

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1943**

(SENATE AUTHORS: INGEBRIGTSEN, Robling, Gazelka and Pederson)

DATE	D-PG	OFFICIAL STATUS
02/20/2012	3851	Introduction and first reading Referred to Environment and Natural Resources
02/23/2012	3943	Author added Pederson
03/12/2012		Comm report: To pass as amended and re-refer to Finance

A bill for an act

1.1 relating to natural resources; modifying game and fish license requirements;
1.2 providing for taking wolf; modifying requirements to take and transport wild
1.3 animals; modifying department authority and duties; modifying restrictions on
1.4 discharging firearms and bows; modifying predator control program; modifying
1.5 deer baiting restrictions; modifying authority to remove beavers; modifying
1.6 disposition of certain receipts; eliminating authority for certain executive
1.7 orders; requiring rulemaking; providing civil penalties; appropriating money;
1.8 amending Minnesota Statutes 2010, sections 17.4993, subdivision 2; 84.027,
1.9 subdivision 14; 97A.015, subdivision 53; 97A.065, subdivision 6; 97A.085, by
1.10 adding a subdivision; 97A.421, subdivision 3; 97A.451, subdivisions 3, 4, by
1.11 adding a subdivision; 97A.473, subdivisions 3, 5, 5a; 97A.475, subdivisions 2,
1.12 3, 20; 97A.482; 97B.031, subdivisions 1, 2; 97B.035, subdivision 1a; 97B.055,
1.13 subdivision 1; 97B.071; 97B.085, subdivision 3; 97B.328; 97B.601, subdivisions
1.14 3a, 4; 97B.603; 97B.605; 97B.671, subdivisions 3, 4; 97B.711, subdivision 1;
1.15 97B.805, subdivision 1; 97B.901; 97C.515, subdivisions 2, 4; Minnesota Statutes
1.16 2011 Supplement, sections 97A.075, subdivision 1, by adding a subdivision;
1.17 97B.075; 97B.645, subdivision 9; 97B.667; proposing coding for new law in
1.18 Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2010, sections
1.19 97A.045, subdivisions 8, 13; 97A.065, subdivision 1; 97A.095, subdivision
1.20 3; 97A.331, subdivision 7; 97A.485, subdivision 12; 97A.552; 97B.645,
1.21 subdivision 2; 97C.031; 97C.515, subdivision 5.
1.22

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

1.24 Section 1. Minnesota Statutes 2010, section 17.4993, subdivision 2, is amended to read:

1.25 Subd. 2. **Importation of live minnows.** Minnows from outside the state may not be
1.26 imported live ~~by a licensee for purposes other than processing or feeding aquatic farm~~
1.27 ~~fish. A transportation permit as prescribed under sections 17.4985, 17.4986, and 97C.515,~~
1.28 ~~subdivision 4, is required for importation.~~

1.29 Sec. 2. Minnesota Statutes 2010, section 84.027, subdivision 14, is amended to read:

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2.1 Subd. 14. **Mission; efficiency.** It is part of the department's mission that within the
2.2 department's resources the commissioner shall endeavor to:

2.3 (1) prevent the waste or unnecessary spending of public money;

2.4 (2) use innovative fiscal and human resource practices to manage the state's
2.5 resources and operate the department as efficiently as possible;

2.6 (3) coordinate the department's activities wherever appropriate with the activities
2.7 of other governmental agencies;

2.8 (4) use technology where appropriate to increase agency productivity, improve
2.9 customer service, increase public access to information about government, and increase
2.10 public participation in the business of government;

2.11 (5) utilize constructive and cooperative labor-management practices to the extent
2.12 otherwise required by chapters 43A and 179A;

2.13 (6) report to the legislature on the performance of agency operations and the
2.14 accomplishment of agency goals in the agency's biennial budget according to section
2.15 16A.10, subdivision 1; ~~and~~

2.16 (7) recommend to the legislature appropriate changes in law necessary to carry out
2.17 the mission and improve the performance of the department; and

2.18 (8) plan and implement activities designed to recruit new outdoor recreation
2.19 participants and retain existing participants. This includes but is not limited to anglers,
2.20 hunters, trappers, and campers.

2.21 Sec. 3. Minnesota Statutes 2010, section 97A.015, subdivision 53, is amended to read:

2.22 Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild
2.23 animals that are not protected wild animals including weasel, coyote (~~brush-wolf~~), gopher,
2.24 porcupine, striped skunk, and unprotected birds.

2.25 Sec. 4. Minnesota Statutes 2010, section 97A.065, subdivision 6, is amended to read:

2.26 Subd. 6. **Deer license donations and surcharges.** ~~(a)~~ The surcharges and donations
2.27 collected under section 97A.475, subdivision 3, paragraph (b), and subdivision 3a,
2.28 shall be deposited in an account in the special revenue fund and are appropriated to
2.29 the commissioner for deer management, including for grants or payments to agencies,
2.30 organizations, or individuals for assisting with the cost of processing deer taken for
2.31 population management purposes for venison donation programs. None of the additional
2.32 license fees shall be transferred to any other agency for administration of programs other
2.33 than venison donation. If any money transferred by the commissioner is not used for a
2.34 venison donation program, it shall be returned to the commissioner.

