

A bill for an act

relating to game and fish; modifying definitions; providing for and modifying certain fees; modifying provisions for taking animals causing damage; modifying license and stamp provisions; modifying certain possession and taking restrictions; providing for an apprentice hunter validation; providing criminal and civil penalties; amending Minnesota Statutes 2006, sections 97A.015, by adding subdivisions; 97A.045, by adding a subdivision; 97A.401, subdivision 5; 97A.405, subdivisions 2, 4; 97A.421, by adding a subdivision; 97A.451, subdivision 3; 97A.465, by adding a subdivision; 97A.475, subdivisions 2, 3; 97A.505, subdivision 4; 97A.511; 97B.020; 97B.075; 97B.301, subdivision 7; 97B.715, subdivision 1; 97B.801; 97B.928, subdivision 1; 97C.081, subdivision 3; 97C.325; 97C.355, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2006, sections 97A.475, subdivision 38; 97C.365.

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

Section 1. Minnesota Statutes 2006, section 97A.015, is amended by adding a subdivision to read:

Subd. 26c. **Immediately released or immediately returned to the water.**
"Immediately released" or "immediately returned to the water" means that a fish must not be retained longer than is needed at the site of capture to unhook, identify, measure, or photograph the fish. Placing a fish on a stringer, in a live well, or in a cooler, bucket, or other container is not "immediately released" or "immediately returned to the water."

Sec. 2. Minnesota Statutes 2006, section 97A.015, is amended by adding a subdivision to read:

Subd. 35a. **Pheasant.** "Pheasant" means ring-necked pheasant.

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2.1 Sec. 3. Minnesota Statutes 2006, section 97A.015, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 48a. **Turkey.** "Turkey" means wild turkey.

2.4 Sec. 4. Minnesota Statutes 2006, section 97A.045, is amended by adding a subdivision
2.5 to read:

2.6 Subd. 12. **Establishing fees.** Notwithstanding section 16A.1283, the commissioner
2.7 may, by written order published in the State Register, establish fees providing for the use
2.8 of state wildlife management area or aquatic management area lands for specific purposes,
2.9 including dog trials; special events; and commercial uses. The fees are not subject to the
2.10 rulemaking provisions of chapter 14 and section 14.386 does not apply.

2.11 Sec. 5. Minnesota Statutes 2006, section 97A.401, subdivision 5, is amended to read:

2.12 Subd. 5. **Wild animals damaging property.** Special permits may be issued with
2.13 or without a fee to take protected wild animals ~~that are damaging property~~ or to remove
2.14 or destroy their dens, nests, eggs, houses, or dams for the purpose of preventing or
2.15 reducing damage or injury to people, property, agricultural crops, or other interests. The
2.16 commissioner may prescribe rules for taking Canada geese and their nests and eggs, with
2.17 or without a permit, consistent with federal regulations. ~~A special permit issued under this~~
2.18 ~~subdivision to take beaver must state the number to be taken.~~

2.19 Sec. 6. Minnesota Statutes 2006, section 97A.405, subdivision 2, is amended to read:

2.20 Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from
2.21 an area where a licensed activity was performed must have in personal possession either:
2.22 (1) the proper license, if the license has been issued to and received by the person; or (2)
2.23 the proper license identification number or stamp validation, if the license has been sold to
2.24 the person by electronic means but the actual license has not been issued and received.

2.25 (b) If possession of a license or a license identification number is required, a person
2.26 must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper
2.27 license if the license has been issued to and received by the person; or (2) the proper
2.28 license identification number or stamp validation and a valid state driver's license, state
2.29 identification card, or other form of identification provided by the commissioner, if the
2.30 license has been sold to the person by electronic means but the actual license has not
2.31 been issued and received.

2.32 (c) If the actual license has been issued and received, a receipt for license fees, a
2.33 copy of a license, or evidence showing the issuance of a license, including the license

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identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license ~~or stamp~~ issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license ~~or stamp validation, except for a pictorial turkey stamp or a pictorial trout and salmon stamp~~. A pictorial turkey ~~stamp or a pictorial~~, migratory waterfowl, pheasant, or trout and salmon stamp shall be ~~mailed~~ provided to the licensee after purchase of a ~~license or stamp validation~~ only if the licensee pays an additional \$2 fee.

