natural resources; authorizing acquisition of perpetual conservation restrictions by the commissioner of natural resources and certain nonprofit corporations; amending Minnesota Statutes 1974, Sections 84.64, Subdivision 1; and 84.65, Subdivisions 1 and 3.*

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

Section 1. Minnesota Statutes 1974, Section 84.64, Subdivision 1, is amended to read:

**84.64 NATURAL RESOURCES; PERPETUAL CONSERVATION RESTRICTIONS.** Subdivision 1. A conservation restriction for a definite period or in perpetuity may be acquired by:

(a) The commissioner of natural resources, in the name of the state, may acquire by gift, purchase or exchange, conservation restrictions with funds specifically made available for that purpose ; or

(b) A nonprofit charitable corporation whose purposes include conservation of land or water areas .

Sec. 2. Minnesota Statutes 1974, Section 84.65, Subdivision 1, is amended to read:

**84.65 CONSERVATION RESTRICTIONS; EFFECT OF RECORDING; RELEASE OF RESTRICTIONS; ENFORCEMENT.** Subdivision 1. No conservation restriction as defined in section 84.64 held by the commissioner of natural resources or a nonprofit charitable corporation shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land. Nonprofit charitable corporations acquiring such conservation restrictions shall file a notice of each such acquisition with the department of natural resources within 90 days. All restrictions shall be duly recorded and indexed in the office of the register of deeds or the registrar of titles for the county where the land lies so as to affect its title, in the manner of other conveyances of interests in land, and shall describe the land subject to the restrictions by adequate legal description or by reference to a recorded plat showing its boundaries.

Sec. 3. Minnesota Statutes 1974, Section 84.65, Subdivision 3, is amended to read:

Subd. 3. The restriction may be ~~released, in whole or in part, by the holder for consideration, if any, as the holder may determine, in~~ Changes or additions indicated by underline deletions by strikeout

the same manner as the holder may dispose of land or other interests in land; subject, to conditions as may have been imposed at the time of creation of the restriction—conveyed in the same manner as any other interest in land. Notwithstanding any other provision to the contrary, a restriction may be released by the holder of the restriction or the dominant interest to the holder of the fee title or the servient interest. In the event a corporation, defined in section 84.64, subdivision 1(b), no longer holds a license to do business in Minnesota, and said corporation has made no provision for the disposition of a conservation restriction held by it by transfer to another non-profit corporation, the conservation restriction shall revert to and vest in the state of Minnesota and be administered by the commissioner of natural resources .

Sec. 4. This act is effective the day following its final enactment.

Approved May 17, 1975.

#### CHAPTER 164—S.F.No.458

*An act relating to game and fish; removing the raccoon from the unprotected list and authorizing the commissioner of natural resources to prescribe a season thereon; amending Minnesota Statutes 1974, Sections 100.26, Subdivision 1; and 100.27, Subdivision 3.*

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

Section 1. Minnesota Statutes 1974, Section 100.26, Subdivision 1, is amended to read:

**100.26 GAME AND FISH; RACCOON; PROTECTED STATUS; UNPROTECTED ANIMALS.** Subdivision 1. Weasel, wild cat, lynx, wolves other than timber wolves, foxes, gophers, porcupines, badgers, and all other quadrupeds for which no closed season or other protection is accorded by chapters 97 to 102, are unprotected animals and may be taken either in the daytime or at night, and in any manner, except with the aid of artificial lights, and possessed, bought, sold or transported in any quantity, provided that for the safety of humans and domestic stock, poison may not be used in the taking thereof, except in the manner authorized by sections 18.021 to 18.035. ~~Raccoon are unprotected animals on May 21, 1965, and all of the provisions of this subdivision are applicable to such animals except that they may be taken with the aid of artificial lights in the manner provided by law under section 100.20, subdivision 10.~~ It shall be unlawful to intentionally drive, chase, run over or kill with any motor propelled vehicle any unprotected animals. The taking of any species of bear may be permitted by order of the commissioner without a license therefor in such areas of the state and during such periods as he may deem necessary, upon a determination that the predation of bear represents a threat to

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