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3.1 ~~(b) By February 10, 2010, the commissioner shall report to the legislature on the~~
3.2 ~~participation in and the effectiveness of the venison donation program.~~

3.3 Sec. 5. Minnesota Statutes 2011 Supplement, section 97A.075, subdivision 1, is
3.4 amended to read:

3.5 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this
3.6 subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2,
3.7 clauses (5), (6), (7), (13), (14), and (15), and 3, clauses (2), (3), (4), (10), (11), and (12),
3.8 and licenses issued under section 97B.301, subdivision 4.

3.9 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and
3.10 wildlife trust fund, established in section 97A.4742, for each license issued under
3.11 section 97A.473, subdivision 4, shall be credited to the deer management account and
3.12 is appropriated to the commissioner for deer habitat improvement or deer management
3.13 programs.

3.14 (c) \$1 from each annual deer license and each bear license and \$1 annually from
3.15 the lifetime fish and wildlife trust fund, established in section 97A.4742, for each
3.16 license issued under section 97A.473, subdivision 4, shall be credited to the deer and
3.17 bear management account and is appropriated to the commissioner for deer and bear
3.18 management programs, including a computerized licensing system.

3.19 (d) Fifty cents from each deer license is credited to the emergency deer feeding and
3.20 wild cervidae health management account and is appropriated for emergency deer feeding
3.21 and wild cervidae health management. Money appropriated for emergency deer feeding
3.22 and wild cervidae health management is available until expended. ~~The commissioner must~~
3.23 ~~inform the legislative chairs of the natural resources finance committees every two years~~
3.24 ~~on how the money for emergency deer feeding and wild cervidae health management~~
3.25 ~~has been spent.~~

3.26 When the unencumbered balance in the appropriation for emergency deer feeding
3.27 and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the
3.28 unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear
3.29 management programs and computerized licensing.

3.30 Sec. 6. Minnesota Statutes 2011 Supplement, section 97A.075, is amended by adding a
3.31 subdivision to read:

3.32 Subd. 7. **Wolf licenses.** (a) For purposes of this subdivision, "wolf license" means a
3.33 license or permit issued under section 97A.475, subdivision 2, clause (16); 3, paragraph
3.34 (a), clause (13); or 20, paragraph (b).

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4.1 (b) Revenue from wolf licenses must be credited to the wolf management and
4.2 monitoring account and is appropriated to the commissioner only for wolf management,
4.3 research, damage control, enforcement, and education.

4.4 Sec. 7. Minnesota Statutes 2010, section 97A.085, is amended by adding a subdivision
4.5 to read:

4.6 Subd. 9. **Vacating refuges open to hunting.** Notwithstanding subdivision 8, the
4.7 commissioner may vacate a state game refuge by publishing a notice in the State Register
4.8 if the refuge has been open to trapping and hunting small game including waterfowl, deer
4.9 or bear by archery, and deer or bear by firearms for at least five years.

4.10 Sec. 8. Minnesota Statutes 2010, section 97A.421, subdivision 3, is amended to read:

4.11 Subd. 3. **Issuance of a big game license after conviction.** (a) A person may not
4.12 obtain any big game license or take big game under a lifetime license, issued under section
4.13 97A.473, for three years after the person is convicted of:

4.14 (1) a gross misdemeanor violation under the game and fish laws relating to big game;

4.15 (2) doing an act without a required big game license; ~~or~~

4.16 (3) the second violation within three years under the game and fish laws relating to
4.17 big game; or

4.18 (4) any other violation involving taking a deer that is a trophy deer scoring higher
4.19 than 170 using the scoring method established for wildlife restitution values adopted
4.20 under section 97A.345.

4.21 (b) A person may not obtain any deer license or take deer under a lifetime license
4.22 issued under section 97A.473 for one year after the person is convicted of hunting deer
4.23 with the aid or use of bait under section 97B.328.

4.24 (c) The revocation period under paragraphs (a) and (b) doubles if the conviction
4.25 is for a deer that is a trophy deer scoring higher than 170 using the scoring method
4.26 established for wildlife restitution values adopted under section 97A.345.

4.27 Sec. 9. Minnesota Statutes 2010, section 97A.451, subdivision 3, is amended to read:

4.28 Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 must
4.29 obtain a small game license in order to take small game by firearms or bow and arrow
4.30 without paying the applicable fees under section 97A.475, subdivisions 2, 4, and 5, if
4.31 the resident is:

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

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

5.3 (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied
5.4 by a parent or guardian who possesses a small game license that was not obtained using an
5.5 apprentice hunter validation; or

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

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

5.13 (c) A resident under age 12 may apply for a turkey license and may take a turkey
5.14 without a firearms safety certificate if the resident is accompanied by an adult parent or
5.15 guardian who has a firearms safety certificate.

5.16 (d) A resident under age 12 may apply for a prairie chicken license and may take a
5.17 prairie chicken without a firearms safety certificate if the resident is accompanied by an
5.18 adult parent or guardian who has a firearms safety certificate.

5.19 Sec. 10. Minnesota Statutes 2010, section 97A.451, subdivision 4, is amended to read:

5.20 Subd. 4. **Persons Residents under age 16; big game.** (a) A person resident age
5.21 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses
5.22 a firearms safety certificate. A person resident age 12 or 13 must be accompanied by a
5.23 parent or guardian to hunt big game.