Sec. 7. Minnesota Statutes 2006, section 97A.405, subdivision 4, is amended to read:

Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer hunters to change zone, license, or season options. The commissioner may issue a replacement license if the applicant submits the original deer license and unused tags that are being replaced and the applicant pays any increase in cost between the original and the replacement license. A refund of the difference in fees may be issued when a person changes from a regular deer license to a youth deer license. When a person submits both an archery and a firearms license for replacement, the commissioner may apply the value of both licenses towards the replacement license fee.

(b) A replacement license may be issued only if the applicant has not used any tag from the original license or licenses and meets the conditions of paragraph (c). The original license or licenses and all unused tags ~~for that license~~ for the licenses being replaced must be submitted to the issuing agent at the time the replacement license is issued.

(c) A replacement license may be issued under the following conditions, or as otherwise prescribed by rule of the commissioner:

(1) when the season for the license being surrendered has not yet opened; ~~or~~

(2) when the person is upgrading from a regular firearms or archery deer license to ~~a multizone or an~~ all season deer license;

(3) when the person is upgrading from a regular firearms license to a multizone deer license; or

(4) when the person is changing from a regular firearms deer license to a youth deer license.

(d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid immediately upon issuance if the license being surrendered is valid at that time.

Sec. 8. Minnesota Statutes 2006, section 97A.421, is amended by adding a subdivision to read:

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Subd. 7. **Taking wild animals while privileges are suspended.** A person who takes a protected wild animal during the time the person is prohibited from obtaining a license to take that animal under this section is guilty of a misdemeanor.

Sec. 9. Minnesota Statutes 2006, section 97A.451, subdivision 3, is amended to read:

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

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

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

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

~~(3)~~ (4) age 12 or under and is accompanied by a parent or guardian.

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

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

Sec. 10. Minnesota Statutes 2006, section 97A.465, is amended by adding a subdivision to read:

Subd. 1a. **Spouses of residents on active military duty.** Notwithstanding section 97A.405, subdivision 5, the spouse of a resident who is on active military duty may obtain resident hunting and fishing licenses.

Sec. 11. Minnesota Statutes 2006, section 97A.475, subdivision 2, is amended to read:

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

(1) for persons age 18 or over and under age 65 to take small game, \$12.50;

(2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

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- 5.1 (3) to take turkey, \$18;
- 5.2 (4) for persons age 18 or over to take deer with firearms, \$26;
- 5.3 (5) for persons age 18 or over to take deer by archery, \$26;
- 5.4 (6) to take moose, for a party of not more than six persons, \$310;
- 5.5 (7) to take bear, \$38;
- 5.6 (8) to take elk, for a party of not more than two persons, \$250;
- 5.7 (9) multizone license to take antlered deer in more than one zone, \$52;
- 5.8 (10) to take Canada geese during a special season, \$4;
- 5.9 (11) all season license to take ~~two~~ three deer throughout the state in any open deer
- 5.10 season, except as restricted under section 97B.305, \$78;
- 5.11 (12) to take prairie chickens, \$20;
- 5.12 (13) for persons at least age 12 and under age 18 to take deer with firearms during
- 5.13 the regular firearms season in any open zone or time period, \$13; and
- 5.14 (14) for persons at least age 12 and under age 18 to take deer by archery, \$13.

5.15 Sec. 12. Minnesota Statutes 2006, section 97A.475, subdivision 3, is amended to read:

5.16 Subd. 3. **Nonresident hunting.** Fees for the following licenses, to be issued

5.17 to nonresidents, are:

