

A bill for an act

relating to game and fish; modifying refund provisions; modifying publication requirements; modifying restrictions in migratory feeding and resting areas; providing certain exemptions from local law; modifying wild animal and fish taking, possession, and licensing requirements; modifying provisions relating to the possession of certain weapons; removing bow and gun case requirements; authorizing certain fees; requiring rulemaking; amending Minnesota Statutes 2008, sections 17.4981; 17.4988, subdivision 3; 84.027, subdivision 13; 84.788, subdivision 11; 84.798, subdivision 10; 84.82, subdivision 11; 84.922, subdivision 12; 86B.415, subdivision 11; 97A.051, subdivision 2; 97A.075, subdivision 1; 97A.095, subdivision 2; 97A.137, by adding subdivisions; 97A.405, subdivision 4; 97A.421, subdivision 1; 97A.441, subdivision 7; 97A.445, subdivision 1, by adding a subdivision; 97A.451, subdivision 2; 97A.465, subdivision 1b; 97A.475, subdivisions 2, 3, 7, 11, 12, 29; 97A.525, subdivision 1; 97B.035, subdivision 2; 97B.041; 97B.045, subdivisions 1, 2; 97B.051; 97B.055, subdivision 3; 97B.086; 97B.111, subdivision 1; 97B.211, subdivision 1; 97B.328, subdivision 3; 97B.425; 97B.651; 97B.811, subdivisions 2, 3; 97B.931, subdivision 1; 97C.315, subdivision 1; 97C.355, subdivision 2; 97C.371, by adding a subdivision; 97C.385, subdivision 2; 97C.395, subdivision 1; Laws 2008, chapter 368, article 2, section 25; repealing Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97B.301, subdivisions 7, 8; 97C.405.

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

Section 1. Minnesota Statutes 2008, section 17.4981, is amended to read:

17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC FARMS.

(a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life is not wildlife. Aquatic farms must be licensed and given classifications to prevent or minimize impacts on natural resources. The purpose of sections 17.4981 to 17.4997 is to:

- (1) prevent public aquatic life from entering an aquatic farm;
- (2) prevent release of nonindigenous or exotic species into public waters without approval of the commissioner;

(3) protect against release of disease pathogens to public waters;

(4) protect existing natural aquatic habitats and the wildlife dependent on them; and

(5) protect private aquatic life from unauthorized taking or harvest.

(b) Private aquatic life that is legally acquired and possessed is an article of interstate commerce and may be restricted only as necessary to protect state fish and water resources.

(c) The commissioner of natural resources shall establish license and other fees as provided in section 16A.1285, subdivision 2, that would make aquaculture licensing and enforcement self-sustaining. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish the fees required by this section. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply. The commissioner shall develop best management practices for aquaculture to ensure the long-term sustainability of aquaculture and wetlands used for aquaculture, including, but not limited to, fish farming in man-made ponds.

Sec. 2. Minnesota Statutes 2008, section 17.4988, subdivision 3, is amended to read:

Subd. 3. **Inspection and additional fees.** Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees for the services listed in clauses (1) to (3) and the additional fee required under subdivision 2, paragraph (a). The fees must be set in an amount that does not recover significantly more or less than the cost of providing the service. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The services covered under this provision include:

(1) initial inspection of each water to be licensed;

(2) fish health inspection and certification, including initial tissue sample collection, basic fish health assessment, viral pathogen testing, and bacteriological testing; and

(3) initial inspection for containment and quarantine facility inspections.

Sec. 3. Minnesota Statutes 2008, section 84.027, subdivision 13, is amended to read:

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

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

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

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

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The emergency conditions for opening a water body or portion of a water body for night bow fishing under this section may include the need to temporarily open the area to evaluate compatibility of the activity on that body of water prior to permanent rulemaking. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

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

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

(2) the attorney general approves the rule; and

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

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

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

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

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

Sec. 4. Minnesota Statutes 2008, section 84.788, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 3, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration, the registration is not used or transferred, and:

(1) the off-highway motorcycle was registered incorrectly ~~by the commissioner or the deputy registrar~~; or

(2) the off-highway motorcycle was registered twice, once by the dealer and once by the customer.

Sec. 5. Minnesota Statutes 2008, section 84.798, subdivision 10, is amended to read:

Subd. 10. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 3, paragraph (b), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration ~~and the vehicle was registered incorrectly by the commissioner or the deputy registrar~~, the registration is not used or transferred, and:

(1) the off-road vehicle was registered incorrectly; or

(2) the off-road vehicle was registered twice, once by the dealer and once by the customer.

Sec. 6. Minnesota Statutes 2008, section 84.82, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration, the registration is not used or transferred, and:

(1) the snowmobile was registered incorrectly ~~by the commissioner or the deputy registrar~~; or

(2) the snowmobile was registered twice, once by the dealer and once by the customer.