5.24 (b) A person resident age 10 or 11 may take big game provided the person is under
5.25 the direct supervision of a parent or guardian where the parent or guardian is within
5.26 immediate reach. ~~Until March 1, 2009, a person age 10 or 11 may take big game under a~~
5.27 ~~parent or guardian's license. Beginning March 1, 2009, A person resident age 10 or 11~~
5.28 ~~must obtain a license in order to take big game and may obtain the license without paying~~
5.29 ~~the fee required under section 97A.475, subdivision 2.~~

5.30 Sec. 11. Minnesota Statutes 2010, section 97A.451, is amended by adding a
5.31 subdivision to read:

5.32 Subd. 4a. **Nonresidents under age 16; big game.** (a) A nonresident age 12,
5.33 13, 14, or 15 may not obtain a license to take big game unless the person possesses a

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6.1 firearms safety certificate. A nonresident age 12 or 13 must be accompanied by a parent or
6.2 guardian to hunt big game.

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

6.7 Sec. 12. Minnesota Statutes 2010, section 97A.473, subdivision 3, is amended to read:

6.8 Subd. 3. **Lifetime small game hunting license; fee.** (a) A resident lifetime small
6.9 game hunting license authorizes a person to hunt and trap small game, other than wolves,
6.10 in the state. The license authorizes those hunting and trapping activities authorized by the
6.11 annual resident small game hunting ~~and trapping licenses~~ license and the trapping license
6.12 for fur-bearing animals other than wolves. The license does not include a turkey stamp
6.13 validation or any other hunting stamps required by law.

6.14 (b) The fees for a resident lifetime small game hunting license are:

- 6.15 (1) age 3 and under, \$217;
6.16 (2) age 4 to age 15, \$290;
6.17 (3) age 16 to age 50, \$363; and
6.18 (4) age 51 and over, \$213.

6.19 Sec. 13. Minnesota Statutes 2010, section 97A.473, subdivision 5, is amended to read:

6.20 Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license
6.21 authorizes a person to take fish by angling and hunt and trap small game, other than
6.22 wolves, in the state. The license authorizes those activities authorized by the annual
6.23 resident angling, and resident small game hunting, licenses and the resident trapping
6.24 ~~licenses~~ license for fur-bearing animals other than wolves. The license does not include a
6.25 trout and salmon stamp validation, a turkey stamp validation, a walleye stamp validation,
6.26 or any other hunting stamps required by law.

6.27 (b) The fees for a resident lifetime sporting license are:

- 6.28 (1) age 3 and under, \$357;
6.29 (2) age 4 to age 15, \$480;
6.30 (3) age 16 to age 50, \$613; and
6.31 (4) age 51 and over, \$413.

6.32 Sec. 14. Minnesota Statutes 2010, section 97A.473, subdivision 5a, is amended to read:

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7.1 Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident
7.2 lifetime sporting with spearing option license authorizes a person to take fish by angling
7.3 or spearing and hunt and trap small game, other than wolves, in the state. The license
7.4 authorizes those activities authorized by the annual resident angling, spearing, and resident
7.5 small game hunting, ~~and resident trapping~~ licenses and the resident trapping license for
7.6 fur-bearing animals other than wolves. The license does not include a trout and salmon
7.7 stamp validation, a turkey stamp validation, a walleye stamp validation, or any other
7.8 hunting stamps required by law.

7.9 (b) The fees for a resident lifetime sporting with spearing option license are:

- 7.10 (1) age 3 and under, \$615;
7.11 (2) age 4 to age 15, \$800;
7.12 (3) age 16 to age 50, \$985; and
7.13 (4) age 51 and over, \$586.

7.14 Sec. 15. Minnesota Statutes 2010, section 97A.475, subdivision 2, is amended to read:

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

- 7.17 (1) for persons age 18 or over and under age 65 to take small game, \$12.50;
7.18 (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
7.19 (3) for persons age 18 or over to take turkey, \$23;
7.20 (4) for persons under age 18 to take turkey, \$12;
7.21 (5) for persons age 18 or over to take deer with firearms during the regular firearms
7.22 season, \$26;
7.23 (6) for persons age 18 or over to take deer by archery, \$26;
7.24 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
7.25 season, \$26;
7.26 (8) to take moose, for a party of not more than six persons, \$310;
7.27 (9) to take bear, \$38;
7.28 (10) to take elk, for a party of not more than two persons, \$250;
7.29 (11) to take Canada geese during a special season, \$4;
7.30 (12) to take prairie chickens, \$20;
7.31 (13) for persons under age 18 to take deer with firearms during the regular firearms
7.32 season, \$13;
7.33 (14) for persons under age 18 to take deer by archery, \$13; ~~and~~
7.34 (15) for persons under age 18 to take deer by muzzleloader during the muzzleloader
7.35 season, \$13; and

8.1 (16) to take wolf, \$50.

8.2 Sec. 16. Minnesota Statutes 2010, section 97A.475, subdivision 3, is amended to read:

8.3 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued
8.4 to nonresidents, are:

8.5 (1) for persons age 18 or over to take small game, \$73;

8.6 (2) for persons age 18 or over to take deer with firearms during the regular firearms
8.7 season, \$135;

8.8 (3) for persons age 18 or over to take deer by archery, \$135;

8.9 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
8.10 season, \$135;

8.11 (5) to take bear, \$195;

8.12 (6) for persons age 18 and older to take turkey, \$78;

8.13 (7) for persons under age 18 to take turkey, \$12;

8.14 (8) to take raccoon or bobcat, \$155;

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

8.16 (10) for persons under age 18 to take deer with firearms during the regular firearms
8.17 season in any open season option or time period, \$13;

8.18 (11) for persons under age 18 to take deer by archery, \$13; ~~and~~

8.19 (12) for persons under age 18 to take deer during the muzzleloader season, \$13; and

8.20 (13) to take wolf, \$230.

