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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 742

02/20/2013 Authored by Dill

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

03/07/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations

A bill for an act

relating to natural resources; modifying commissioner's authorities and duties; modifying definitions; modifying watercraft provisions; providing for certain license seizures; modifying game and fish license provisions; modifying trespass law; modifying requirements for taking game and fish; providing for certain all-terrain vehicle registration and watercraft license exemptions; modifying nonresident all-terrain vehicle state trail pass requirements; requiring rulemaking; amending Minnesota Statutes 2012, sections 84.027, subdivision 13, by adding subdivisions; 84.922, subdivision 1a; 84.9275, subdivision 1; 86B.005, subdivision 18, by adding subdivisions; 86B.301, subdivision 2; 86B.501, subdivision 1; 86B.825, subdivision 2; 97A.135, subdivision 3; 97A.420, subdivision 1; 97A.441, subdivisions 6, 6a; 97A.445, subdivision 1; 97A.451, subdivisions 3, 3b, 4, 5, by adding a subdivision; 97A.475, subdivisions 2, 8; 97A.485, subdivision 6; 97B.001, subdivisions 3, 4; 97B.0215; 97B.022, subdivision 2; 97B.055, subdivision 2; 97B.071; 97B.112; 97C.341; 97C.345, subdivisions 1, 2; 97C.375; 97C.376, subdivisions 1, 2, 3; repealing Minnesota Statutes 2012, sections 97A.451, subdivision 4a; 97C.346; Minnesota Rules, part 6264.0400, subpart 8.

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

Section 1. Minnesota Statutes 2012, section 84.027, subdivision 13, is amended to read:

Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, to open or close bodies of water or portions of bodies of water for night bow fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to designate prohibited invasive species, regulated invasive species, unregulated nonnative species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, including the need to adjust season variables on an annual basis based upon current biological and harvest data, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the ~~emergency~~ conditions and a copy of the rule in the notice. The ~~emergency~~ conditions for opening a water body or portion of a water body for night bow fishing under this section may include the need to temporarily open the area to evaluate compatibility of the activity on that body of water prior to permanent rulemaking. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

3.1 Sec. 2. Minnesota Statutes 2012, section 84.027, is amended by adding a subdivision
3.2 to read:

3.3 Subd. 19. **Federal law compliance.** Notwithstanding any law to the contrary,
3.4 the commissioner may establish, by written order, policies for the use and operation of
3.5 other power-driven mobility devices, as defined under Code of Federal Regulations, title
3.6 28, section 35.104, on lands and in facilities administered by the commissioner for the
3.7 purposes of implementing the Americans with Disabilities Act, United States Code, title
3.8 42, section 12101 et seq. These policies are exempt from the rulemaking provisions of
3.9 chapter 14 and section 14.386 does not apply.

3.10 Sec. 3. Minnesota Statutes 2012, section 84.027, is amended by adding a subdivision
3.11 to read:

3.12 Subd. 20. **Hunting licenses to critically ill persons.** The commissioner may allow
3.13 critically ill persons to purchase, once in a lifetime, hunting licenses otherwise limited by a
3.14 lottery drawing, which licenses allow for taking game within established hunting seasons
3.15 or season frameworks. The commissioner may provide the licenses to persons who are
3.16 participating in a program for critically ill hunters sponsored by a nonprofit organization
3.17 with expertise in providing hunting opportunities to hunters who are gravely ill or have
3.18 physical disabilities. The commissioner may provide licenses or permits otherwise limited
3.19 by drawings, including wild turkey, deer, bear, prairie chicken, and wolf. The commissioner
3.20 may not allow the purchase of moose and elk licenses under this subdivision. Deer licenses
3.21 authorized by the commissioner under this subdivision may be for deer of either sex.

3.22 Sec. 4. Minnesota Statutes 2012, section 84.922, subdivision 1a, is amended to read:

3.23 Subd. 1a. **Exemptions.** All-terrain vehicles exempt from registration are:

3.24 (1) vehicles owned and used by the United States, an Indian tribal government, the
3.25 state, another state, or a political subdivision;

3.26 (2) vehicles that are registered in another state or country ~~that~~ and have not been
3.27 in this state for more than 30 consecutive days or that are registered by an Indian tribal
3.28 government to a tribal member and have not been outside the tribal reservation boundary
3.29 for more than 30 consecutive days;

3.30 (3) vehicles that:

3.31 (i) are owned by a resident of another state or country that does not require
3.32 registration of all-terrain vehicles;

3.33 (ii) have not been in this state for more than 30 consecutive days; and

(iii) are operated on state and grant-in-aid trails by a nonresident possessing a nonresident all-terrain vehicle state trail pass;

(4) vehicles used exclusively in organized track racing events; and

(5) vehicles that are 25 years old or older and were originally produced as a separate identifiable make by a manufacturer.