Sec. 7. Minnesota Statutes 2008, section 84.922, subdivision 12, is amended to read:

Subd. 12. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration, the registration is not used or transferred, and:

(1) the vehicle was registered incorrectly ~~by the commissioner or the deputy registrar~~, or

(2) the vehicle was registered twice, once by the dealer and once by the customer.

Sec. 8. Minnesota Statutes 2008, section 86B.415, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a license or title, not including any issuing fees paid under subdivision 8 or section 84.027, subdivision 15, paragraph (a), clause (3), or 86B.870, subdivision 1, paragraph (b), if the refund request is received within ~~12 months~~ 60 days of the original license or title, the license or title is not used or transferred, and:

(1) the watercraft was licensed or titled incorrectly ~~by the commissioner or the deputy registrar~~;

(2) the customer was incorrectly charged a title fee; or

(3) the watercraft was licensed or titled twice, once by the dealer and once by the customer.

Sec. 9. Minnesota Statutes 2008, section 97A.051, subdivision 2, is amended to read:

Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a summary of the hunting and fishing laws and rules and deliver a sufficient supply to ~~county auditors~~ license vendors to furnish one copy to each person obtaining a hunting, fishing, or trapping license.

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

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

Sec. 10. Minnesota Statutes 2008, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5), (6), (7), ~~(11)~~, (13), (14), and (15), ~~(16), and (17)~~, and 3, clauses (2), (3), (4), ~~(9)~~ (10), (11), and (12), ~~and (13)~~, and licenses issued under section 97B.301, subdivision 4.

(b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section

97A.473, subdivision 4, shall be credited to the deer management account and shall be used for deer habitat improvement or deer management programs.

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

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild cervidae health management account and is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first time, \$750,000 is canceled to the unappropriated balance of the game and fish fund. The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for emergency deer feeding and wild cervidae health management has been spent.

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

Sec. 11. Minnesota Statutes 2008, section 97A.095, subdivision 2, is amended to read:

Subd. 2. **Waterfowl feeding and resting areas.** The commissioner may, by rule, designate any part of a lake as a migratory feeding and resting area. Before designation, the commissioner must receive a petition signed by at least ten local resident licensed hunters describing the area of a lake that is a substantial feeding or resting area for migratory waterfowl, and find that the statements in the petition are correct, and that adequate, free public access to the lake exists near the designated area. The commissioner shall post the area as a migratory waterfowl feeding and resting area. Except as authorized in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl feeding and resting area, during a period when hunting of migratory waterfowl is allowed, with watercraft or aircraft propelled by a motor, other than an electric motor ~~of less than 30 pounds thrust~~ with battery power of 12 volts or less. The commissioner may, by rule, further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

7.1 Sec. 12. Minnesota Statutes 2008, section 97A.137, is amended by adding a
7.2 subdivision to read:

7.3 Subd. 4. **Exemption from certain local ordinances.** (a) Wildlife management
7.4 areas that are established according to section 86A.05, subdivision 8; designated under
7.5 section 97A.133 or 97A.145; and 160 contiguous acres or larger are exempt from local
7.6 ordinances that limit the use and management of the unit as authorized by state law.

7.7 (b) Wildlife management areas that are established according to section 86A.05,
7.8 subdivision 8; designated under section 97A.133 or 97A.145; and at least 40 contiguous
7.9 acres and less than 160 contiguous acres are exempt from local ordinances that:

- 7.10 (1) restrict trapping;
7.11 (2) restrict the discharge of archery equipment;
7.12 (3) restrict the discharge of shotguns with shot sizes of FF or .23 diameter shot
7.13 or smaller diameter shot;
7.14 (4) restrict noise;
7.15 (5) require dogs on a leash; or
7.16 (6) would in any manner restrict the management of the unit as authorized by
7.17 state law.

7.18 Sec. 13. Minnesota Statutes 2008, section 97A.137, is amended by adding a
7.19 subdivision to read:

7.20 Subd. 5. **Portable stands.** Prior to the Saturday on or nearest September 16, a
7.21 portable stand may be left overnight in a wildlife management area by a person with a
7.22 valid bear license who is hunting within 100 yards of a bear bait site that is legally tagged
7.23 and registered as prescribed under section 97B.425. Any person leaving a portable stand
7.24 overnight under this subdivision must affix the person's name and address to the stand in
7.25 such a manner that it can be read from the ground.

