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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1562**

02/25/2021 Authored by Hansen, R.,

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

03/10/2021 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

03/15/2021 Adoption of Report: Re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to natural resources; modifying certain submission deadline; modifying

1.3 provisions for state park permits; prohibiting shooting at decoys from motor

1.4 vehicles; prohibiting certain insecticides on state lands; modifying blaze

1.5 requirements for clothing and ground blinds; imposing small game shot restrictions;

1.6 modifying restrictions on motorized decoys; modifying provisions for taking

1.7 turtles; appropriating money; amending Minnesota Statutes 2020, sections 84.946,

1.8 subdivision 4; 85.054, subdivision 1; 97A.475, subdivision 41; 97B.055, subdivision

1.9 2; 97B.071; 97B.207, subdivision 2; 97B.811, subdivision 4a; 97C.605,

1.10 subdivisions 1, 2c, 3; 97C.611; proposing coding for new law in Minnesota Statutes,

1.11 chapters 84; 97B; repealing Minnesota Statutes 2020, section 97C.605, subdivisions

1.12 2, 2a, 2b, 5; Minnesota Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, 8.

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

1.14 Section 1. Minnesota Statutes 2020, section 84.946, subdivision 4, is amended to read:

1.15 Subd. 4. **Priorities; report.** The commissioner of natural resources must establish

1.16 priorities for natural resource asset preservation and replacement projects. By ~~January 15~~

1.17 March 1 each year, the commissioner must submit to the commissioner of management and

1.18 budget a list of the projects that have been paid for with money from a natural resource

1.19 asset preservation and replacement appropriation during the preceding calendar year.

1.20 Sec. 2. [84.9735] INSECTICIDES ON STATE LANDS.

1.21 A person may not use a product containing an insecticide in a wildlife management area,

1.22 state park, state forest, aquatic management area, or scientific and natural area if the

1.23 insecticide is from the neonicotinoid class of insecticides or contains chlorpyrifos.

2.1 Sec. 3. Minnesota Statutes 2020, section 85.054, subdivision 1, is amended to read:

2.2 Subdivision 1. **State Park Open House Days.** (a) A state park permit is not required
2.3 for a motor vehicle to enter a state park, state monument, state recreation area, or state
2.4 wayside, on four days each calendar year at each park, which the commissioner shall
2.5 designate as State Park Open House Days. The commissioner may designate two consecutive
2.6 days as State Park Open House Days, if the open house is held in conjunction with a special
2.7 pageant described in section 85.052, subdivision 2.

2.8 (b) The commissioner shall announce the date of each State Park Open House Day at
2.9 least 30 days in advance of the date it occurs.

2.10 (c) The purpose of State Park Open House Days is to acquaint the public with state
2.11 parks, recreation areas, and waysides.

2.12 (d) On State Park Open House Days, registered overnight guests in state parks and state
2.13 recreation areas are exempt from the requirements for a state park permit under section
2.14 85.053 until after the camping or lodging check-out time of the following day in the park
2.15 where the overnight stay occurred.

2.16 Sec. 4. Minnesota Statutes 2020, section 97A.475, subdivision 41, is amended to read:

2.17 Subd. 41. **Turtle licenses license.** ~~(a) The fee for a turtle seller's license to sell turtles~~
2.18 ~~and to take, transport, buy, and possess turtles for sale is \$250.~~

2.19 ~~(b)~~ The fee for a recreational turtle license to take, transport, and possess turtles for
2.20 personal use is \$25.

2.21 ~~(c) The fee for a turtle seller's apprentice license is \$100.~~

2.22 Sec. 5. Minnesota Statutes 2020, section 97B.055, subdivision 2, is amended to read:

2.23 Subd. 2. **Restrictions related to motor vehicles.** (a) A person may not take a wild
2.24 animal with a firearm or by archery from a motor vehicle except as permitted in this section.

2.25 (b) A person may not shoot at a decoy of a wild animal that is placed by a licensed peace
2.26 officer by:

2.27 (1) discharging a firearm from a motor vehicle; or

2.28 (2) discharging an arrow from a bow from a motor vehicle.

3.1 (c) Notwithstanding section 97B.091, a person may transport a bow uncased while in a
 3.2 motorized watercraft and may take rough fish while in the boat as provided in section
 3.3 97C.376, subdivision 3.

3.4 Sec. 6. Minnesota Statutes 2020, section 97B.071, is amended to read:

3.5 **97B.071 CLOTHING AND GROUND BLIND REQUIREMENTS; BLAZE**
 3.6 **ORANGE OR BLAZE PINK.**

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

3.14 (b) Except as provided in rules adopted under paragraph (d) and in addition to the
 3.15 requirements under paragraph (a), during the open season where deer may be taken by
 3.16 firearms under applicable laws and ordinances, a person in a fabric or synthetic ground
 3.17 blind on public land must have:

3.18 (1) a blaze orange safety covering on the top of the blind visible for 360 degrees around
 3.19 the blind; or

3.20 (2) at least 144 square inches of blaze orange material on each side of the blind.