EFFECTIVE DATE. This section is effective January 1, 2014.

Sec. 5. Minnesota Statutes 2012, section 84.9275, subdivision 1, is amended to read:

Subdivision 1. **Pass required; fee.** (a) A tribal member exempt from registration under section 84.922, subdivision 1a, clause (2), or a nonresident may not operate an all-terrain vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid nonresident all-terrain vehicle state trail pass in immediate possession. The pass must be available for inspection by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The commissioner of natural resources shall issue a pass upon application and payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the all-terrain vehicle account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to counties and municipalities for all-terrain vehicle organizations to construct and maintain all-terrain vehicle trails and use areas.

(c) A nonresident all-terrain vehicle state trail pass is not required for:

(1) an all-terrain vehicle that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.922, subdivision 1a;

(2) a person operating an all-terrain vehicle only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

(3) a nonresident operating an all-terrain vehicle that is registered according to section 84.922.

Sec. 6. Minnesota Statutes 2012, section 86B.005, is amended by adding a subdivision to read:

Subd. 15a. **Rice boat.** "Rice boat" means a nonmotorized watercraft being used for harvesting wild rice.

Sec. 7. Minnesota Statutes 2012, section 86B.005, subdivision 18, is amended to read:

Subd. 18. **Watercraft.** "Watercraft" means any contrivance used or designed for navigation on water, except:

- (1) a ~~duck~~ waterfowl boat during the ~~duck~~ waterfowl hunting season seasons;
- (2) a rice boat during the harvest season; or
- (3) a seaplane.

Sec. 8. Minnesota Statutes 2012, section 86B.005, is amended by adding a subdivision to read:

Subd. 18a. **Waterfowl boat.** "Waterfowl boat" means a watercraft being used while hunting waterfowl.

Sec. 9. Minnesota Statutes 2012, section 86B.301, subdivision 2, is amended to read:

Subd. 2. **Exemptions.** A watercraft license is not required for:

- (1) a watercraft that is covered by a license or number in full force and effect under federal law or a federally approved licensing or numbering system of another state, and has not been within this state for more than 90 consecutive days, which does not include days that a watercraft is laid up at dock over winter or for repairs at a Lake Superior port or another port in the state;
- (2) a watercraft from a country other than the United States that has not been within this state for more than 90 consecutive days, which does not include days that a watercraft is laid up at dock over winter or for repairs at a Lake Superior port or another port in the state;
- (3) a watercraft owned by the United States, an Indian tribal government, a state, or a political subdivision of a state, except watercraft used for recreational purposes;
- (4) a ship's lifeboat;
- (5) a watercraft that has been issued a valid marine document by the United States government;
- (6) a ~~duck~~ waterfowl boat during ~~duck~~ waterfowl hunting season;
- (7) a rice boat during the harvest season;
- (8) a seaplane; ~~and~~
- (9) a nonmotorized watercraft ten feet in length or less; and
- (10) a watercraft that is covered by a valid license or number issued by a federally recognized Indian tribe in the state under a federally approved licensing or numbering system and that is owned by a member of that tribe.

EFFECTIVE DATE. Clause (10) is effective January 1, 2015.

Sec. 10. Minnesota Statutes 2012, section 86B.501, subdivision 1, is amended to read:

Subdivision 1. **Personal flotation or lifesaving devices.** (a) Watercraft and ~~duck~~
waterfowl boats using the waters of this state must be equipped with the number and type
of personal flotation or lifesaving devices prescribed by the commissioner.

(b) The commissioner may not:

- (1) require sailboards to be equipped with personal flotation or lifesaving devices; or
- (2) require persons on sailboards to wear personal flotation or lifesaving devices
or have them readily available.

Sec. 11. Minnesota Statutes 2012, section 86B.825, subdivision 2, is amended to read:

Subd. 2. **Exempt watercraft.** A watercraft is not required to have a certificate of
title if the watercraft is:

- (1) owned by a manufacturer or dealer and held for sale;
- (2) used by a manufacturer solely for testing;
- (3) from a jurisdiction other than this state, temporarily using the waters of this state;
- (4) owned by the United States, a state, this state, or a political subdivision;
- (5) a ~~duck~~ waterfowl boat used only during ~~duck~~ waterfowl hunting season;
- (6) a rice boat used only during the wild rice harvesting season;
- (7) owned by a person, firm, or corporation operating a resort as defined in section
157.15 or a recreational camping area as defined in section 327.14, subdivision 8, except
with respect to a previously titled watercraft; or
- (8) watercraft manufactured prior to August 1, 1979.