7.26 Sec. 14. Minnesota Statutes 2008, section 97A.405, subdivision 4, is amended to read:

7.27 Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer
7.28 hunters to change zone, license, or season options. The commissioner may issue a
7.29 replacement license if the applicant submits the original deer license and unused tags that
7.30 are being replaced and the applicant pays any increase in cost between the original and
7.31 the replacement license. A refund of the difference in fees may be issued when a person
7.32 changes from a regular deer license to a youth deer license. ~~When a person submits both~~
7.33 ~~an archery and a firearms license for replacement, the commissioner may apply the value~~
7.34 ~~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 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 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. 15. Minnesota Statutes 2008, section 97A.421, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) The annual license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

(1) a second conviction occurs within three years under a license to trap fur-bearing animals, take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license;

(3) a second conviction occurs within three years for violations of section 97A.425 that do not involve falsifications or intentional omissions of information required to be recorded, or attempts to conceal unlawful acts within the records;

(4) two or more misdemeanor convictions occur within a three-year period under a private fish hatchery license;

(5) the conviction occurs under a license not described in clause (1), (2), or (4) or is for a violation of section 97A.425 not described in clause (3); or

(6) the conviction is related to assisting a person in the illegal taking, transportation, or possession of wild animals, when acting as a hunting or angling guide.

(b) Except for big game licenses and as otherwise provided in this section, for one year after the conviction the person may not obtain the kind of license or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, relating to the game and fish law violation.

9.1 Sec. 16. Minnesota Statutes 2008, section 97A.441, subdivision 7, is amended to read:

9.2 Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may
9.3 issue, without a fee, a license to take an antlerless deer to a resident who is an owner or
9.4 tenant, or a nonresident who is an owner, of at least 80 acres of agricultural land, as
9.5 defined in section 97B.001, in deer permit areas that have deer archery licenses to take
9.6 additional deer under section 97B.301, subdivision 4. A person may receive only one
9.7 license per year under this subdivision. For properties with co-owners or cotenants, only
9.8 one co-owner or cotenant may receive a license under this subdivision per year. The
9.9 license issued under this subdivision is restricted to land leased for agricultural purposes
9.10 or owned by the holder of the license within the permit area where the qualifying land
9.11 is located. The holder of the license may transfer the license to the holder's spouse or
9.12 dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision
9.13 2, the holder of the license may purchase an additional license for taking deer and may
9.14 take an additional deer under that license.

9.15 (b) A person who obtains a license under paragraph (a) must allow public deer
9.16 hunting on their land during that deer hunting season, with the exception of the first
9.17 Saturday and Sunday during the deer hunting season applicable to the license issued under
9.18 section 97A.475, subdivision 2, ~~clauses (4) and (13)~~ clause (5).

9.19 Sec. 17. Minnesota Statutes 2008, section 97A.445, subdivision 1, is amended to read:

9.20 Subdivision 1. **Angling; Take a Kid Fishing Weekends.** A resident ~~over age 18 age~~
9.21 16 years or older may take fish by angling without an angling or fish house license during
9.22 one three-day consecutive period of the open water angling season and one three-day
9.23 consecutive period of the ice angling season designated by rule of the commissioner
9.24 if accompanied by a child who is under age 16. The commissioner shall publicize the
9.25 three-day periods as "Take a Kid Fishing Weekend" for the open water angling season and
9.26 "Take a Kid Ice Fishing Weekend" for the ice angling season.

9.27 Sec. 18. Minnesota Statutes 2008, section 97A.445, is amended by adding a
9.28 subdivision to read:

9.29 Subd. 1a. **Angling in a state park.** A resident may take fish by angling without
9.30 an angling license when shore fishing or wading on state-owned land within a state park.
9.31 When angling from a boat or float, this subdivision applies only to those water bodies
9.32 completely encompassed within the statutory boundary of the state park. The exemption
9.33 from an angling license does not apply to waters where a trout stamp is required.

Sec. 19. Minnesota Statutes 2008, section 97A.451, subdivision 2, is amended to read:

Subd. 2. **Residents under age 16; fishing.** A resident under the age of 16 years may take fish without a license. A person authorized to issue licenses must issue a license to a resident under the age of 16 without a fee to net ciscoes and whitefish for personal consumption under section 97A.475, subdivision 13.

EFFECTIVE DATE. This section is effective March 1, 2010.

Sec. 20. Minnesota Statutes 2008, section 97A.465, subdivision 1b, is amended to read:

Subd. 1b. **Residents discharged from active service.** (a) A resident who has served at any time during the preceding 24 months in federal active service, as defined in section 190.05, subdivision 5c, outside the United States as a member of the National Guard, or as a reserve component or active duty member of the United States armed forces and has been discharged from active service may take small game and fish without a license if the resident possesses official military discharge papers. The resident must obtain the seals, tags, and coupons required of a licensee, which must be furnished without charge.

(b) The commissioner shall issue, without fee, a deer license, valid for a deer of either sex, to a resident who has served at any time during the preceding 24 months in federal active service, as defined in section 190.05, subdivision 5c, outside the United States as a member of the National Guard, or as a reserve component or active duty member of the United States armed forces and has been discharged from active service. Eligibility under this paragraph is limited to one license per resident.