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

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

3.30 ~~(d)~~ (e) A violation of paragraph ~~(b)~~ (c) ~~shall~~ does not result in a penalty, but is punishable
 3.31 only by a safety warning.

4.1 Sec. 7. Minnesota Statutes 2020, section 97B.207, subdivision 2, is amended to read:

4.2 Subd. 2. **Requirements for hunters and handlers.** (a) A person attempting to locate
4.3 and retrieve a wounded deer or bear using a dog must have a valid license to take the deer
4.4 or bear and have the license in possession. If the person is a dog handler that does not have
4.5 a valid hunting license, the person must be accompanied by a licensed hunter with the license
4.6 in possession.

4.7 (b) The licensed hunter, and any accompanying dog handler, must be on foot and must
4.8 wear blaze orange ~~or blaze pink~~ as provided in section 97B.071, paragraph (a).

4.9 (c) Any light used must be a handheld artificial light, as defined under section 97B.081,
4.10 subdivision 3, paragraph (f).

4.11 Sec. 8. **[97B.673] NONTOXIC SHOT REQUIRED FOR TAKING SMALL GAME**
4.12 **IN CERTAIN AREAS.**

4.13 Subdivision 1. **Nontoxic shot on wildlife management areas in farmland zone.** After
4.14 July 1, 2022, a person may not take small game, rails, or common snipe on any wildlife
4.15 management area within the farmland zone with shot other than:

4.16 (1) steel shot;

4.17 (2) copper-plated, nickel-plated, or zinc-plated steel shot; or

4.18 (3) shot made of other nontoxic material approved by the director of the United States
4.19 Fish and Wildlife Service.

4.20 Subd. 2. **Farmland zone.** For the purposes of this section, the farmland zone is the
4.21 portion of the state that falls south and west of Minnesota Highway 70 westward from the
4.22 Wisconsin border to Minnesota Highway 65 to Minnesota Highway 23 to U.S. Highway
4.23 169 at Milaca to Minnesota Highway 18 at Garrison to Minnesota Highway 210 at Brainerd
4.24 to U.S. Highway 10 at Motley to U.S. Highway 59 at Detroit Lakes northward to the
4.25 Canadian border.

4.26 Sec. 9. Minnesota Statutes 2020, section 97B.811, subdivision 4a, is amended to read:

4.27 Subd. 4a. **Restrictions on certain motorized decoys.** ~~From the opening day of the duck~~
4.28 ~~season through the Saturday nearest October 8, a person may not use a motorized decoy,~~
4.29 ~~or other motorized device designed to attract migratory waterfowl.~~ During the remainder
4.30 of the duck season, the commissioner may, by rule, designate all or any portion of a wetland
4.31 or lake closed to the use of motorized decoys or motorized devices designed to attract

5.1 migratory waterfowl. ~~On water bodies and lands fully contained within wildlife management~~
 5.2 ~~area boundaries, a person may not use motorized decoys or motorized devices designed to~~
 5.3 ~~attract migratory waterfowl at any time during the duck season.~~

5.4 Sec. 10. Minnesota Statutes 2020, section 97C.605, subdivision 1, is amended to read:

5.5 Subdivision 1. ~~Resident angling license required~~ Taking turtles; requirements. ~~In~~
 5.6 ~~addition to any other license required in this section, (a) A person may not take, possess,~~
 5.7 ~~or transport turtles without a resident angling license, except as provided in subdivision 2c~~
 5.8 ~~and a recreational turtle license.~~

5.9 (b) Turtles taken from the wild are for personal use only and may not be resold.

5.10 Sec. 11. Minnesota Statutes 2020, section 97C.605, subdivision 2c, is amended to read:

5.11 Subd. 2c. **License exemptions.** (a) A person does not need a turtle seller's license or an
 5.12 angling license the licenses specified under subdivision 1:

5.13 ~~(1) when buying turtles for resale at a retail outlet;~~

5.14 ~~(2) (1) when buying a turtle at a retail outlet; or~~

5.15 ~~(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export~~
 5.16 ~~out of state. Shipping documents provided by the turtle seller must accompany each shipment~~
 5.17 ~~exported out of state by a nonresident. Shipping documents must include: name, address,~~
 5.18 ~~city, state, and zip code of the buyer; number of each species of turtle; and name and license~~
 5.19 ~~number of the turtle seller; or~~

5.20 ~~(4) (2) to take, possess, and rent or sell up to 25 turtles greater than four inches in length~~
 5.21 ~~for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person~~
 5.22 ~~is a resident under age 18. The person is responsible for the well-being of the turtles.~~

5.23 (b) A person with an aquatic farm license with a turtle endorsement or a private fish
 5.24 hatchery license with a turtle endorsement may sell, obtain, possess, transport, and propagate
 5.25 turtles and turtle eggs according to Minnesota Rules, part 6256.0900, without the licenses
 5.26 specified under subdivision 1.