Sec. 12. Minnesota Statutes 2012, section 97A.135, subdivision 3, is amended to read:

Subd. 3. **Cooperative farming agreements.** On any public hunting, game refuge,
wildlife management area, aquatic management area, or scientific and natural area lands,
the commissioner may enter into written cooperative farming agreements on a sharecrop
basis, without competitive bidding, for the purpose of wildlife and plant management.
Cooperative farming agreements may also be used to allow pasturing of livestock. The
agreements may provide for the bartering of a share of any crop, produced from these
lands, for services or products that will enhance or benefit the management of state lands
for plant and animal species. Cooperative farming agreements pursuant to this section shall
not be considered leases for tax purposes under section 272.01, subdivision 2, or 273.19.

Sec. 13. Minnesota Statutes 2012, section 97A.420, subdivision 1, is amended to read:

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 use or obtain any license to take the same type of wild animals involved, including a duplicate license, until an action is taken under subdivision 6. If the license seized under this paragraph was for a big game animal, the license seizure applies to all licenses to take big game issued to the individual. If the license seized under this paragraph was for small game animals, the license seizure applies to all licenses to take small game issued to the individual.

(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.

Sec. 14. Minnesota Statutes 2012, section 97A.441, subdivision 6, is amended to read:

Subd. 6. **Taking deer; disabled veterans.** A person authorized to issue licenses must issue, without a fee, a license to take deer with firearms or by archery to a resident that is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence. The commissioner, upon request, must issue a permanent card documenting satisfactory evidence of 100 percent permanently disabled status. The card serves as satisfactory evidence to obtain a license under this subdivision at all agent locations.

Sec. 15. Minnesota Statutes 2012, section 97A.441, subdivision 6a, is amended to read:

Subd. 6a. **Taking small game; disabled veterans.** A person authorized to issue licenses must issue, without a fee, a license to take small game to a resident who is a veteran, as defined in section 197.447, and who has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence. The commissioner, upon request, must issue a permanent card documenting satisfactory evidence of 100 percent permanently disabled status. The card serves as satisfactory evidence to obtain a license under this subdivision at all agent locations.

Sec. 16. Minnesota Statutes 2012, section 97A.445, subdivision 1, is amended to read:

Subdivision 1. **Angling; Take a Kid Fishing Weekends.** (a) A resident age 16 years or older may take fish by angling without an angling ~~or~~ license and may take fish by spearing from a dark house without a spearing license and without a fish house or dark house license during one three-day consecutive period of the open water angling season and one three-day consecutive period of the ice angling season designated by ~~rule of~~ the commissioner if the resident is accompanied by a child who is under age 16. The commissioner may, by written order published in the State Register, establish the three-day consecutive periods. The written order is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(b) The commissioner shall may designate and publicize the three-day periods as "Take a Kid Fishing Weekend" for the open water angling season and "Take a Kid Ice Fishing Weekend" for the ice angling season. The commissioner shall announce the date of each three-day weekend at least 30 days in advance of the date it occurs.

Sec. 17. Minnesota Statutes 2012, section 97A.451, is amended by adding a subdivision to read:

Subd. 2a. **Residents age 16 or 17; spearing.** Residents age 16 or over and under age 18 may take fish by spearing without a spearing license but must possess a fishing license under section 97A.475, subdivision 6, clause (7).

Sec. 18. Minnesota Statutes 2012, section 97A.451, subdivision 3, is amended to read:

Subd. 3. **Residents and nonresidents under age 16; small game.** (a) A resident or nonresident under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the resident or nonresident is:

(1) age 14 or 15 and possesses a firearms safety certificate;

(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;

(3) age 13, 14, or 15, and possesses an apprentice hunter validation, ~~and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation as provided under section 97B.022;~~ or

(4) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game, other than wolves, by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap small game, other than wolves, without a trapping license, but may not register fisher, otter, bobcat, or pine marten unless the

resident is at least age five. Any fisher, otter, bobcat, or pine marten taken by a resident under age five must be included in the limit of the accompanying parent or guardian.

(c) A resident or nonresident under age 13 must obtain a free turkey license to take turkey and may take a turkey without a firearms safety certificate if the resident or nonresident is accompanied by an adult parent or guardian who has a firearms safety certificate.

(d) A resident under age 13 may apply for a prairie chicken license and may take a prairie chicken without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

Sec. 19. Minnesota Statutes 2012, section 97A.451, subdivision 3b, is amended to read:

Subd. 3b. **Nonresidents age 16 or over and under age 18; small game.** (a) A nonresident age 16 or over and under age 18 may take small game by firearms or archery and may obtain a small game license at the youth fee under section 97A.475, subdivision 3, paragraph (a), clause (14), if the nonresident possesses a firearms safety certificate or an apprentice hunter validation as provided under section 97B.022.