Sec. 21. Minnesota Statutes 2008, 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;
- (3) for persons age 18 or over to take turkey, \$23;
- (4) for persons under age 18 to take turkey, \$12;
- (5) for persons age 18 or over to take deer with firearms during the regular firearms season, \$26;
- (6) for persons age 18 or over to take deer by archery, \$26;
- (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$26;
- (8) to take moose, for a party of not more than six persons, \$310;
- (9) to take bear, \$38;

11.1 (10) to take elk, for a party of not more than two persons, \$250;
11.2 (11) ~~multizone license to take antlered deer in more than one zone, \$52;~~
11.3 ~~(12)~~ to take Canada geese during a special season, \$4;
11.4 ~~(13) all season license to take three deer throughout the state in any open deer~~
11.5 ~~season, except as restricted under section 97B.305, \$78;~~
11.6 ~~(14)~~ (12) to take prairie chickens, \$20;
11.7 ~~(15)~~ (13) for persons under age 18 to take deer with firearms during the regular
11.8 firearms season, \$13;
11.9 ~~(16)~~ (14) for persons under age 18 to take deer by archery, \$13; and
11.10 ~~(17)~~ (15) for persons under age 18 to take deer by muzzleloader during the
11.11 muzzleloader season, \$13.

11.12 Sec. 22. Minnesota Statutes 2008, section 97A.475, subdivision 3, is amended to read:

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

11.15 (1) for persons age 18 or over to take small game, \$73;
11.16 (2) for persons age 18 or over to take deer with firearms during the regular firearms
11.17 season, \$135;
11.18 (3) for persons age 18 or over to take deer by archery, \$135;
11.19 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
11.20 season, \$135;
11.21 (5) to take bear, \$195;
11.22 (6) for persons age 18 and older to take turkey, \$78;
11.23 (7) for persons under age 18 to take turkey, \$12;
11.24 (8) to take raccoon or bobcat, \$155;
11.25 (9) ~~multizone license to take antlered deer in more than one zone, \$270;~~
11.26 ~~(10)~~ to take Canada geese during a special season, \$4;
11.27 ~~(11)~~ (10) for persons under age 18 to take deer with firearms during the regular
11.28 firearms season in any open season option or time period, \$13;
11.29 ~~(12)~~ (11) for persons under age 18 to take deer by archery, \$13; and
11.30 ~~(13)~~ (12) for persons under age 18 to take deer during the muzzleloader season, \$13.
11.31 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
11.32 paragraph (a), clauses (1) to ~~(9)~~ (8). An additional commission may not be assessed
11.33 on this surcharge.

11.34 Sec. 23. Minnesota Statutes 2008, section 97A.475, subdivision 7, is amended to read:

12.1 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued
12.2 to nonresidents, are:

12.3 (1) to take fish by angling, \$37.50;

12.4 (2) to take fish by angling limited to seven consecutive days selected by the licensee,
12.5 \$26.50;

12.6 (3) to take fish by angling for a 72-hour period selected by the licensee, \$22;

12.7 (4) to take fish by angling for a combined license for a family for one or both parents
12.8 and dependent children under the age of 16, \$50.50;

12.9 (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; ~~and~~

12.10 (6) to take fish by angling for a combined license for a married couple, limited to 14
12.11 consecutive days selected by one of the licensees, \$38.50; and

12.12 (7) to take fish by spearing from a dark house, \$37.50.

12.13 (b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses
12.14 issued under paragraph (a), clause (5). An additional commission may not be assessed
12.15 on this surcharge.

12.16 Sec. 24. Minnesota Statutes 2008, section 97A.475, subdivision 11, is amended to read:

12.17 Subd. 11. **Fish houses ~~and~~, dark houses, and shelters; residents.** Fees for the
12.18 following licenses are:

12.19 (1) annual for a fish house ~~or~~, dark house, or shelter that is not rented, \$11.50;

12.20 (2) annual for a fish house ~~or~~, dark house, or shelter that is rented, \$26;

12.21 (3) three-year for a fish house ~~or~~, dark house, or shelter that is not rented, \$34.50; and

12.22 (4) three-year for a fish house ~~or~~, dark house, or shelter that is rented, \$78.

12.23 Sec. 25. Minnesota Statutes 2008, section 97A.475, subdivision 12, is amended to read:

12.24 Subd. 12. **Fish houses, dark houses, and shelters; nonresident.** Fees for fish
12.25 house, dark house, and shelter licenses for a nonresident are:

12.26 (1) annual, \$33;

12.27 (2) seven consecutive days, \$19; and

12.28 (3) three-year, \$99.

