

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 796

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DATE	D-PG	OFFICIAL STATUS
02/25/2013	397	Introduction and first reading Referred to Environment and Energy
03/20/2013	1316a	Comm report: To pass as amended and re-refer to State and Local Government
03/21/2013	1394a	Comm report: To pass as amended and re-refer to Judiciary
04/02/2013		Comm report: To pass as amended and re-refer to Rules and Administration

A bill for an act

1.1 relating to natural resources; modifying commissioner's authorities and duties;
 1.2 modifying definitions; modifying watercraft provisions; providing for certain
 1.3 license seizures; modifying game and fish license provisions; modifying trespass
 1.4 law; modifying requirements for taking game and fish; requiring rulemaking;
 1.5 amending Minnesota Statutes 2012, sections 84.027, subdivision 13, by adding
 1.6 subdivisions; 86B.005, subdivision 18, by adding subdivisions; 86B.301,
 1.7 subdivision 2; 86B.501, subdivision 1; 86B.825, subdivision 2; 97A.045,
 1.8 subdivision 1; 97A.051, subdivision 2; 97A.135, subdivision 3; 97A.420,
 1.9 subdivision 1; 97A.445, subdivision 1; 97A.451, subdivisions 3, 3b, 4; 97A.475,
 1.10 subdivisions 2, 3; 97A.485, subdivision 6; 97B.001, subdivisions 3, 4, 7;
 1.11 97B.0215; 97B.022, subdivision 2; 97B.055, subdivision 2; 97B.112; 97C.341;
 1.12 97C.376, subdivision 3; repealing Minnesota Statutes 2012, section 97A.451,
 1.13 subdivision 4a.
 1.14

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

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

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

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

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

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

2.1 (b) If conditions exist that do not allow the commissioner to comply with sections
2.2 97A.0451 to 97A.0459, including the need to adjust season variables on an annual basis
2.3 based upon current biological and harvest data, the commissioner may adopt a rule under
2.4 this subdivision by submitting the rule to the attorney general for review under section
2.5 97A.0455, publishing a notice in the State Register and filing the rule with the secretary
2.6 of state and the Legislative Coordinating Commission, and complying with section
2.7 97A.0459, and including a statement of the emergency conditions and a copy of the rule
2.8 in the notice. The emergency conditions for opening a water body or portion of a water
2.9 body for night bow fishing under this section may include the need to temporarily open
2.10 the area to evaluate compatibility of the activity on that body of water prior to permanent
2.11 rulemaking. The notice may be published after it is received from the attorney general or
2.12 five business days after it is submitted to the attorney general, whichever is earlier.

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

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

2.17 (2) the attorney general approves the rule; and

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

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

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

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

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

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

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

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

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

3.20 Sec. 4. Minnesota Statutes 2012, section 86B.005, is amended by adding a subdivision
3.21 to read:

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

3.24 Sec. 5. Minnesota Statutes 2012, section 86B.005, subdivision 18, is amended to read:

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

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

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

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

4.3 Sec. 7. Minnesota Statutes 2012, section 86B.301, subdivision 2, is amended to read:

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

4.5 (1) a watercraft that is covered by a license or number in full force and effect under
4.6 federal law or a federally approved licensing or numbering system of another state, and
4.7 has not been within this state for more than 90 consecutive days, which does not include
4.8 days that a watercraft is laid up at dock over winter or for repairs at a Lake Superior
4.9 port or another port in the state;

4.10 (2) a watercraft from a country other than the United States that has not been within
4.11 this state for more than 90 consecutive days, which does not include days that a watercraft is
4.12 laid up at dock over winter or for repairs at a Lake Superior port or another port in the state;

4.13 (3) a watercraft owned by the United States, an Indian tribal government, a state, or
4.14 a political subdivision of a state, except watercraft used for recreational purposes;

4.15 (4) a ship's lifeboat;

4.16 (5) a watercraft that has been issued a valid marine document by the United States
4.17 government;

4.18 (6) a ~~duck~~ waterfowl boat during ~~duck~~ waterfowl hunting season;

4.19 (7) a rice boat during the harvest season;

4.20 (8) a seaplane; and

4.21 (9) a nonmotorized watercraft ten feet in length or less.

4.22 Sec. 8. Minnesota Statutes 2012, section 86B.501, subdivision 1, is amended to read:

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

4.26 (b) The commissioner may not:

4.27 (1) require sailboards to be equipped with personal flotation or lifesaving devices; or

4.28 (2) require persons on sailboards to wear personal flotation or lifesaving devices
4.29 or have them readily available.