8.21 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
8.22 paragraph (a), clauses (1) to (8). An additional commission may not be assessed on this
8.23 surcharge.

8.24 Sec. 17. Minnesota Statutes 2010, section 97A.475, subdivision 20, is amended to read:

8.25 Subd. 20. **Trapping ~~license~~ licenses.** (a) The fee for a license to trap fur-bearing
8.26 animals, other than wolves, is:

8.27 (1) for residents over age 13 and under age 18, \$6;

8.28 (2) for residents age 18 or over and under age 65, \$20;

8.29 (3) for residents age 65 or over, \$10; and

8.30 (4) for nonresidents, \$73.

8.31 (b) The fee for a license to trap wolves is \$50, to be issued to residents only.

9.1 Sec. 18. Minnesota Statutes 2010, section 97A.482, is amended to read:

9.2 **97A.482 LICENSE APPLICATIONS; COLLECTION OF SOCIAL**
9.3 **SECURITY NUMBERS.**

9.4 (a) All applicants for individual noncommercial game and fish licenses under this
9.5 chapter and chapters 97B and 97C must include the applicant's Social Security number
9.6 on the license application. If an applicant does not have a Social Security number, the
9.7 applicant must certify that the applicant does not have a Social Security number.

9.8 (b) The Social Security numbers collected by the commissioner on game and fish
9.9 license applications are private data under section 13.355, subdivision 1, and must be
9.10 provided by the commissioner to the commissioner of human services for child support
9.11 enforcement purposes. Title IV-D of the Social Security Act, United States Code, title 42,
9.12 section 666(a)(13), requires the collection of Social Security numbers on game and fish
9.13 license applications for child support enforcement purposes.

9.14 ~~(c) The commissioners of human services and natural resources shall request a~~
9.15 ~~waiver from the secretary of health and human services to exclude any applicant under the~~
9.16 ~~age of 16 from the requirement under this section and under cross-country ski licensing~~
9.17 ~~sections to provide the applicant's Social Security number. If a waiver is granted, this~~
9.18 ~~section will be so amended effective January 1, 2006, or upon the effective date of the~~
9.19 ~~waiver, whichever is later.~~

9.20 Sec. 19. Minnesota Statutes 2010, section 97B.031, subdivision 1, is amended to read:

9.21 Subdivision 1. **Firearms and ammunition that may be used to take big game**
9.22 **and wolves.** A person may take big game and wolves with a firearm only if:

9.23 (1) the rifle, shotgun, and handgun used is a caliber of at least .22 inches and with
9.24 centerfire ignition;

9.25 (2) the firearm is loaded only with single projectile ammunition;

9.26 (3) a projectile used is a caliber of at least .22 inches and has a soft point or is
9.27 an expanding bullet type;

9.28 (4) the muzzleloader used is incapable of being loaded at the breech;

9.29 (5) the smooth-bore muzzleloader used is a caliber of at least .45 inches; and

9.30 (6) the rifled muzzleloader used is a caliber of at least .40 inches.

9.31 Sec. 20. Minnesota Statutes 2010, section 97B.031, subdivision 2, is amended to read:

9.32 Subd. 2. **Handguns for small game.** A person may take small game with a handgun
9.33 of any caliber in a manner prescribed by the commissioner, except that wolves may only
9.34 be taken by hunting with the calibers specified in subdivision 1.

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10.1 Sec. 21. Minnesota Statutes 2010, section 97B.035, subdivision 1a, is amended to read:

10.2 Subd. 1a. **Minimum draw weight.** A bow used to take big game ~~or~~, turkey, or
10.3 wolves must have a pull that meets or exceeds 30 pounds at or before full draw.

10.4 Sec. 22. Minnesota Statutes 2010, section 97B.055, subdivision 1, is amended to read:

10.5 Subdivision 1. **Restrictions related to highways.** (a) A person may not discharge a
10.6 ~~firearm or an arrow from a bow~~ containing No. 4 buckshot or larger diameter shot or single
10.7 projectile ammunition on, over, ~~or~~ across, or within the right-of-way of an improved public
10.8 ~~highway at a big game wild animal.~~ A person may not discharge ~~a firearm or an arrow~~
10.9 from a bow and arrow on, over, across, or within the right-of-way of an improved public
10.10 highway at a ~~big game wild~~ animal. The commissioner may by rule extend the application
10.11 of this subdivision to the taking of migratory waterfowl in designated locations.

10.12 (b) A person may not discharge a firearm or an arrow from a bow on, over, across, or
10.13 within the right-of-way of an improved public highway at a decoy of a big game animal
10.14 that has been set out by a licensed peace officer.

10.15 Sec. 23. Minnesota Statutes 2010, section 97B.071, is amended to read:

10.16 **97B.071 BLAZE ORANGE REQUIREMENTS.**

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

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

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

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

11.1 Sec. 24. Minnesota Statutes 2011 Supplement, section 97B.075, is amended to read:

11.2 **97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

11.3 (a) A person may not take protected wild animals, except raccoon and fox, with
11.4 a firearm between the evening and morning times established by commissioner's rule,
11.5 except as provided in this section.

