

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 749

(SENATE AUTHORS: SAXHAUG)

DATE	D-PG	OFFICIAL STATUS
02/25/2013	388	Introduction and first reading Referred to Environment and Energy

1.1 A bill for an act
 1.2 relating to natural resources; modifying rulemaking authority; amending
 1.3 Minnesota Statutes 2012, section 84.027, subdivision 13.

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

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

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

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

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

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

1.18 (b) If conditions exist that do not allow the commissioner to comply with sections
 1.19 97A.0451 to 97A.0459, including the need to adjust season variables on an annual basis
 1.20 based upon current biological and harvest data, the commissioner may adopt a rule under
 1.21 this subdivision by submitting the rule to the attorney general for review under section
 1.22 97A.0455, publishing a notice in the State Register and filing the rule with the secretary
 1.23 of state and the Legislative Coordinating Commission, and complying with section
 1.24 97A.0459, and including a statement of the emergency conditions and a copy of the rule

2.1 in the notice. The emergency conditions for opening a water body or portion of a water
2.2 body for night bow fishing under this section may include the need to temporarily open
2.3 the area to evaluate compatibility of the activity on that body of water prior to permanent
2.4 rulemaking. The notice may be published after it is received from the attorney general or
2.5 five business days after it is submitted to the attorney general, whichever is earlier.

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

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

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

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

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

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

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

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