~~(b) A nonresident under age 16 may take small game by firearms or archery and may obtain a small game license without paying the applicable fees under section 97A.475, subdivisions 3, 4, and 5, if the nonresident is:~~

~~(1) age 14 or 15 and possesses a firearms safety certificate;~~

~~(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian; or~~

~~(3) age 12 or under and is accompanied by a parent or guardian.~~

Sec. 20. Minnesota Statutes 2012, section 97A.451, subdivision 4, is amended to read:

Subd. 4. **Residents and nonresidents under age 13 16; big game.** (a) A resident or nonresident age 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses a firearms safety certificate or an apprentice hunter validation as provided under section 97B.022. A nonresident age 12 or 13 must be accompanied by a parent or guardian to hunt big game.

(b) A resident or nonresident age ten or ~~over and under age 13~~ 11 must obtain a license under paragraph (c) and may take big game, provided the person is under the direct supervision of a parent or guardian where the parent or guardian is within immediate reach.

(c) A resident or nonresident age ten ~~or over and under age 13~~, 11, or 12 must obtain a license to take big game ~~and may obtain the license without paying the fee required under section 97A.475, subdivision 2 or 3.~~

Sec. 21. Minnesota Statutes 2012, section 97A.451, subdivision 5, is amended to read:

Subd. 5. **Nonresident youth; angling.** (a) A nonresident under age 16 may:

(1) take fish by angling without a license if a parent or guardian has a fishing license. Fish taken by a nonresident under age 16 without a license must be included in the limit of the parent or guardian;

(2) purchase a youth fishing license under section 97A.475, subdivision 7, paragraph (a), clause (8), and possess a limit of fish; or

(3) be included under a nonresident family angling license and possess a limit of fish.

(b) A nonresident age 16 or over and under age 18 must purchase a youth license to angle under section 97A.475, subdivision 7, paragraph (a), clause (8).

(c) Nonresidents age 16 or over and under age 18 may take fish by spearing without a spearing license but must possess a fishing license under section 97A.475, subdivision 7, paragraph (a), clause (8).

(d) Nonresidents under age 16 may take fish by spearing without a spearing or angling license.

(e) Limits for fish taken by spearing must comply with one of the options listed under paragraph (a).

Sec. 22. Minnesota Statutes 2012, section 97A.475, subdivision 2, is amended to read:

Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents only, are:

(1) for persons age 18 or over and under age 65 to take small game, \$15.50;

(2) for persons age 65 or over, \$7 to take small game;

(3) for persons age 18 or over to take turkey, \$26;

(4) for persons age 13 or over and under age 18 to take turkey, \$5;

(5) for persons age 18 or over to take deer with firearms during the regular firearms season, \$30;

(6) for persons age 18 or over to take deer by archery, \$30;

(7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$30;

(8) to take moose, for a party of not more than six persons, \$356;

(9) to take bear, \$44;

(10) to take elk, for a party of not more than two persons, \$287;

(11) to take Canada geese during a special season, \$4;

(12) to take prairie chickens, \$23;

(13) for persons age 13 or over and under age 18 to take deer with firearms during the regular firearms season, \$5;

(14) for persons age 13 or over and under age 18 to take deer by archery, \$5;

(15) for persons age 13 or over and under age 18 to take deer by muzzleloader during the muzzleloader season, \$5;

(16) for persons age 18 or over to take small game for a consecutive 72-hour period selected by the licensee, \$19, of which an amount equal to: one-half of the fee for the migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half of the small game surcharge under subdivision 4, shall be deposited in the wildlife acquisition account;

(17) for persons age 16 or over and under age 18 to take small game, \$5; ~~and~~

(18) to take wolf, \$30~~;~~₂

(19) for persons age 12 and under to take turkey, no fee;

(20) for persons age 10, 11, or 12 to take deer by firearm, no fee;

(21) for persons age 10, 11, or 12 to take deer by archery, no fee; and

(22) for persons age 10, 11, or 12 to take deer by muzzleloader during the muzzleloader season, no fee.

Sec. 23. Minnesota Statutes 2012, section 97A.475, subdivision 8, is amended to read:

Subd. 8. **Minnesota sporting; super sports.** (a) The commissioner shall issue Minnesota sporting licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is:

(1) for an individual, \$31.50; and

(2) for a combined license for a married couple to take fish and for one spouse to take small game, \$45.50.