12.29 Sec. 26. Minnesota Statutes 2008, section 97A.475, subdivision 29, is amended to read:

12.30 Subd. 29. **Private fish hatcheries.** The fees for the following licenses to be issued
12.31 to residents and nonresidents are:

12.32 (1) for a private fish hatchery, with annual sales under \$200, \$70;

(2) for a private fish hatchery, with annual sales of \$200 or more, \$210 for the base license. The commissioner must establish an additional fee based on the acreage of the operation. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish the additional fee required by this subdivision. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply; and

(3) to take sucker eggs from public waters for a private fish hatchery, \$400, plus \$6 for each quart in excess of 100 quarts.

Sec. 27. Minnesota Statutes 2008, section 97A.525, subdivision 1, is amended to read:

Subdivision 1. **Residents Generally.** A ~~resident~~ person may transport wild animals ~~within the state~~ by common carrier without being in the vehicle if the ~~resident~~ person has the license required to take the animals and they are shipped to the ~~resident~~. ~~The wild animals that may be transported by common carrier are:~~ person or to a licensed taxidermist, tanner, or fur buyer.

~~(1) deer, bear, elk, and moose;~~

~~(2) undressed game birds; and~~

~~(3) fish.~~

Sec. 28. Minnesota Statutes 2008, section 97B.035, subdivision 2, is amended to read:

Subd. 2. **Possession of crossbows.** A person may not possess a crossbow ~~outdoors~~ or in a motor vehicle during the open season for any game, unless the crossbow is ~~unstrung,~~ not armed with a bolt or arrow. ~~and in a case or in a closed trunk of a motor vehicle~~

Sec. 29. Minnesota Statutes 2008, section 97B.041, is amended to read:

97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

~~(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;~~

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

14.1 (4) a handgun or rifle capable of firing only rimfire cartridges of .17 and .22 caliber,
14.2 including .22 magnum caliber cartridges;

14.3 (5) handguns possessed by a person authorized to carry a handgun under sections
14.4 624.714 and 624.715 for the purpose authorized; and

14.5 (6) on a target range operated under a permit from the commissioner.

14.6 This section does not apply during an open firearms season in an area where deer
14.7 may be taken only by muzzleloader, except that muzzleloading firearms lawful for the
14.8 taking of deer may be possessed only by persons with a valid license to take deer by
14.9 muzzleloader during that season.

14.10 Sec. 30. Minnesota Statutes 2008, section 97B.045, subdivision 1, is amended to read:

14.11 Subdivision 1. **Restrictions.** (a) A person may not transport a firearm in a motor
14.12 vehicle unless the firearm is:

14.13 (1) unloaded and in a gun case expressly made to contain a firearm, and the case
14.14 fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened,
14.15 and without any portion of the firearm exposed;

14.16 (2) unloaded and in the closed trunk of a motor vehicle; or

14.17 (3) a handgun carried in compliance with sections 624.714 and 624.715.

14.18 (b) Notwithstanding paragraph (a), a person may transport an unloaded, uncased
14.19 firearm, excluding a pistol as defined under section 624.712, subdivision 2, unless:

14.20 (1) within an area where the discharge of a firearm has been prohibited under section
14.21 471.633;

14.22 (2) within the boundaries of a home rule charter or statutory city with a population
14.23 of 2,500 or more;

14.24 (3) on school grounds as regulated under section 609.66, subdivision 1d; or

14.25 (4) otherwise restricted under section 97A.091, 97B.081, or 97B.086.

14.26 Sec. 31. Minnesota Statutes 2008, section 97B.045, subdivision 2, is amended to read:

14.27 Subd. 2. **Exception for disabled persons.** The restrictions in subdivision 1 do
14.28 not apply to a disabled person if:

14.29 (1) the person possesses a permit under section 97B.055, subdivision 3; and

14.30 ~~(2) the person is participating in a hunt sponsored by a nonprofit organization under a~~
14.31 ~~permit from the commissioner or is hunting on property owned or leased by the person; and~~

14.32 ~~(3)~~ (2) the firearm is not loaded in the chamber until the vehicle is stationary, or is a
14.33 hinge action firearm with the action open until the vehicle is stationary.

15.1 Sec. 32. Minnesota Statutes 2008, section 97B.051, is amended to read:

15.2 **97B.051 TRANSPORTATION OF ARCHERY BOWS.**

15.3 Except as specified under section 97B.055, subdivision 2, a person may not transport
15.4 an archery bow in a motor vehicle unless the bow is not armed with a bolt or arrow.

15.5 ~~(1) unstrung;~~

15.6 ~~(2) completely contained in a case; or~~

15.7 ~~(3) in the closed trunk or rear-most enclosed portion of a motor vehicle that is not~~
15.8 ~~accessible from the passenger compartment.~~

15.9 Sec. 33. Minnesota Statutes 2008, section 97B.055, subdivision 3, is amended to read:

15.10 Subd. 3. **Hunting from vehicle by disabled hunters.** (a) The commissioner may
15.11 issue a special permit, without a fee, to discharge a firearm or bow and arrow from a
15.12 stationary motor vehicle to a person who obtains the required licenses and who has a
15.13 permanent physical disability that is more substantial than discomfort from walking. The
15.14 permit recipient must be:

15.15 (1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or
15.16 other mechanical support or prosthetic device; or

15.17 (2) unable to walk any distance because of a permanent lung, heart, or other internal
15.18 disease that requires the person to use supplemental oxygen to assist breathing.