- 5.18 (1) for persons age 18 and older to take small game, \$73;
- 5.19 (2) for persons age 18 and older to take deer with firearms, \$135;
- 5.20 (3) for persons age 18 and older to take deer by archery, ~~the greater of:~~
- 5.21 ~~(i) an amount equal to the total amount of license fees and surcharges charged to a~~
- 5.22 ~~Minnesota resident to take deer by archery in the person's state or province of residence; or~~
- 5.23 ~~(ii) \$135;~~
- 5.24 (4) to take bear, \$195;
- 5.25 (5) to take turkey, \$73;
- 5.26 (6) to take raccoon, bobcat, fox, or coyote, \$155;
- 5.27 (7) multizone license to take antlered deer in more than one zone, \$270; ~~and~~
- 5.28 (8) to take Canada geese during a special season, \$4₂;
- 5.29 (9) for persons ages 16 and 17 to take small game, \$6;
- 5.30 (10) for persons at least age 12 and under age 18 to take deer with firearms during
- 5.31 the regular firearms season in any open zone or time period, \$13; and
- 5.32 (11) for persons at least age 12 and under age 18 to take deer by archery, \$13.

5.33 Sec. 13. Minnesota Statutes 2006, section 97A.505, subdivision 4, is amended to read:

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Subd. 4. **Storage of protected wild animals.** A person that stores protected wild animals for others must plainly mark the package, in ink, with the name and address of the owner, the license number of the person taking the animal, and the number and species in the package. ~~A person may not use a commercial cold storage warehouse for protected wild animals, except lawfully taken fish and furs.~~

Sec. 14. Minnesota Statutes 2006, section 97A.511, is amended to read:

97A.511 FUR-BEARING ANIMALS.

The skins of fur-bearing animals and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing the required seals or tags required by the game and fish laws, may be bought, sold, and transported at any time. ~~The flesh of beaver, raccoon, rabbits, and hare may not be transported out of the state.~~

Sec. 15. Minnesota Statutes 2006, section 97B.020, is amended to read:

97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

- (1) a firearms safety certificate or equivalent certificate;
- (2) a driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13;
- (3) a previous hunting license with a valid firearms safety qualification indicator; ~~or~~
- (4) an apprentice hunter certificate issued under section 97B.022; or
- ~~(4)~~ (5) other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement or certified by the department as substantially similar.

(b) A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or National Guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

(c) A person born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a) or (b).

Sec. 16. **97B.022 APPRENTICE HUNTER VALIDATION.**

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Subdivision 1. **Definition.** For the purpose of this section, "accompanied" means to stay within a distance of another person that permits uninterrupted visual contact and unaided verbal communication.

Subd. 2. **Apprentice hunter validation requirements.** A resident born after December 31, 1979, who is age 12 or older and who does not possess a firearms safety certificate may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer only when accompanied by an adult licensed to hunt in Minnesota whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps.

Sec. 17. Minnesota Statutes 2006, section 97B.075, is amended to read:

97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

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

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

(c) Except as otherwise prescribed by the commissioner on or before the Saturday nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner. On the opening day of the duck season, shooting hours for migratory game birds, except woodcock, begin at 9:00 a.m.

Sec. 18. Minnesota Statutes 2006, section 97B.301, subdivision 7, is amended to read:

Subd. 7. **All season deer license.** (a) A resident may obtain an all season deer license that authorizes the resident to hunt during the archery, regular firearms, and muzzle-loader seasons. The all season license is valid for taking three deer, no more than one of which may be a legal buck.

(b) The all season deer license is valid for taking antlerless deer as follows:

~~(1) up to two antlerless deer may be taken during the archery or muzzle-loader seasons in any open area or during the regular firearms season in managed or intensive deer areas; and~~

~~(2) one antlerless deer may be taken during the regular firearms season in a lottery deer area, only with an either-sex permit or statutory exemption from an either-sex permit.~~
prescribed by the commissioner.

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8.1 (c) The commissioner shall issue three tags when issuing a license under this
8.2 subdivision.

8.3 Sec. 19. Minnesota Statutes 2006, section 97B.715, subdivision 1, is amended to read:

8.4 Subdivision 1. **Stamp required.** (a) Except as provided in paragraph (b) or section
8.5 97A.405, subdivision 2, a person required to possess a small game license may not hunt
8.6 pheasants without:

8.7 ~~(1) a pheasant stamp in possession; and~~
8.8 ~~(2) a pheasant stamp validation on the small game license when issued electronically.~~

8.9 (b) The following persons are exempt from this subdivision:

8.10 (1) residents under age 18 or over age 65;
8.11 (2) persons hunting on licensed commercial shooting preserves; and
8.12 (3) resident disabled veterans with a license issued under section 97A.441,
8.13 subdivision 6a.