(b) The commissioner shall issue Minnesota super sports licenses to residents only. The licensee may take fish by angling, including trout; small game, including pheasant and waterfowl; and deer by firearms or muzzleloader or by archery. The fee for the super sports license, including all required stamp validations is:

(1) for an individual age 18 or over, ~~\$92.50~~ \$86.50; and

(2) for a combined license for a married couple to take fish, including the trout and salmon stamp validation, and for one spouse to take small game, including pheasant and waterfowl, and deer, ~~\$118.50~~ \$110.50.

12.1 (c) Revenue for the stamp endorsements under paragraph (b) shall be deposited
12.2 according to section 97A.075, subdivisions 2, 3, and 4.

12.3 (d) Revenue for the deer license endorsement under paragraph (b) shall be deposited
12.4 according to section 97A.075, subdivision 1.

12.5 Sec. 24. Minnesota Statutes 2012, section 97A.485, subdivision 6, is amended to read:

12.6 Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell
12.7 licenses under this section must issue the following licenses for the license fee and the
12.8 following issuing fees:

12.9 (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

12.10 (2) Minnesota sporting, the issuing fee is \$1;

12.11 (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing
12.12 animals, the issuing fee is \$1;

12.13 (4) to apply for a limited hunt drawing, the issuing fee is \$1 unless the application
12.14 requires a license purchase at the time of application and the license purchase requires
12.15 an application fee;

12.16 (5) for a prairie chicken license, the issuing fee is \$1;

12.17 (6) for a turkey license, the issuing fee is \$1;

12.18 (7) for an elk license, the issuing fee is \$1;

12.19 (8) for a moose license, the issuing fee is \$1;

12.20 (9) for a wolf license, the issuing fee is \$1;

12.21 ~~(4)~~ (10) for a stamp validation that is not issued simultaneously with a license, an
12.22 issuing fee of 50 cents may be charged at the discretion of the authorized seller;

12.23 ~~(5)~~ (11) for stamp validations issued simultaneously with a license, there is no fee;

12.24 ~~(6)~~ (12) for licenses, seals, tags, or coupons issued without a fee under section
12.25 97A.441 or 97A.465, ~~an the issuing fee of 50 cents may be charged at the discretion of~~
12.26 ~~the authorized seller is \$1;~~

12.27 ~~(7)~~ (13) for lifetime licenses, there is no fee; and

12.28 ~~(8)~~ (14) for all other licenses, permits, renewals, or applications or any other
12.29 transaction through the electronic licensing system under this chapter or any other chapter
12.30 when an issuing fee is not specified, an issuing fee of ~~50 cents~~ \$1 may be charged at the
12.31 discretion of the authorized seller.

12.32 (b) Only one issuing fee may be collected when selling more than one stamp in the
12.33 same transaction after the end of the season for which the stamp was issued.

12.34 (c) The agent shall keep the issuing fee as a commission for selling the licenses.

13.1 (d) The commissioner shall collect the issuing fee on licenses sold by the
13.2 commissioner.

13.3 (e) A license, except stamps, must state the amount of the issuing fee and that the
13.4 issuing fee is kept by the seller as a commission for selling the licenses.

13.5 (f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:

13.6 (1) for licenses to take big game, 75 cents; and

13.7 (2) for other licenses, 50 cents.

13.8 (g) The commissioner may issue one-day angling licenses in books of ten licenses
13.9 each to fishing guides operating charter boats upon receipt of payment of all license
13.10 fees, excluding the issuing fee required under this section. Copies of sold and unsold
13.11 licenses shall be returned to the commissioner. The commissioner shall refund the charter
13.12 boat captain for the license fees of all unsold licenses. Copies of sold licenses shall be
13.13 maintained by the commissioner for one year.

13.14 Sec. 25. Minnesota Statutes 2012, section 97B.001, subdivision 3, is amended to read:

13.15 Subd. 3. **Remaining on land prohibited after notice.** Except as provided in
13.16 subdivision 6, a person may not remain on or return to any land for outdoor recreation
13.17 purposes after being ~~orally told~~ personally notified not to do so by the owner, occupant,
13.18 or lessee.

13.19 Sec. 26. Minnesota Statutes 2012, section 97B.001, subdivision 4, is amended to read:

13.20 Subd. 4. **Entering posted land prohibited; signs.** (a) Except as provided in
13.21 subdivision 6, a person may not:

13.22 (1) enter, for outdoor recreation purposes, any land that is posted under this
13.23 subdivision without first obtaining permission of the owner, occupant, or lessee; or

13.24 (2) knowingly enter, for outdoor recreation purposes, any land that is posted under
13.25 this subdivision without first obtaining permission of the owner, occupant, or lessee.

