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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 92

01/17/2019 Authored by Sundin, Ecklund and Lueck
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to game and fish; allowing use of spear guns to take fish; authorizing
1.3 rulemaking; amending Minnesota Statutes 2018, sections 86B.601, subdivision 4;
1.4 97A.475, subdivisions 6, 7; 97C.301, subdivision 3; 97C.371, subdivisions 1, 2;
1.5 proposing coding for new law in Minnesota Statutes, chapter 97C.

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

1.7 Section 1. Minnesota Statutes 2018, section 86B.601, subdivision 4, is amended to read:

1.8 Subd. 4. Night diving with spear prohibited. A person may not scuba or skin dive
1.9 while in possession of a spear from sunset to sunrise. For purposes of this section, a spear
1.10 includes a spear gun as defined under section 97C.329, subdivision 1.

1.11 Sec. 2. Minnesota Statutes 2018, section 97A.475, subdivision 6, is amended to read:

1.12 Subd. 6. Resident fishing. Fees for the following licenses, to be issued to residents only,
1.13 are:

1.14 (1) for persons age 18 or over to take fish by angling, \$25;

1.15 (2) for persons age 18 or over to take fish by angling, for a combined license for a married
1.16 couple, \$40;

1.17 (3) for persons age 18 or over to take fish by spearing from a dark house or with a spear
1.18 gun, \$6, and the person must possess an angling license;

1.19 (4) for persons age 18 or over to take fish by angling for a 24-hour period selected by
1.20 the licensee, \$12;

2.1 (5) for persons age 18 or over to take fish by angling for a consecutive 72-hour period
2.2 selected by the licensee, \$14;

2.3 (6) for persons age 18 or over to take fish by angling for three consecutive years, \$71;
2.4 and

2.5 (7) for persons age 16 or over and under age 18 to take fish by angling, \$5.

2.6 Sec. 3. Minnesota Statutes 2018, section 97A.475, subdivision 7, is amended to read:

2.7 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to
2.8 nonresidents, are:

2.9 (1) for persons age 18 or over to take fish by angling, \$46;

2.10 (2) for persons age 18 or over to take fish by angling limited to seven consecutive days
2.11 selected by the licensee, \$38;

2.12 (3) for persons age 18 or over to take fish by angling for a consecutive 72-hour period
2.13 selected by the licensee, \$31;

2.14 (4) for persons age 18 or over to take fish by angling for a combined license for a family
2.15 for one or both parents and dependent children under the age of 16, \$63;

2.16 (5) for persons age 18 or over to take fish by angling for a 24-hour period selected by
2.17 the licensee, \$14;

2.18 (6) to take fish by angling for a combined license for a married couple, limited to 14
2.19 consecutive days selected by one of the licensees, \$49;

2.20 (7) for persons age 18 or over to take fish by spearing from a dark house or with a spear
2.21 gun, \$12, and the person must possess an angling license; and

2.22 (8) for persons age 16 or over and under age 18 to take fish by angling, \$5.

2.23 (b) A \$5 surcharge shall be added to all nonresident fishing licenses, except licenses
2.24 issued under paragraph (a), clauses (5) and (8). An additional commission may not be
2.25 assessed on this surcharge.

2.26 Sec. 4. Minnesota Statutes 2018, section 97C.301, subdivision 3, is amended to read:

2.27 Subd. 3. **Spearing.** A person may not take fish by spearing from a dark house or by
2.28 spear gun without a ~~dark-house-spearing~~ spearing license and an angling license.

3.1 Sec. 5. [97C.329] SPEAR GUNS.

3.2 Subdivision 1. **Definition.** For the purposes of this section, "spear gun" means a device
3.3 used to nonmanually propel a spear underwater.

3.4 Subd. 2. **Spear guns.** A person may use a spear gun to take fish if:

3.5 (1) the person has a valid angling and spearing license;

3.6 (2) the person is completely submerged in water and in compliance with section 86B.601;

3.7 (3) the person complies with all applicable game and fish laws and rules adopted by the
3.8 commissioner; and

3.9 (4) there is an open season to take the fish.

3.10 Subd. 3. **Nighttime restrictions.** A person may not take fish by spear gun between
3.11 sunset and sunrise.

3.12 Subd. 4. **Possession.** A person may possess a spear gun to take fish between sunrise and
3.13 sunset on or near waters where fish may be lawfully taken by spear gun.

3.14 Subd. 5. **Rules.** The commissioner may adopt rules to regulate the use of spear guns to
3.15 take fish.

3.16 Sec. 6. Minnesota Statutes 2018, section 97C.371, subdivision 1, is amended to read:

3.17 Subdivision 1. **Species allowed.** Except as provided under section 97C.329, only rough
3.18 fish, catfish, lake whitefish, and northern pike may be taken by spearing.

3.19 Sec. 7. Minnesota Statutes 2018, section 97C.371, subdivision 2, is amended to read:

3.20 Subd. 2. **Dark houses required for certain species.** Catfish, lake whitefish, and northern
3.21 pike may be speared only from dark houses and as provided under section 97C.329.