5.27 Sec. 12. Minnesota Statutes 2020, section 97C.605, subdivision 3, is amended to read:

5.28 Subd. 3. **Taking; methods prohibited.** ~~(a) A person may not take turtles in any manner,~~
 5.29 ~~except by the use of using:~~

5.30 (1) explosives, drugs, poisons, lime, and other harmful substances;

6.1 (2) traps, ~~except as provided in paragraph (b) and rules adopted under this section;~~

6.2 (3) nets other than anglers' fish landing nets; ~~or~~

6.3 (4) commercial equipment, ~~except as provided in rules adopted under this section;~~

6.4 (5) firearms and ammunition;

6.5 (6) bow and arrow or crossbow; or

6.6 (7) spears, harpoons, or any other implements that impale turtles.

6.7 ~~(b) Until new rules are adopted under this section, a person with a turtle seller's license~~
6.8 ~~may take turtles with a floating turtle trap that:~~

6.9 ~~(1) has one or more openings above the water surface that measure at least ten inches~~
6.10 ~~by four inches; and~~

6.11 ~~(2) has a mesh size of not less than one-half inch, bar measure.~~

6.12 Sec. 13. Minnesota Statutes 2020, section 97C.611, is amended to read:

6.13 **97C.611 SNAPPING TURTLES TURTLE SPECIES; LIMITS.**

6.14 Subdivision 1. **Snapping turtles.** A person may not possess more than three snapping
6.15 turtles of the species *Chelydra serpentina* without a turtle seller's license. Until new rules
6.16 are adopted under section 97C.605, a person may not take snapping turtles of a size less
6.17 than ten inches wide including curvature, measured from side to side across the shell at
6.18 midpoint. After new rules are adopted under section 97C.605, a person may only take
6.19 snapping turtles of a size specified in the adopted rules.

6.20 Subd. 2. **Western painted turtles.** (a) A person may not possess more than three Western
6.21 painted turtles of the species *Chrysemys picta*. Western painted turtles must be between 4
6.22 and 5-1/2 inches in shell length.

6.23 (b) This subdivision does not apply to persons acting under section 97C.605, subdivision
6.24 2c, clause (4).

6.25 Subd. 3. **Spiny softshell.** A person may not possess spiny softshell turtles of the species
6.26 *Apalone spinifera* after December 1, 2021, without an aquatic farm or private fish hatchery
6.27 license with a turtle endorsement.

6.28 Subd. 4. **Other species.** A person may not possess any other species of turtle without
6.29 an aquatic farm or private fish hatchery license with a turtle endorsement or as specified
6.30 under section 97C.605, subdivision 2c.

7.1 Sec. 14. **TURTLE SELLER'S LICENSES; TRANSFER AND RENEWAL.**

7.2 The commissioner of natural resources must not renew or transfer a turtle seller's license
7.3 after the effective date of this section.

7.4 Sec. 15. **APPROPRIATION; NONTOXIC SHOT.**

7.5 Notwithstanding Minnesota Statutes, section 297A.94, \$10,000 in fiscal year 2022 is
7.6 appropriated from the heritage enhancement account in the game and fish fund to the
7.7 commissioner of natural resources for implementing nontoxic shot requirements under
7.8 Minnesota Statutes, section 97B.673.

7.9 Sec. 16. **REPEALER.**

7.10 Minnesota Statutes 2020, section 97C.605, subdivisions 2, 2a, 2b, and 5, and Minnesota
7.11 Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, and 8, are repealed.

97C.605 TURTLES.

Subd. 2. **Turtle seller's license.** (a) A person may not take, possess, buy, or transport turtles for sale; sell turtles; or take turtles for sale using commercial equipment without a turtle seller's license, except as provided in subdivision 2c.

(b) Except for renewals, no new turtle seller's licenses may be issued after August 1, 2002.

(c) A turtle seller's license is transferable by the turtle seller licensee by making application to the commissioner. A turtle seller's license may be transferred only once under this paragraph and the transfer must be to a child of the person holding the turtle seller's license.

Subd. 2a. **Recreational turtle license.** A person who does not possess a turtle seller's license must obtain a recreational turtle license to take turtles for personal use with commercial equipment.