13.26 A person who violates clause (2) is subject to the penalty provided in section
13.27 97A.315, subdivision 1, paragraph (b).

13.28 (b) The owner, occupant, or lessee of private land, or an authorized manager of public
13.29 land may prohibit outdoor recreation on the land by posting signs once each year that:

13.30 (1) state "no trespassing" or similar terms;

13.31 (2) display letters at least two inches high;

13.32 (3) either:

13.33 (i) are signed by the owner, occupant, lessee, or authorized manager; or

(ii) include the legible name and telephone number of the owner, occupant, lessee, or authorized manager; and

(4) either:

(i) are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded area where boundary lines are not clear, at intervals of 500 feet or less; or

(ii) mark the primary corners of each parcel of land and access roads and trails at the point of entrance to each parcel of land except that corners only accessible through agricultural land need not be posted.

(c) A person may not erect a sign that prohibits outdoor recreation or trespassing where the person does not have a property right, title, or interest to use the land.

Sec. 27. Minnesota Statutes 2012, section 97B.0215, is amended to read:

97B.0215 PARENT OR GUARDIAN RESPONSIBILITY; VIOLATION.

A parent or ~~legal~~ guardian of a minor may not knowingly direct, allow, or permit the minor to hunt without the required license, permit, training, or certification, or in violation of the game and fish laws.

Sec. 28. Minnesota Statutes 2012, section 97B.022, subdivision 2, is amended to read:

Subd. 2. **Apprentice hunter validation requirements.** (a) A resident or nonresident born after December 31, 1979, who is age 12 or over and who does not possess a hunter education firearms safety certificate may be issued an apprentice hunter validation. An apprentice hunter validation may be purchased two license years in a lifetime and used to obtain hunting licenses during the same license year that the validation is purchased.

(b) An individual in possession of an apprentice hunter validation may hunt small game, deer, and bear only when accompanied by an adult ~~licensed to hunt~~ who has a valid license to hunt the same species of game in Minnesota and whose license was not obtained using an apprentice hunter validation.

(c) When an individual in possession of an apprentice hunter validation is hunting turkey or prairie chicken under paragraph (b), the accompanying adult may be licensed for another permit area or time period but must be licensed for the same season as the apprentice hunter. If the accompanying adult is not licensed for the same permit area or time period as the apprentice hunter, the accompanying adult may not shoot or possess a firearm or bow while accompanying the apprentice hunter under this paragraph.

(d) An apprentice hunter validation holder must obtain all required licenses and stamps.

Sec. 29. Minnesota Statutes 2012, section 97B.055, subdivision 2, is amended to read:

Subd. 2. **Restrictions related to motor vehicles.** A person may not take a wild animal with a firearm or by archery from a motor vehicle except as permitted in this section. Notwithstanding section 97B.091, a person may transport a bow uncased while ~~in an electric motor-powered boat~~ a motorized watercraft and may take rough fish while in the boat as provided in section 97C.376, subdivision 3.

Sec. 30. Minnesota Statutes 2012, section 97B.071, is amended to read:

97B.071 BLAZE ORANGE REQUIREMENTS.

Subdivision 1. Clothing requirements. (a) Except as provided in rules adopted under paragraph (c), a person may not hunt or trap during the open season where deer may be taken by firearms under applicable laws and ordinances, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location or to trappers on waters of this state.

(b) Except as provided in rules adopted under paragraph (c), and in addition to the requirement in paragraph (a), a person may not take small game other than turkey, migratory birds, raccoons, and predators, except while trapping, unless a visible portion of at least one article of the person's clothing above the waist is blaze orange. This paragraph does not apply to a person when in a stationary location while hunting deer by archery or when hunting small game by falconry.

(c) The commissioner may, by rule, prescribe an alternative color in cases where paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public Law 103-141.

(d) A violation of paragraph (b) shall not result in a penalty, but is punishable only by a safety warning.

Subd. 2. Ground blinds. A person may not hunt deer from a ground blind during the open season where deer may be taken by firearms unless the outside of the blind displays a minimum of 144 square inches of blaze orange material that is visible from all directions around the blind.

Sec. 31. Minnesota Statutes 2012, section 97B.112, is amended to read:

97B.112 SPECIAL HUNTS FOR YOUTH.

The commissioner may by rule establish criteria, special seasons, and limits for youth and adult hunters to take big game and small game by firearms or archery in

16.1 designated areas or times as part of the agency's overall effort in hunter recruitment and
16.2 retention. The criteria may also include provisions for an unlicensed adult to assist a youth
16.3 hunter during a special season or special hunt established under this section.