4.30 Sec. 9. Minnesota Statutes 2012, section 86B.825, subdivision 2, is amended to read:

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

4.33 (1) owned by a manufacturer or dealer and held for sale;

- 5.1 (2) used by a manufacturer solely for testing;
- 5.2 (3) from a jurisdiction other than this state, temporarily using the waters of this state;
- 5.3 (4) owned by the United States, a state, this state, or a political subdivision;
- 5.4 (5) a ~~duck~~ waterfowl boat used only during ~~duck~~ waterfowl hunting season;
- 5.5 (6) a rice boat used only during the wild rice harvesting season;
- 5.6 (7) owned by a person, firm, or corporation operating a resort as defined in section
- 5.7 157.15 or a recreational camping area as defined in section 327.14, subdivision 8, except
- 5.8 with respect to a previously titled watercraft; or
- 5.9 (8) watercraft manufactured prior to August 1, 1979.

5.10 Sec. 10. Minnesota Statutes 2012, section 97A.045, subdivision 1, is amended to read:

5.11 Subdivision 1. **Duties; generally.** (a) The commissioner shall do all things the

5.12 commissioner determines are necessary to preserve, protect, and propagate desirable

5.13 species of wild animals. The commissioner shall make special provisions for the

5.14 management of fish and wildlife to ensure recreational opportunities for anglers and

5.15 hunters. The commissioner shall acquire wild animals for breeding or stocking and may

5.16 dispose of or destroy undesirable or predatory wild animals and their dens, nests, houses,

5.17 or dams.

5.18 (b) Notwithstanding chapters 17 and 35, the commissioner, in consultation with the

5.19 commissioner of agriculture and the executive director of the Board of Animal Health, may

5.20 capture, take, or control nonnative or domestic animals that are released, have escaped,

5.21 or are otherwise running at large and causing damage to natural resources or agricultural

5.22 lands, or that are posing a threat to wildlife, domestic animals, or human health. The

5.23 commissioner may work with other agencies to assist in the capture, taking, or control and

5.24 may authorize persons to take such animals. The commissioner may collect a civil penalty

5.25 equal to the actual costs incurred by the Department of Natural Resources from a person

5.26 who owns nonnative or domestic animals that are captured, taken, or controlled under this

5.27 paragraph. The civil penalty shall be deposited in the game and fish fund.

5.28 Sec. 11. Minnesota Statutes 2012, section 97A.051, subdivision 2, is amended to read:

5.29 Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare

5.30 a summary of the hunting, trapping, and fishing laws and rules and deliver a ~~suffieient~~

5.31 supply to license vendors to ~~furnish one copy to each person obtaining a hunting, fishing,~~

5.32 ~~or trapping license.~~ The commissioner shall also post the summary of laws and rules on

5.33 the Department of Natural Resources Web site.

6.1 (b) At the beginning of the summary, under the heading "Trespass," the
6.2 commissioner shall summarize the trespass provisions under sections 97B.001 to 97B.945,
6.3 state that conservation officers and peace officers must enforce the trespass laws, and
6.4 state the penalties for trespassing.

6.5 (c) In the summary the commissioner shall, under the heading "Duty to Render Aid,"
6.6 summarize the requirements under section 609.662 and state the penalties for failure to
6.7 render aid to a person injured by gunshot.

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

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

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

6.19 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the
6.20 license of a person who unlawfully takes, transports, or possesses wild animals when the
6.21 restitution value of the wild animals exceeds \$500. Except as provided in subdivisions
6.22 2, 4, and 5, the person may not use or obtain any license to take the same type of wild
6.23 animals involved, including a duplicate license, until an action is taken under subdivision
6.24 6. If the license seized under this paragraph was for a big game animal, the license seizure
6.25 applies to all licenses to take big game issued to the individual. If the license seized under
6.26 this paragraph was for small game animals, the license seizure applies to all licenses to
6.27 take small game issued to the individual.

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

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

7.1 Sec. 14. Minnesota Statutes 2012, section 97A.445, subdivision 1, is amended to read:

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

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

7.15 Sec. 15. Minnesota Statutes 2012, section 97A.451, subdivision 3, is amended to read:

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

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

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

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

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

7.26 (b) A resident under age 16 may take small game, other than wolves, by trapping
7.27 without a small game license, but a resident 13 years of age or older must have a trapping
7.28 license. A resident under age 13 may trap small game, other than wolves, without a
7.29 trapping license, but may not register fisher, otter, bobcat, or pine marten unless the
7.30 resident is at least age five. Any fisher, otter, bobcat, or pine marten taken by a resident
7.31 under age five must be included in the limit of the accompanying parent or guardian.