11.6 (b) Big game and wolves may be taken from one-half hour before sunrise until
11.7 one-half hour after sunset.

11.8 (c) Except as otherwise prescribed by the commissioner on or before the Saturday
11.9 nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset
11.10 during the entire season prescribed by the commissioner.

11.11 Sec. 25. Minnesota Statutes 2010, section 97B.085, subdivision 3, is amended to read:

11.12 Subd. 3. **Communication excepted.** This section does not prohibit the use of:

11.13 (1) ~~one-way~~ radio communication between a handler and a dog; ~~or~~

11.14 (2) a remote-controlled animal noise caller for taking crows, fur-bearing animals,
11.15 and unprotected animals; or

11.16 (3) a remote-controlled motorized decoy used for taking migratory waterfowl under
11.17 section 97B.811, subdivision 4a.

11.18 Sec. 26. **[97B.1115] USE OF MECHANICAL OR ELECTRONIC ASSISTANCE**
11.19 **TO HOLD AND DISCHARGE FIREARMS OR BOWS BY PHYSICALLY**
11.20 **DISABLED.**

11.21 Notwithstanding sections 97B.035, subdivision 1, 97B.321, and 97B.701,
11.22 subdivision 2, the commissioner may authorize a physically disabled hunter who has
11.23 a verified statement of the disability from a licensed physician or a certified nurse
11.24 practitioner or certified physician assistant acting under the direction of a licensed
11.25 physician to use a swivel or otherwise mounted gun or bow or any electronic or mechanical
11.26 device to discharge a gun or bow as long as the participant is physically present at the site.

11.27 Sec. 27. Minnesota Statutes 2010, section 97B.328, is amended to read:

11.28 **97B.328 BAITING PROHIBITED.**

11.29 Subdivision 1. **Hunting with aid of bait ~~or feed~~ prohibited.** A person may not
11.30 ~~hunt take~~ deer:

11.31 (1) ~~with the aid or use of bait or feed; or~~

11.32 (2) ~~in the vicinity of bait or feed if the person knows or has reason to know that bait~~
11.33 ~~or feed is present.~~

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12.1 Subd. 2. **Removal of bait.** An area is considered baited for ten days after the
12.2 complete removal of all bait ~~or feed~~.

12.3 Subd. 3. **Definition.** (a) For purposes of this section, "bait ~~or feed~~" includes grains,
12.4 fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer
12.5 and that has been placed by a person. "Baiting" means placing, exposing, depositing,
12.6 distributing, or scattering bait that is capable of attracting or enticing deer.

12.7 (b) Liquid scents, salt, and minerals are not bait ~~or feed~~ if they do not contain liquid
12.8 or solid food ingredients.

12.9 ~~Food that has not been placed by a person and resulting~~ (c) Agricultural crops
12.10 from normal or accepted farming, forest management, wildlife food plantings, orchard
12.11 management, or other similar land management activities ~~is~~ are not bait ~~or feed~~.
12.12 This exclusion does not apply to agricultural crops that have been re-introduced and
12.13 concentrated where a person is hunting.

12.14 Subd. 4. **Exception for bait or feed on adjacent land.** A person otherwise in
12.15 compliance with this section who is hunting on private or public property that is adjacent
12.16 to property where bait or ~~feed~~ food is present is not in violation of this section if the
12.17 person has not participated in, been involved with, or agreed to baiting or feeding wildlife
12.18 on the adjacent property.

12.19 Sec. 28. Minnesota Statutes 2010, section 97B.601, subdivision 3a, is amended to read:

12.20 Subd. 3a. **Nonresidents; trapping small game.** A nonresident may take small
12.21 game, except wolves, by trapping only on land owned by the nonresident, if the
12.22 nonresident possesses a trapping license for fur-bearing animals other than wolves and a
12.23 small game license.

12.24 Sec. 29. Minnesota Statutes 2010, section 97B.601, subdivision 4, is amended to read:

12.25 Subd. 4. **Exception to license requirements.** (a) A resident under age 16 may take
12.26 small game, other than wolves, without a small game license, and a resident under age
12.27 13 may trap small game and fur-bearing animals, other than wolves, without a trapping
12.28 license, as provided in section 97A.451, subdivision 3.

12.29 (b) A person may take small game, other than wolves, without a small game license
12.30 on land occupied by the person as a principal residence.

12.31 (c) An owner or occupant may take certain small game causing damage without a
12.32 small game or trapping license as provided in section 97B.655.

12.33 (d) A person may use dogs to pursue and tree raccoons under section 97B.621,
12.34 subdivision 2, during the closed season without a license.

13.1 (e) A person may take a wolf, turkey, or a prairie chicken without a small game
13.2 license.

13.3 Sec. 30. Minnesota Statutes 2010, section 97B.603, is amended to read:

13.4 **97B.603 TAKING SMALL GAME AS A PARTY.**

13.5 (a) While two or more persons are taking small game as a party and maintaining
13.6 unaided visual and vocal contact, a member of the party may take and possess more than
13.7 one limit of small game, but the total number of small game taken and possessed by
13.8 the party may not exceed the limit of the number of persons in the party that may take
13.9 and possess small game.