15.19 (b) The permanent physical disability must be established by medical evidence
15.20 verified in writing by a licensed physician or chiropractor. The commissioner may
15.21 request additional information from the physician or chiropractor if needed to verify the
15.22 applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner
15.23 may, in consultation with appropriate advocacy groups, establish reasonable minimum
15.24 standards for permits to be issued under this section. In addition to providing the medical
15.25 evidence of a permanent disability, the applicant must possess a valid disability parking
15.26 certificate authorized by section 169.345 or license plates issued under section 168.021.

15.27 (c) A person issued a special permit under this subdivision and hunting deer may
15.28 take a deer of either sex, except in those antlerless permit areas and seasons where no
15.29 antlerless permits are offered. This subdivision does not authorize another member of a
15.30 party to take an antlerless deer under section 97B.301, subdivision 3.

15.31 (d) A permit issued under this subdivision is valid for five years.

15.32 (e) The commissioner may deny, modify, suspend, or revoke a permit issued under
15.33 this section for cause, including a violation of the game and fish laws or rules.

15.34 (f) A person who knowingly makes a false application or assists another in making a
15.35 false application for a permit under this section is guilty of a misdemeanor. A physician or

16.1 chiropractor who fraudulently certifies to the commissioner that a person is permanently
16.2 disabled as described in this section is guilty of a misdemeanor.

16.3 (g) Notwithstanding paragraph (d), the commissioner may issue a permit valid for
16.4 the entire life of the applicant if the commissioner determines that there is no chance
16.5 that an applicant will become ineligible for a permit under this section and the applicant
16.6 requests a lifetime permit.

16.7 Sec. 34. Minnesota Statutes 2008, section 97B.086, is amended to read:

16.8 **97B.086 POSSESSION OF NIGHT VISION EQUIPMENT.**

16.9 (a) A person may not possess night vision ~~goggle~~ equipment while taking wild
16.10 animals or while having in possession, either individually or as one of a group of persons,
16.11 a firearm, bow, or other implement that could be used to take wild animals.

16.12 (b) This section does not apply to a firearm that is:

16.13 (1) unloaded;

16.14 (2) in a gun case expressly made to contain a firearm that fully encloses the firearm
16.15 by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of
16.16 the firearm exposed; and

16.17 (3) in the closed trunk of a motor vehicle.

16.18 (c) This section does not apply to a bow that is:

16.19 (1) completely encased or unstrung; and

16.20 (2) in the closed trunk of a motor vehicle.

16.21 (d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm
16.22 or bow must be placed in the rearmost location of the vehicle.

16.23 ~~(e) This section does not apply to night vision goggle equipment possessed by peace~~
16.24 ~~officers or military personnel while exercising their duties.~~

16.25 Sec. 35. Minnesota Statutes 2008, section 97B.111, subdivision 1, is amended to read:

16.26 Subdivision 1. **Establishment; requirements.** The commissioner may establish
16.27 criteria, special seasons, and limits for persons who have a physical disability to take big
16.28 game and small game with firearms and by archery in designated areas. A person hunting
16.29 under this section who has a physical disability must have a verified statement of the
16.30 disability by a licensed physician and must be participating in a program for physically
16.31 disabled hunters sponsored by a nonprofit organization that is permitted under subdivision
16.32 2. Notwithstanding section 97B.055, subdivision 3, the commissioner may authorize hunt
16.33 participants to shoot from a stationary motor vehicle. A license is not required for a person
16.34 to assist a physically disabled person hunting during a special season under this section.

17.1 Sec. 36. Minnesota Statutes 2008, section 97B.211, subdivision 1, is amended to read:

17.2 Subdivision 1. **Possession of firearms prohibited.** (a) A person may not take deer
17.3 by archery while in possession of a firearm.

17.4 (b) Paragraph (a) does not apply to a handgun carried in compliance with section
17.5 624.714.

17.6 Sec. 37. Minnesota Statutes 2008, section 97B.328, subdivision 3, is amended to read:

17.7 Subd. 3. **Definition.** For purposes of this section, "bait or feed" includes grains,
17.8 fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer
17.9 and that has been placed by a person. Liquid scents, salt, and minerals, ~~and bird feeders~~
17.10 ~~containing grains or nuts that are at least six feet above the ground~~ are not bait or feed.
17.11 Food that has not been placed by a person and resulting from normal or accepted farming,
17.12 forest management, wildlife food plantings, orchard management, or other similar land
17.13 management activities is not bait or feed.