8.14 Sec. 20. Minnesota Statutes 2006, section 97B.801, is amended to read:

8.15 **97B.801 MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.**

8.16 (a) Except as provided in this section or section 97A.405, subdivision 2, a person
8.17 required to possess a small game license may not take migratory waterfowl without:

8.18 ~~(1) a Minnesota migratory waterfowl stamp in possession; and~~
8.19 ~~(2) a migratory waterfowl stamp validation on the small game license when issued~~
8.20 ~~electronically.~~

8.21 (b) Residents under age 18 or over age 65; resident disabled veterans with a license
8.22 issued under section 97A.441, subdivision 6a; and persons hunting on their own property
8.23 are not required to possess a stamp ~~or a license~~ validation under this section.

8.24 Sec. 21. Minnesota Statutes 2006, section 97B.928, subdivision 1, is amended to read:

8.25 Subdivision 1. **Information required.** (a) A person may not set or place a trap or
8.26 snare, other than on property owned or occupied by the person, unless the following
8.27 information is affixed to the trap or snare in a manner that ensures that the information
8.28 remains legible while the trap or snare is on the lands or waters:

8.29 (1) the number and state of the person's driver's license;
8.30 (2) the person's Minnesota identification card number; ~~or~~
8.31 (3) the person's name and mailing address; or
8.32 (4) the license identification number issued by the Department of Natural Resources.

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(b) The commissioner may not prescribe additional requirements for identification of traps or snares.

(c) Until March 1, 2013, the driver's license number under paragraph (a), clause (1), may be the person's previously issued Minnesota driver's license number.

Sec. 22. Minnesota Statutes 2006, section 97C.081, subdivision 3, is amended to read:

Subd. 3. **Contests requiring a permit.** (a) A person must have a permit from the commissioner to conduct a fishing contest that does not meet the criteria in subdivision 2. ~~Permits shall be issued without a fee.~~ The commissioner shall charge a fee for the permit that recovers the costs of issuing the permit and monitoring the activities allowed by the permit. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish contest permit fees. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(b) If entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and if the applicant has either:

(1) not previously conducted a fishing contest requiring a permit under this subdivision; or

(2) ever failed to make required prize awards in a fishing contest conducted by the applicant, the commissioner may require the applicant to furnish the commissioner evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000.

Sec. 23. Minnesota Statutes 2006, section 97C.325, is amended to read:

97C.325 PROHIBITED METHODS OF RESTRICTIONS ON TAKING FISH.

(a) Except as specifically authorized, a person may not take fish with:

(1) explosives, chemicals, drugs, poisons, lime, medicated bait, fish berries, or other similar substances;

(2) substances or devices that kill, stun, or affect the nervous system of fish;

(3) nets, traps, trot lines, or snares; or

(4) spring devices that impale, hook, or capture fish.

(b) If a person possesses a substance or device listed in paragraph (a) on waters, shores, or islands, it is presumptive evidence that the person is in violation of this section.

(c) The commissioner may, by rule, allow the use of a nonmotorized device with a recoil mechanism to take fish through the ice.

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10.1 (d) To protect water quality or improve habitat for fish or wildlife, the commissioner
10.2 may prescribe restrictions on fishing seasons, limits, or methods on specific bodies of
10.3 water.

10.4 Sec. 24. Minnesota Statutes 2006, section 97C.355, subdivision 8, is amended to read:

10.5 Subd. 8. **Confiscation of unlawful structures; civil penalty.** (a) Structures on the
10.6 ice in violation of this section may be confiscated and disposed of, retained by the division,
10.7 or sold at the highest price obtainable, in a manner prescribed by the commissioner.

10.8 (b) In addition to other penalties provided by law, the owner of a structure left on the
10.9 ice in violation of this section is subject to a civil penalty under section 115A.99.

10.10 Sec. 25. **REPEALER.**

10.11 Minnesota Statutes 2006, sections 97A.475, subdivision 38; and 97C.365, are
10.12 repealed.