13.10 (b) This section does not apply to ~~the hunting of~~ wolves, migratory game birds, or
13.11 turkeys, except that a licensed turkey hunter may assist another licensed turkey hunter and
13.12 a licensed wolf hunter may assist another licensed wolf hunter for the same zone and time
13.13 period as long as the hunter does not shoot or tag a turkey or wolf for the other hunter.

13.14 Sec. 31. Minnesota Statutes 2010, section 97B.605, is amended to read:

13.15 **97B.605 COMMISSIONER MAY RESTRICT TAKING OF CERTAIN**
13.16 **SMALL GAME ANIMALS.**

13.17 The commissioner may prescribe restrictions on and designate areas where gray and
13.18 fox squirrels, cottontail and jack rabbits, snowshoe hare, raccoon, bobcat, red fox and gray
13.19 fox, fisher, pine marten, opossum, wolves, and badger may be taken and possessed.

13.20 Sec. 32. Minnesota Statutes 2011 Supplement, section 97B.645, subdivision 9, is
13.21 amended to read:

13.22 Subd. 9. **Open season.** There shall be no open season for ~~gray~~ wolves until after the
13.23 ~~gray~~ wolf is delisted under the federal Endangered Species Act of 1973. After that time,
13.24 the commissioner may prescribe open seasons and restrictions for taking ~~gray~~ wolves but
13.25 must provide opportunity for public comment.

13.26 Sec. 33. **97B.647] TAKING WOLVES.**

13.27 Subdivision 1. License required. Except as provided under section 97B.645 or
13.28 97B.671, a person may not take a wolf without a wolf hunting or wolf trapping license.

13.29 Subd. 2. Open seasons. Wolves may be taken with legal firearms, with bow and
13.30 arrow, and by trapping. The commissioner may by rule prescribe the open seasons for
13.31 wolves.

14.1 Subd. 3. **Open areas.** The commissioner may by rule designate areas where wolves
14.2 may be taken.

14.3 Subd. 4. **Bag limit.** The commissioner may establish by rule the bag limit for
14.4 wolves.

14.5 Subd. 5. **Limit on number of hunters and trappers.** The commissioner may by
14.6 rule limit the number of persons that may hunt or trap wolves in an area, if it is necessary
14.7 to prevent an overharvest or improve the distribution of hunters and trappers. The
14.8 commissioner shall establish a method, including a drawing, to impartially select the
14.9 hunters and trappers for an area.

14.10 Subd. 6. **Application for license.** An application for a wolf hunting or trapping
14.11 license must be made in a manner provided by the commissioner and accompanied by a
14.12 \$4 application fee. The \$4 application fee is appropriated according to section 84.027,
14.13 subdivision 15, paragraph (c), to pay for costs associated with conducting the wolf license
14.14 drawing and wolf management. A person may not make more than one application
14.15 for each season as prescribed by the commissioner. If a person makes more than one
14.16 application, the person is ineligible for a license for that season after determination by the
14.17 commissioner, without a hearing.

14.18 Subd. 7. **Quotas.** The commissioner may by rule set an annual quota for the number
14.19 of wolves that can be taken by hunting and trapping. The commissioner may establish a
14.20 method to monitor harvest and close the season when the quota is reached.

14.21 Sec. 34. Minnesota Statutes 2011 Supplement, section 97B.667, is amended to read:

14.22 **97B.667 REMOVAL OF BEAVERS, BEAVER DAMS, AND LODGES BY**
14.23 **ROAD AUTHORITIES AND LOCAL GOVERNMENT UNITS.**

14.24 (a) When a drainage watercourse is impaired by a beaver dam and the water damages
14.25 or threatens to damage a public road, the road authority, as defined in section 160.02,
14.26 subdivision 25, may remove the impairment and any associated beaver lodge within 300
14.27 feet of the road. Notwithstanding any law to the contrary, the road authority may kill or
14.28 arrange to have killed by any lawful means a beaver associated with the lodge.

14.29 (b) Local government units may kill or arrange to have killed by any lawful means
14.30 beaver that are causing damage, including damage to silvicultural projects, on property
14.31 owned or managed by the local government unit. Removal or destruction of any associated
14.32 beaver lodge is subject to section 97A.401, subdivision 5.

14.33 (c) Before killing or arranging to kill a beaver under this section, the road authority
14.34 or local government unit must contact a conservation officer for a special beaver permit.
14.35 The conservation officer must issue the permit for any beaver subject to this section. A

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15.1 road authority or local government unit that kills or arranges to have killed a beaver under
15.2 this section must notify a conservation officer or the officer's designee as specified in the
15.3 permit within ten days after the animal is killed.

15.4 (d) A road authority or local government unit may, after consultation with the
15.5 Wildlife Division and the Board of Water and Soil Resources, implement a local beaver
15.6 control program designed to reduce the number of incidents of beaver: (1) interfering with
15.7 or damaging a public road; or (2) causing damage, including damage to silvicultural
15.8 projects, on property owned or managed by a local government unit. The local control
15.9 program may include the offering of a bounty for the lawful taking of beaver.