17.14 Sec. 38. Minnesota Statutes 2008, section 97B.425, is amended to read:

17.15 **97B.425 BAITING BEARS.**

17.16 (a) Notwithstanding section 609.68, a person may place bait to take bear and must
17.17 display a tag at each site where bait is placed and register the sites. The commissioner
17.18 shall prescribe the method of tagging and registering the sites. The tag displayed at each
17.19 site where bait is placed must contain identification information for a licensed bear hunter
17.20 or a licensed bear outfitter. A person must have the license identification number of the
17.21 person with the bear license in their possession or be a licensed bear outfitter while
17.22 attending a bear bait station. To attract bear a person may not use a bait with:

17.23 (1) a carcass from a mammal, if the carcass contains more than 25 percent of the
17.24 intact carcass;

17.25 (2) meat from mammals, if the meat contains bones;

17.26 (3) bones of mammals;

17.27 (4) solid waste containing bottles, cans, plastic, paper, or metal;

17.28 (5) materials that are not readily biodegradable; or

17.29 (6) any part of a swine, except cured pork.

17.30 (b) A private landowner or person authorized by the private landowner may use a
17.31 barrel to bait bear on the person's private land. The barrel must be securely chained or
17.32 cabled to a tree so that it cannot be moved from the site by a bear and the barrel may
17.33 not include a mechanical device for dispensing feed. The barrel must be marked with

18.1 the name and address of the person who registered the bait site. For purposes of this
18.2 paragraph, "barrel" means a 30 gallon or larger drum.

18.3 Sec. 39. Minnesota Statutes 2008, section 97B.651, is amended to read:

18.4 **97B.651 UNPROTECTED MAMMALS AND BIRDS.**

18.5 Subdivision 1. **Taking unprotected mammals and birds.** Mammals that are
18.6 unprotected wild animals and unprotected birds may be taken at any time and in any
18.7 manner, except with artificial lights, or by using a motor vehicle in violation of section
18.8 97B.091. Poison may not be used to take unprotected mammals or unprotected birds
18.9 unless the safety of humans and domestic livestock is ensured. Unprotected mammals and
18.10 unprotected birds may be possessed, bought, sold, or transported in any quantity, except
18.11 importation or exportation is restricted as provided in subdivision 2.

18.12 Subd. 2. **Taking and possessing live coyotes.** A person may not export a live
18.13 coyote out of the state or import a live coyote into the state unless authorized under a
18.14 permit from the commissioner.

18.15 Sec. 40. Minnesota Statutes 2008, section 97B.811, subdivision 2, is amended to read:

18.16 Subd. 2. **Hours for placing decoys.** Except as provided in subdivisions 3 and 4,
18.17 a person may not place decoys in public waters or on public lands more than ~~one hour~~
18.18 two hours before lawful shooting hours for waterfowl.

18.19 Sec. 41. Minnesota Statutes 2008, section 97B.811, subdivision 3, is amended to read:

18.20 Subd. 3. **Restrictions on leaving decoys unattended.** During the open season
18.21 for waterfowl, a person may not leave decoys in public waters between sunset and one
18.22 hour before lawful shooting hours or leave decoys unattended during other times for
18.23 more than four consecutive hours unless:

18.24 ~~(1) the decoys are in waters adjacent to~~ completely surrounded by private land under
18.25 ~~the control of the hunter, and~~ and there is no public access to the water.

18.26 ~~(2) there is not natural vegetation growing in water sufficient to partially conceal~~
18.27 ~~a hunter.~~

18.28 Sec. 42. Minnesota Statutes 2008, section 97B.931, subdivision 1, is amended to read:

18.29 Subdivision 1. **Restrictions.** A person may not tend a trap set for wild animals
18.30 between 10:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 10:00 p.m. a person on foot
18.31 may use a portable artificial light to tend traps. While using a light in the field, the person

19.1 may not possess or use a firearm other than a handgun or rifle capable of firing only
19.2 rimfire cartridges of .17 or .22 caliber including .22 magnum.

19.3 Sec. 43. Minnesota Statutes 2008, section 97C.315, subdivision 1, is amended to read:

19.4 Subdivision 1. **Lines.** An angler may ~~not use more than one line except:~~

19.5 ~~(1) two lines may be used to take fish through the ice; and~~

19.6 ~~(2) the commissioner may, by rule, authorize the use of two lines in areas designated~~
19.7 ~~by the commissioner in Lake Superior.~~

19.8 Sec. 44. Minnesota Statutes 2008, section 97C.355, subdivision 2, is amended to read:

19.9 Subd. 2. **License required.** A person may not leave a dark house ~~or~~, fish house, or
19.10 shelter unattended on the ice at any time between midnight and one hour before sunrise
19.11 unless the house or shelter is licensed and has ~~a~~ the license tag attached to the exterior in a
19.12 readily visible location, except as provided in this subdivision. The commissioner must
19.13 issue a tag with a dark house ~~or~~, fish house, or shelter license, marked with a number to
19.14 correspond with the license and the year of issue. A dark house ~~or~~, fish house, or shelter
19.15 license is not required of a resident on boundary waters where the adjacent state does not
19.16 charge a fee for the same activity.