16.4 Sec. 32. Minnesota Statutes 2012, section 97C.341, is amended to read:

16.5 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

16.6 (a) A person may not use live minnows imported from outside of the state, game
16.7 fish, goldfish, or carp for bait. Notwithstanding paragraphs (b) and (d), the commissioner
16.8 may, by written order published in the State Register, adopt rules to authorize the use of
16.9 game fish eggs as bait in Lake Superior and its tributaries below the posted boundaries and
16.10 prescribe restrictions on their use. The order is exempt from the rulemaking provisions of
16.11 chapter 14 and section 14.386 does not apply.

16.12 (b) A person may not import or possess live, frozen, or processed bait from known
16.13 waters where viral hemorrhagic septicemia has been identified as being present: (1)
16.14 unless the bait has been processed to inactivate viral hemorrhagic septicemia in a manner
16.15 prescribed by rules adopted by the commissioner; or (2) except as provided in paragraph
16.16 (c). For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians,
16.17 invertebrates, and insects used for taking wild animals in waters of the state.

16.18 (c) Cisco and rainbow smelt taken under rules adopted by the commissioner may
16.19 be used as:

16.20 (1) fresh or frozen bait only on Lake Superior; or

16.21 (2) bait that has been processed to inactivate viral hemorrhagic septicemia in a
16.22 manner prescribed by rules adopted by the commissioner.

16.23 (d) To ensure that frozen or dead fish being brought into the state are not in violation
16.24 of paragraph (b), the following paperwork must accompany the shipment. Documents
16.25 must be open for inspection by the commissioner at any reasonable time. All documents
16.26 must be available to purchasers of these bait items. Each container or package of frozen or
16.27 dead fish must have the following information:

16.28 (1) water body source;

16.29 (2) lot number;

16.30 (3) company contact including name, phone, and address;

16.31 (4) date of packaging and labeling; and

16.32 (5) valid negative fish health certification from the source water body.

16.33 Sec. 33. Minnesota Statutes 2012, section 97C.345, subdivision 1, is amended to read:

Subdivision 1. **Period when use prohibited.** Except as specifically authorized, a person may not take fish with a spear from the third Monday in February to ~~April 30~~ with a spear, the Friday before the last Saturday in April and may not take fish with a fish trap, net, dip net, seine, or other device capable of taking fish from the third Monday in February to April 30.

Sec. 34. Minnesota Statutes 2012, section 97C.345, subdivision 2, is amended to read:

Subd. 2. **Possession.** (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess ~~spears~~, dip nets, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset from May 1 to the last Sunday in February, or as otherwise prescribed by the commissioner. A person may possess a spear on or near waters between sunrise and sunset from the last Saturday in April to the last Sunday in February, or as otherwise prescribed by the commissioner.

Sec. 35. Minnesota Statutes 2012, section 97C.375, is amended to read:

97C.375 TAKING ROUGH FISH BY SPEARING.

(a) A resident or nonresident may take rough fish by spearing according to paragraph (b) and during the times, in waters, and in the manner prescribed by the commissioner.

(b) Suckers may be taken by spearing from the last Saturday in April through the last Sunday in February.

Sec. 36. Minnesota Statutes 2012, section 97C.376, subdivision 1, is amended to read:

Subdivision 1. **Season.** (a) The regular bow fishing season for residents and nonresidents is from May 1 the last Saturday in April to the last Sunday in February at any time of the day.

(b) The early bow fishing season for residents and nonresidents is open only south of State Highway 210 from the Monday after the last Sunday in February to the Friday before the last Saturday in April at any time of the day. During the early season, a person may bow fish:

(1) only from a boat; and

(2) only while on a lake or on the Mississippi, Minnesota, or St. Croix River.

Sec. 37. Minnesota Statutes 2012, section 97C.376, subdivision 2, is amended to read:

Subd. 2. **Possession of bows and arrows.** A person may possess bows and arrows for the purposes of bow fishing on or within 100 feet of waters at any time from May 1 the last Saturday in April to the last Sunday in February and at other times on lakes and rivers south of State Highway 210 as specified in subdivision 1, paragraph (b), subject to local ordinances. A person must take reasonable measures to retrieve arrows and wounded fish.

Sec. 38. Minnesota Statutes 2012, section 97C.376, subdivision 3, is amended to read:

Subd. 3. **Nighttime restrictions on motors.** (a) From sunset to sunrise, a person bow fishing with the assistance of a gasoline-powered motor must use a four-stroke engine powered generator. the noise limits for total noise while bow fishing from sunset to sunrise shall must not exceed a noise level of 65 decibels on the A scale measured at a distance of 50 feet from the motorboat or equivalent noise levels at other distances as specified by the commissioner in a pass-by test or 67 decibels on the A scale measured at idle in a stationary test at least four feet above the water and at least four feet behind the transom of the motorboat being tested.