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

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

8.4 Sec. 16. Minnesota Statutes 2012, section 97A.451, subdivision 3b, is amended to read:

8.5 Subd. 3b. **Nonresidents age 16 or over and under age 18; small game.** (a) A
 8.6 nonresident age 16 or over and under age 18 may take small game by firearms or archery
 8.7 and may obtain a small game license at the youth fee under section 97A.475, subdivision
 8.8 3, paragraph (a), clause (14), if the nonresident possesses a firearms safety certificate or an
 8.9 apprentice hunter validation as provided under section 97B.022.

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

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

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

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

8.17 Sec. 17. Minnesota Statutes 2012, section 97A.451, subdivision 4, is amended to read:

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

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

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

8.29 Sec. 18. Minnesota Statutes 2012, section 97A.475, subdivision 2, is amended to read:

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

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

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

- 9.1 (3) for persons age 18 or over to take turkey, \$26;
- 9.2 (4) for persons age 13 or over and under age 18 to take turkey, \$5;
- 9.3 (5) for persons age 18 or over to take deer with firearms during the regular firearms
- 9.4 season, \$30;
- 9.5 (6) for persons age 18 or over to take deer by archery, \$30;
- 9.6 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
- 9.7 season, \$30;
- 9.8 (8) to take moose, for a party of not more than six persons, \$356;
- 9.9 (9) to take bear, \$44;
- 9.10 (10) to take elk, for a party of not more than two persons, \$287;
- 9.11 (11) to take Canada geese during a special season, \$4;
- 9.12 (12) to take prairie chickens, \$23;
- 9.13 (13) for persons age 13 or over and under age 18 to take deer with firearms during
- 9.14 the regular firearms season, \$5;
- 9.15 (14) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 9.16 (15) for persons age 13 or over and under age 18 to take deer by muzzleloader
- 9.17 during the muzzleloader season, \$5;
- 9.18 (16) for persons age 18 or over to take small game for a consecutive 72-hour period
- 9.19 selected by the licensee, \$19, of which an amount equal to: one-half of the fee for the
- 9.20 migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
- 9.21 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half
- 9.22 of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in
- 9.23 the pheasant habitat improvement account under section 97A.075, subdivision 4; and
- 9.24 one-half of the small game surcharge under subdivision 4, shall be deposited in the
- 9.25 wildlife acquisition account;
- 9.26 (17) for persons age 16 or over and under age 18 to take small game, \$5; ~~and~~
- 9.27 (18) to take wolf, \$30-;
- 9.28 (19) for persons age 12 and under to take turkey, no fee;
- 9.29 (20) for persons age 10, 11, or 12 to take deer by firearm, no fee;
- 9.30 (21) for persons age 10, 11, or 12 to take deer by archery, no fee; and
- 9.31 (22) for persons age 10, 11, or 12 to take deer by muzzleloader during the
- 9.32 muzzleloader season, no fee.

9.33 Sec. 19. Minnesota Statutes 2012, section 97A.475, subdivision 3, is amended to read:

9.34 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued

9.35 to nonresidents, are:

- 10.1 (1) for persons age 18 or over to take small game, \$90.50;
- 10.2 (2) for persons age 18 or over to take deer with firearms during the regular firearms
10.3 season, \$160;
- 10.4 (3) for persons age 18 or over to take deer by archery, \$160;
- 10.5 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
10.6 season, \$160;
- 10.7 (5) to take bear, \$225;
- 10.8 (6) for persons age 18 or over to take turkey, \$91;
- 10.9 (7) for persons age 13 or over and under age 18 to take turkey, ~~\$13~~ \$5;
- 10.10 (8) to take raccoon or bobcat, \$178;
- 10.11 (9) to take Canada geese during a special season, \$4;
- 10.12 (10) for persons age 13 or over and under age 18 to take deer with firearms during
10.13 the regular firearms season in any open season option or time period, ~~\$15~~ \$5;
- 10.14 (11) for persons age 13 or over and under age 18 to take deer by archery, ~~\$15~~ \$5;
- 10.15 (12) for persons age 13 or over and under age 18 to take deer during the muzzleloader
10.16 season, ~~\$15~~ \$5;
- 10.17 (13) for persons age 18 or over to take small game for a consecutive 72-hour period
10.18 selected by the licensee, \$75, of which an amount equal to: one-half of the fee for the
10.19 migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
10.20 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half
10.21 of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in
10.22 the pheasant habitat improvement account under section 97A.075, subdivision 4; and
10.23 one-half of the small game surcharge under subdivision 4, shall be deposited into the
10.24 wildlife acquisition account;
- 10.25 (14) for persons age 16 and over and under age 18 to take small game, ~~\$15~~ \$5; ~~and~~
- 10.26 (15) to take wolf, \$250~~;~~₂;
- 10.27 (16) for persons age 12 and under to take turkey, no fee;
- 10.28 (17) for persons age 10, 11, and 12 to take deer by firearm, no fee;
- 10.29 (18) for persons age 10, 11, or 12 to take deer by archery, no fee; and
- 10.30 (19) for persons age 10, 11, or 12 to take deer by muzzleloader during the
10.31 muzzleloader season, no fee.
- 10.32 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
10.33 paragraph (a), clauses (1) to (6) and (8). An additional commission may not be assessed
10.34 on this surcharge.