15.10 Sec. 35. Minnesota Statutes 2010, section 97B.671, subdivision 3, is amended to read:

15.11 Subd. 3. **Predator control payments.** The commissioner shall pay a predator
15.12 controller the amount the commissioner ~~prescribes~~ determines by written order published
15.13 in the State Register for each ~~predator~~ coyote and fox taken. ~~The commissioner shall pay~~
15.14 ~~at least \$25 but not more than \$60 for each coyote taken.~~ The commissioner may require
15.15 the predator controller to submit proof of the taking and a signed statement concerning
15.16 the predators taken. The fees are not subject to the rulemaking provisions of chapter 14,
15.17 and section 14.386 does not apply.

15.18 Sec. 36. Minnesota Statutes 2010, section 97B.671, subdivision 4, is amended to read:

15.19 Subd. 4. **Gray Wolf control.** (a) The commissioner shall provide a ~~gray~~ wolf control
15.20 training program for certified predator controllers participating in ~~gray~~ wolf control.

15.21 (b) After the ~~gray~~ wolf is delisted under the federal Endangered Species Act of
15.22 1973, in zone B, as defined under section 97B.645, subdivision 12, if the commissioner,
15.23 after considering recommendations from an extension agent or conservation officer, has
15.24 verified that livestock, domestic animals, or pets were destroyed by a ~~gray~~ wolf within the
15.25 previous five years, and if the livestock, domestic animal, or pet owner requests ~~gray~~ wolf
15.26 control, the commissioner shall open a predator control area for ~~gray~~ wolves.

15.27 (c) After the ~~gray~~ wolf is delisted under the federal Endangered Species Act of
15.28 1973, in zone A, as defined under paragraph (g), if the commissioner, after considering
15.29 recommendations from an extension agent or conservation officer, verifies that livestock,
15.30 domestic animals, or pets were destroyed by a ~~gray~~ wolf, and if the livestock, domestic
15.31 animal, or pet owner requests ~~gray~~ wolf control, the commissioner shall open a predator
15.32 control area for ~~gray~~ wolves for up to 60 days.

15.33 (d) A predator control area opened for ~~gray~~ wolves may not exceed a one-mile
15.34 radius surrounding the damage site.

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16.1 (e) The commissioner shall pay a certified ~~gray~~ wolf predator controller ~~\$150~~ the
16.2 amount the commissioner determines by written order published in the State Register for
16.3 each wolf taken. The certified ~~gray~~ wolf predator controller must dispose of unsalvageable
16.4 remains as directed by the commissioner. All salvageable ~~gray~~ wolf remains must be
16.5 surrendered to the commissioner. The fees are not subject to the rulemaking provisions of
16.6 chapter 14, and section 14.386 does not apply.

16.7 (f) The commissioner may, in consultation with the commissioner of agriculture,
16.8 develop a cooperative agreement for ~~gray~~ wolf control activities with the United States
16.9 Department of Agriculture. The cooperative agreement activities may include, but not be
16.10 limited to, ~~gray~~ wolf control, training for state predator controllers, and control monitoring
16.11 and record keeping.

16.12 (g) For the purposes of this subdivision, "zone A" means that portion of the state
16.13 lying outside of zone B, as defined under section 97B.645, subdivision 12.

16.14 Sec. 37. Minnesota Statutes 2010, section 97B.711, subdivision 1, is amended to read:

16.15 Subdivision 1. **Seasons for certain upland game birds.** (a) The commissioner
16.16 may, by rule, prescribe an open season in designated areas between September 16 and
16.17 January 3 for:

- 16.18 (1) pheasant;
- 16.19 (2) ruffed grouse;
- 16.20 (3) sharp tailed grouse;
- 16.21 (4) Canada spruce grouse;
- 16.22 (5) prairie chicken;
- 16.23 (6) gray partridge;
- 16.24 (7) bobwhite quail; and
- 16.25 (8) turkey.

16.26 (b) The commissioner may by rule prescribe an open season for turkey in the spring.

16.27 ~~(c) The commissioner shall allow a four-week fall season for turkey in the area~~
16.28 ~~designated as turkey permit area 601 as of the 2008 season. All applicable local and state~~
16.29 ~~regulations apply.~~

16.30 Sec. 38. Minnesota Statutes 2010, section 97B.805, subdivision 1, is amended to read:

16.31 Subdivision 1. **Hunter must be concealed.** (a) A person may not take migratory
16.32 waterfowl, coots, or rails in open water unless the person is:

- 16.33 (1) within a natural growth of vegetation sufficient to partially conceal the person or
16.34 boat;

- 17.1 (2) on a river or stream that is not more than 100 yards in width; ~~or~~
17.2 (3) pursuing or shooting wounded birds; or
17.3 (4) in areas specifically designated for such taking by the commissioner by rule.

17.4 (b) A person may not take migratory waterfowl, coots, or rails in public waters from
17.5 a permanent artificial blind or sink box.

17.6 Sec. 39. Minnesota Statutes 2010, section 97B.901, is amended to read:

17.7 **97B.901 REGISTRATION AND TAGGING OF FUR-BEARING ANIMALS.**

17.8 (a) The commissioner may, by rule, require persons taking, possessing, and
17.9 transporting fur-bearing animals to tag the animals. The commissioner shall prescribe
17.10 the manner of issuance and the type of tag, which must show the year of issuance. The
17.11 commissioner shall issue the tag, without a fee, upon request.

17.12 (b) The pelt of each bobcat, fisher, pine marten, ~~and~~ otter, and wolf must be
17.13 presented, by the person taking it, to a state wildlife manager designee for registration
17.14 before the pelt is sold and before the pelt is transported out of the state, but in no event
17.15 more than 48 hours after the season closes for the species.