(b) The noise limits under paragraph (a) shall be determined under a test procedure approved by the commissioner under section 86B.321, subdivision 2.

(c) The noise limits in paragraph (a) do not preclude enforcement of other laws relating to motorboat noise.

(d) The noise levels under section 86B.321 apply to persons traveling to and from bow fishing sites from sunset to sunrise.

Sec. 39. **RULEMAKING; GAME FISH EGGS AS BAIT.**

(a) The commissioner of natural resources shall amend Minnesota Rules, part 6262.0100, by adding a subpart to read:

"Spawn bags may be bought or sold only if the bags are made with:

A. fish eggs from a licensed aquaculture facility; or

B. fish eggs that are:

(1) legally taken from a source outside Minnesota that has been certified disease-free; and

(2) preserved and labeled as required under a bait preservation permit. Records must be maintained as required for bait preservation permits."

(b) The commissioner of natural resources shall amend Minnesota Rules, part 6262.0300, subpart 5, to read:

"A. Except as provided in this subpart, the taking of fish for bait purposes from all Minnesota waters of Lake Superior and all waters of the St. Louis River downstream of

the Fond du Lac Dam in St. Louis and Carlton Counties, including any and all outflows, estuaries, streams, creeks, or waters adjacent to or flowing into these waters is prohibited.

B. Notwithstanding Minnesota Statutes, sections 84D.03, subdivision 3, and 97C.341, paragraph (b), eggs from legally taken and possessed trout harvested from Lake Superior or its tributaries below the posted boundaries may be used to make spawn bags for bait as provided in this item and as authorized in Minnesota Statutes, section 97C.341, paragraph (a). Spawn bags may be used only in Lake Superior and its tributaries below the posted boundaries and may be transported to and from Lake Superior or its tributaries below the posted boundaries."

(c) The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Sec. 40. **RULEMAKING; WILDLIFE RESTITUTION VALUE FOR SANDHILL CRANES.**

(a) The commissioner of natural resources shall amend Minnesota Rules, part 6133.0030, by adding a new item establishing the wildlife restitution value of \$200 for a sandhill crane.

(b) The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Sec. 41. **RULEMAKING; SPEARING ROUGH FISH.**

The commissioner of natural resources shall amend Minnesota Rules, part 6262.0600, to make seasons for spearing rough fish consistent with the date changes in sections 33 to 37. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Sec. 42. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall replace the term "duck boat" with the term "waterfowl boat" where the term appears in Minnesota Rules, part 6110.1200, subpart 3.

- 20.1 Sec. 43. **REPEALER.**
- 20.2 Minnesota Statutes 2012, sections 97A.451, subdivision 4a; and 97C.346, and
- 20.3 Minnesota Rules, part 6264.0400, subpart 8, are repealed.

APPENDIX
Repealed Minnesota Statutes: H0742-1

97A.451 LICENSE REQUIREMENTS AND EXEMPTIONS RELATING TO AGE.

Subd. 4a. **Nonresidents under age 16; big game.** (a) A nonresident age 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses a firearms safety certificate. A nonresident age 12 or 13 must be accompanied by a parent or guardian to hunt big game.

(b) A nonresident age 10 or 11 may take big game provided the person is under the direct supervision of a parent or guardian where the parent or guardian is within immediate reach. A nonresident age 10 or 11 must obtain a license to take big game and must pay the fee required under section 97A.475, subdivision 3.

97C.346 PROHIBITION ON RETURNING CERTAIN NETTED ROUGH FISH TO WATERS.

A person may not release carp or buffalo taken by netting back into the water.

APPENDIX
Repealed Minnesota Rule: H0742-1

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

Subp. 8. **Spearing restrictions.** A person may not take fish by spearing and may not possess a spear while on or fishing in the following lake.

Name	Location	County
A. Baby	T.140,141, R.29, S.4,5,8,9,17	Cass
B. Beers Lake	T.135, R.42, S.Various	Otter Tail
C. Big Mantrap	T.141,142, R.33,34, S.Various	Hubbard
D. Cross	T.39, R.21, S.Various, and Snake River flowage in T.39, R.21, S.28,29, 31,32,33	Pine
E. Deer	T.56,57, R.26,27, S.1,3-6,31-34	Itasca
F. Lobster	T.128, R.38,39, S.Various	Douglas
G. Sugar	T.121,122, R.27, S.1-3,10,11,35,36	Wright
H. West Battle	T.132, R.40, S.1-3,26, 29-32,34-36 T.133, R.39,40	Otter Tail