10.35 Sec. 20. Minnesota Statutes 2012, section 97A.485, subdivision 6, is amended to read:

- 11.1 Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell
 11.2 licenses under this section must issue the following licenses for the license fee and the
 11.3 following issuing fees:
- 11.4 (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
 11.5 (2) Minnesota sporting, the issuing fee is \$1;
 11.6 (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing
 11.7 animals, the issuing fee is \$1;
 11.8 (4) to apply for a limited hunt drawing, the issuing fee is \$1 unless the application
 11.9 requires a license purchase at the time of application and the license purchase requires
 11.10 an application fee;
 11.11 (5) for a prairie chicken license, the issuing fee is \$1;
 11.12 (6) for a turkey license, the issuing fee is \$1;
 11.13 (7) for an elk license, the issuing fee is \$1;
 11.14 (8) for a moose license, the issuing fee is \$1;
 11.15 (9) for a wolf license, the issuing fee is \$1;
 11.16 ~~(4)~~ (10) for a stamp validation that is not issued simultaneously with a license, an
 11.17 issuing fee of 50 cents may be charged at the discretion of the authorized seller;
 11.18 ~~(5)~~ (11) for stamp validations issued simultaneously with a license, there is no fee;
 11.19 ~~(6)~~ (12) for licenses, seals, tags, or coupons issued without a fee under section
 11.20 97A.441 or 97A.465, ~~an the issuing fee of 50 cents may be charged at the discretion of~~
 11.21 ~~the authorized seller is \$1;~~
 11.22 ~~(7)~~ (13) for lifetime licenses, there is no fee; and
 11.23 ~~(8)~~ (14) for all other licenses, permits, renewals, or applications or any other
 11.24 transaction through the electronic licensing system under this chapter or any other chapter
 11.25 when an issuing fee is not specified, an issuing fee of ~~50 cents~~ \$1 may be charged at the
 11.26 discretion of the authorized seller.
- 11.27 (b) Only one issuing fee may be collected when selling more than one stamp in the
 11.28 same transaction after the end of the season for which the stamp was issued.
- 11.29 (c) The agent shall keep the issuing fee as a commission for selling the licenses.
- 11.30 (d) The commissioner shall collect the issuing fee on licenses sold by the
 11.31 commissioner.
- 11.32 (e) A license, except stamps, must state the amount of the issuing fee and that the
 11.33 issuing fee is kept by the seller as a commission for selling the licenses.
- 11.34 (f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:
 11.35 (1) for licenses to take big game, 75 cents; and
 11.36 (2) for other licenses, 50 cents.

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

12.7 Sec. 21. Minnesota Statutes 2012, section 97B.001, subdivision 3, is amended to read:

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

12.12 Sec. 22. Minnesota Statutes 2012, section 97B.001, subdivision 4, is amended to read:

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

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

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

12.19 A person who violates clause (2) is subject to the penalty provided in section
 12.20 97A.315, subdivision 1, paragraph (b).

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

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

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

12.25 (3) either:

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

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

12.29 (4) either:

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

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

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

13.3 Sec. 23. Minnesota Statutes 2012, section 97B.001, subdivision 7, is amended to read:

13.4 Subd. 7. ~~Use of Discharging firearms and taking in certain areas.~~ (a) A person
13.5 may not ~~take~~ discharge a firearm at a wild animal with a firearm within 500 feet of a
13.6 building occupied by a human or livestock or within 500 feet of a stockade or corral
13.7 containing livestock without the written permission of the owner, occupant, or lessee:

13.8 (1) on another person's private land, if the land is not a licensed shooting preserve; or

13.9 (2) on a public road right-of-way.