17.16 (c) The whole carcass of each wolf, with the pelt removed, must be presented by the
17.17 person taking it to a state wildlife manager designee for registration before the pelt is sold
17.18 and before the pelt is transported out of the state, but in no event more than 48 hours after
17.19 the season closes. The commissioner may require that the entire carcass or samples from
17.20 the carcass be surrendered to the state wildlife manager designee.

17.21 Sec. 40. Minnesota Statutes 2010, section 97C.515, subdivision 2, is amended to read:

17.22 Subd. 2. **Permit for transportation.** (a) A person may transport live minnows
17.23 through the state with a permit from the commissioner. The permit must state the name
17.24 and address of the person, the number and species of minnows, the point of entry into the
17.25 state, the destination, and the route through the state. The permit is not valid for more
17.26 than 12 hours after it is issued.

17.27 (b) Minnows transported under this subdivision must be in a sealed container. An
17.28 agent authorized by the commissioner must seal the container when the container enters
17.29 the state.

17.30 ~~(b)~~ (c) The commissioner may require the person transporting minnow species found
17.31 on the official list of viral hemorrhagic septicemia susceptible species published by the
17.32 United States Department of Agriculture, Animal and Plant Health Inspection Services, to
17.33 provide health certification for viral hemorrhagic septicemia ~~or other certifiable diseases.~~
17.34 ~~For certifiable diseases not currently documented in Minnesota.~~ The certification must

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18.1 disclose any incidentally isolated replicating viruses and must be dated within the 12
18.2 months preceding transport.

18.3 Sec. 41. Minnesota Statutes 2010, section 97C.515, subdivision 4, is amended to read:

18.4 Subd. 4. **Private fish hatchery or aquatic farm.** ~~(a) A person with a private fish~~
18.5 ~~hatchery or aquatic farm license may transport minnows with a transportation permit from~~
18.6 ~~contiguous states to the private fish hatchery or aquatic farm, provided the minnows are~~
18.7 ~~used for processing or feeding hatchery fish.~~

18.8 ~~(b) The commissioner may require inspection of minnows and disease certification~~
18.9 ~~for species on the official list of viral hemorrhagic septicemia susceptible species~~
18.10 ~~published by the United States Department of Agriculture, Animal and Plant Health~~
18.11 ~~Inspection Services, that are being transported from outside the state.~~

18.12 ~~(c) The commissioner may approve the import of minnows into areas or waters~~
18.13 ~~where certifiable diseases have been identified as being present.~~

18.14 Live minnows used for feeding fish at a licensed private fish hatchery or aquatic
18.15 farm must be obtained within the state. Dead minnows may be imported for feeding
18.16 hatchery or aquatic farm fish according to section 97C.341, paragraph (d).

18.17 Sec. 42. **RULEMAKING; RESTITUTION VALUE FOR WOLVES.**

18.18 (a) The commissioner of natural resources shall amend the restitution value for
18.19 gray wolves in Minnesota Rules, part 6133.0075, to be \$500 and shall change the term
18.20 "gray wolves" to "wolves."

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

18.25 Sec. 43. **RULEMAKING; USE OF SNARES.**

18.26 (a) The commissioner of natural resources shall amend Minnesota Rules, part
18.27 6234.0100, to include a subpart that prohibits the use of carcasses of domestic animals for
18.28 taking wolves on public lands.

18.29 (b) The commissioner of natural resources shall amend Minnesota Rules, part
18.30 6234.2400, subpart 5, to provide that when taking wolves, snares may not be set in trails.

18.31 (c) The commissioner of natural resources shall amend Minnesota Rules, part
18.32 6234.2400, subpart 7, to provide that a snare set by a licensed wolf trapper to take a
18.33 wolf may not be set so that the bottom of the loop is more than 18 inches above the first

19.1 surface beneath the bottom of the set snare loop, and the top height in that subpart does
19.2 not apply to snares set for wolves.

19.3 (d) The commissioner of natural resources shall amend Minnesota Rules, part
19.4 6234.2400, subpart 8, to provide that during the wolf season, licensed wolf trappers may
19.5 use snares, provided:

19.6 (1) the diameter of a snare loop does not exceed 16 inches when fully open; and

19.7 (2) the cable includes stops affixed to the cable to ensure that the portion of the cable
19.8 that makes up the noose loop may not be less than six inches when fully closed.

19.9 (e) The commissioner of natural resources shall amend Minnesota Rules, part
19.10 6234.2400, subpart 9, to provide that during the wolf season, licensed wolf trappers must
19.11 use snare cable at least 7/64 inches in diameter.

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

19.16 Sec. 44. **REVISOR'S INSTRUCTION.**

19.17 The revisor of statutes shall change the term "gray wolf" or "gray wolves" wherever
19.18 the terms appear in Minnesota Statutes and Minnesota Rules to "wolf" or "wolves."

19.19 Sec. 45. **REPEALER.**

19.20 Minnesota Statutes 2010, sections 97A.045, subdivisions 8 and 13; 97A.065,
19.21 subdivision 1; 97A.095, subdivision 3; 97A.331, subdivision 7; 97A.485, subdivision 12;
19.22 97A.552; 97B.645, subdivision 2; 97C.031; and 97C.515, subdivision 5, are repealed.