Subd. 2b. **Turtle seller's apprentice license.** (a) A person with a turtle seller's license may list one person as an apprentice on the license. A person acting as an apprentice for a turtle seller licensee must have an apprentice license and may assist the turtle licensee in all licensed activities.

(b) The turtle seller licensee or turtle seller's apprentice licensee must be present at all turtle operations conducted under the turtle seller's license. Turtle operations include going to and from turtle harvest locations; setting, lifting, and removing commercial turtle equipment; taking turtles out of equipment; and transporting turtles from harvest locations.

(c) A turtle seller's apprentice license is transferable by the turtle seller licensee by making application to the commissioner. A person listed as an apprentice by a turtle seller licensee must not be listed as an apprentice by another turtle seller licensee nor may an apprentice possess a turtle seller's license or a recreational turtle license.

Subd. 5. **Interfering with commercial or recreational turtle operations.** A person may not:

(1) knowingly place or maintain an obstruction that will hinder, prevent, or interfere with a licensed turtle operation;

(2) remove turtles, other wild animals, or fish from a floating or submerged trap licensed under the game and fish laws; or

(3) knowingly damage, disturb, or interfere with a licensed turtle operation.

6256.0500 TAKING TURTLES.

Subp. 2. **Equipment.** Turtles may be taken by a person possessing a turtle seller's, turtle seller's apprentice, or recreational turtle license by means of floating or submerged turtle traps, turtle hooks, and other commercial fishing gear authorized by the commissioner. Traps must not exceed five feet in width, four feet in height, and eight feet in length.

Subp. 2a. **Submerged turtle traps.** Submerged traps must be constructed of either flexible webbing or wire. Flexible webbing traps must be of mesh size not less than 3-1/2 inches bar measure or seven inches stretch measure. Wire traps must be of mesh size not less than two inches by four inches bar measure and must have at least one square opening in the top panel measuring at least four inches on a side and two of the same dimension on each of the side panels near the top of the trap. A trap must be set in water shallow enough so that the top of the trap is at least level with the water surface.

Subp. 2b. **Floating turtle traps.** Floating traps must have: (1) one or more openings above the water surface that measure at least ten inches by four inches; and (2) a mesh size of not less than one-half inch bar measure.

Subp. 4. **Operation of turtle trap.** Each submerged trap must be checked and emptied at intervals not exceeding 48 hours and each floating trap must be checked and emptied at intervals not exceeding 120 hours. A turtle seller licensee or turtle seller's apprentice operating under a turtle seller's license may not operate more than 40 submerged turtle traps. A turtle seller's apprentice is not entitled to any traps in addition to those of the turtle seller. A recreational turtle licensee may not operate more than three turtle traps.

Subp. 5. **Required marking of turtle traps.**

A. When in use, each turtle trap must have affixed on it a tag of permanent material visible from above, legibly bearing the name, address, and license number of the operator. This information must be recorded in an indelible manner on the tag. The tag must be of dimensions not less than 2-1/2 inches in length by five-eighths inch in width.

B. The commissioner shall issue 40 submerged turtle trap identification tags to a turtle seller licensee and three recreational turtle trap identification tags to a recreational turtle licensee. Tags must be attached to submerged and recreational traps at all times. Lost tags must be reported within 48 hours to the local conservation officer or the commercial fisheries program consultant. The commissioner may reissue tags upon request.

Subp. 6. **Turtles taken incidental to other operations.** Turtles listed in subpart 1 that are taken incidental to other commercial fishing operations may be possessed, transported, and sold, provided the operator is a holder of a turtle seller's license.

Subp. 7. **Required reporting by turtle seller; record keeping.**

A. A holder of a turtle seller's license must submit reports, on forms provided by the commissioner, to the address identified on the form by the tenth day of each month for the preceding month for the months of March through November, whether or not any equipment was used to take turtles.

B. In the report required in item A, the licensee must record daily operations, including separate entries for each water body. The records must include water body location, equipment used, numbers and pounds of each species of turtles taken, numbers of each species of turtles released at that water body, and other information about the operation as specified on the form provided by the commissioner. The records must be kept current within 48 hours of the last daily operation.

C. A license shall not be renewed until all of the licensee's monthly reports for the previous calendar year are submitted and received at the address identified on the form.

Subp. 8. **Report on buying turtles for resale.** A licensee who buys turtles for resale or for processing and resale must keep a correct and complete book record of all transactions and activities covered in the license, not inconsistent with Minnesota Statutes, section

APPENDIX
Repealed Minnesota Rules: H1562-1

97A.425. Copies of the shipping documents for turtles being sent out of state must be part of and included with the monthly reports required under subpart 7.