13.10 ~~(b) No person may shoot a firearm within 500 feet of a stockade or corral containing~~
13.11 ~~livestock without the permission of the owner, occupant, or lessee.~~

13.12 For the purposes of this paragraph, a "stockade or corral" means a fenced enclosure
13.13 for containing livestock that does not enclose an area greater than one acre.

13.14 ~~(e)~~ (b) A person may not take a wild animal on any land where the person is
13.15 prohibited from entering by this section.

13.16 Sec. 24. Minnesota Statutes 2012, section 97B.0215, is amended to read:

13.17 **97B.0215 PARENT OR GUARDIAN RESPONSIBILITY; VIOLATION.**

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

13.21 Sec. 25. Minnesota Statutes 2012, section 97B.022, subdivision 2, is amended to read:

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

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

13.31 (c) When an individual in possession of an apprentice hunter validation is hunting
13.32 turkey or prairie chicken under paragraph (b), the accompanying adult may be licensed
13.33 for another permit area or time period but must be licensed for the same season as the

14.1 apprentice hunter. If the accompanying adult is not licensed for the same permit area or
14.2 time period as the apprentice hunter, the accompanying adult may not shoot or possess a
14.3 firearm or bow while accompanying the apprentice hunter under this paragraph.

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

14.6 Sec. 26. Minnesota Statutes 2012, section 97B.055, subdivision 2, is amended to read:

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

14.12 Sec. 27. Minnesota Statutes 2012, section 97B.112, is amended to read:

14.13 **97B.112 SPECIAL HUNTS FOR YOUTH.**

14.14 The commissioner may by rule establish criteria, special seasons, and limits for
14.15 youth and adult hunters to take big game and small game by firearms or archery in
14.16 designated areas or times as part of the agency's overall effort in hunter recruitment and
14.17 retention. The criteria may also include provisions for an unlicensed adult to assist a youth
14.18 hunter during a special season or special hunt established under this section.

14.19 Sec. 28. Minnesota Statutes 2012, section 97C.341, is amended to read:

14.20 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

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

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

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

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

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

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

15.11 (1) water body source;

15.12 (2) lot number;

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

15.14 (4) date of packaging and labeling; and

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

15.16 Sec. 29. Minnesota Statutes 2012, section 97C.376, subdivision 3, is amended to read:

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

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

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

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

15.31 Sec. 30. **RULEMAKING; GAME FISH EGGS AS BAIT.**

15.32 (a) The commissioner of natural resources shall amend Minnesota Rules, part
15.33 6262.0100, by adding a subpart to read:

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

16.1 A. fish eggs from a licensed aquaculture facility; or

16.2 B. fish eggs that are:

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

16.4 and

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

16.7 (b) The commissioner of natural resources shall amend Minnesota Rules, part
16.8 6262.0300, subpart 5, to read:

16.9 "A. Except as provided in this subpart, the taking of fish for bait purposes from all
16.10 Minnesota waters of Lake Superior and all waters of the St. Louis River downstream of
16.11 the Fond du Lac Dam in St. Louis and Carlton Counties, including any and all outflows,
16.12 estuaries, streams, creeks, or waters adjacent to or flowing into these waters is prohibited.

16.13 B. Notwithstanding Minnesota Statutes, sections 84D.03, subdivision 3, and
16.14 97C.341, paragraph (b), eggs from legally taken and possessed trout harvested from Lake
16.15 Superior or its tributaries below the posted boundaries may be used to make spawn bags
16.16 for bait as provided in this item and as authorized in Minnesota Statutes, section 97C.341,
16.17 paragraph (a). Spawn bags may be used only in Lake Superior and its tributaries below
16.18 the posted boundaries and may be transported to and from Lake Superior or its tributaries
16.19 below the posted boundaries."

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

16.24 **Sec. 31. RULEMAKING; WILDLIFE RESTITUTION VALUE FOR SANDHILL**
16.25 **CRANES.**

16.26 (a) The commissioner of natural resources shall amend Minnesota Rules, part
16.27 6133.0030, by adding a new item establishing the wildlife restitution value of \$200 for a
16.28 sandhill crane.

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

16.33 **Sec. 32. REVISOR'S INSTRUCTION.**

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

17.3 Sec. 33. **REPEALER.**

17.4 Minnesota Statutes 2012, section 97A.451, subdivision 4a, is repealed.

APPENDIX
Repealed Minnesota Statutes: 13-0292

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.