19.17 Sec. 45. Minnesota Statutes 2008, section 97C.371, is amended by adding a
19.18 subdivision to read:

19.19 Subd. 5. **Nonresidents.** Nonresidents may spear from a fish house or dark house.

19.20 Sec. 46. Minnesota Statutes 2008, section 97C.385, subdivision 2, is amended to read:

19.21 Subd. 2. ~~**Summer Angling limits must be same as and spearing limits.**~~ (a) If the
19.22 commissioner reduces the limit of a species of game fish taken by spearing in any waters
19.23 under section 97A.045, subdivision 2, the commissioner must reduce the limit for taking
19.24 of the species by angling in the waters during the following open season for angling.

19.25 (b) The commissioner shall not limit the size of a northern pike allowed to be taken
19.26 by spear.

19.27 Sec. 47. Minnesota Statutes 2008, section 97C.395, subdivision 1, is amended to read:

19.28 Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by
19.29 angling are as follows:

(1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the last Sunday in February;

(2) for lake trout, from January 1 to October 31;

(3) for the winter season for lake trout on all lakes located outside or partially within the Boundary Waters Canoe Area, from January 15 to March 31;

(4) for the winter season for lake trout on all lakes located entirely within the Boundary Waters Canoe Area, from January 1 to March 31;

(5) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2;

~~(5)~~ (6) for the winter season for brown trout, brook trout, rainbow trout, and splake on all lakes, from January 15 to March 31; and

~~(6)~~ (7) for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

Sec. 48. Laws 2008, chapter 368, article 2, section 25, the effective date, is amended to read:

EFFECTIVE DATE. The amendments to paragraph (a) are effective March 1, ~~2009~~ 2010.

EFFECTIVE DATE. This section is effective retroactively from March 1, 2009.

Sec. 49. **ELK MANAGEMENT PLAN.**

(a) Within 90 days of the effective date of this section, the commissioner of natural resources shall:

(1) develop an elk management plan consistent with the requirements under Minnesota Statutes, section 97B.516;

(2) present the elk management plan to the Kittson, Marshall, and Roseau County Boards; and

(3) begin implementing the plan.

(b) If the commissioner fails to meet all the requirements in paragraph (a), the commissioner shall establish an open season for elk in Kittson, Marshall, and Roseau Counties to begin in 2009 and continue until the elk population reaches 30 or less in Marshall County and 30 or less in Kittson County.

21.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

21.2 Sec. 50. **RULEMAKING.**

21.3 (a) The commissioner of natural resources shall adopt or amend rules to establish
21.4 minimum size limits for muskellunge on inland waters consistent with the provisions
21.5 of this section. The commissioner must:

21.6 (1) establish a 48-inch statewide minimum size restriction for muskellunge and
21.7 muskellunge-northern pike hybrids in inland waters, except for the lakes listed in clause
21.8 (2) that are managed specifically for muskellunge-northern pike hybrids in Carver, Dakota,
21.9 Hennepin, Ramsey, Scott, and Washington Counties; and

21.10 (2) establish a 40-inch minimum size restriction for muskellunge-northern pike
21.11 hybrids in the following lakes in Carver, Dakota, Hennepin, Ramsey, Scott, and
21.12 Washington Counties:

21.13	<u>LAKE</u>	<u>COUNTY</u>
21.14	<u>Bryant</u>	<u>Hennepin</u>
21.15	<u>Bush</u>	<u>Hennepin</u>
21.16	<u>Calhoun</u>	<u>Hennepin</u>
21.17	<u>Cedar</u>	<u>Hennepin</u>
21.18	<u>Cedar</u>	<u>Scott</u>
21.19	<u>Clear</u>	<u>Washington</u>
21.20	<u>Crystal</u>	<u>Dakota</u>
21.21	<u>Crystal</u>	<u>Hennepin</u>
21.22	<u>Eagle</u>	<u>Carver</u>
21.23	<u>Elmo</u>	<u>Washington</u>
21.24	<u>Gervais</u>	<u>Ramsey</u>
21.25	<u>Island</u>	<u>Ramsey</u>
21.26	<u>Isles</u>	<u>Hennepin</u>
21.27	<u>Johanna</u>	<u>Ramsey</u>
21.28	<u>Nokomis</u>	<u>Hennepin</u>
21.29	<u>Orchard</u>	<u>Dakota</u>
21.30	<u>Phalen</u>	<u>Ramsey</u>
21.31	<u>Pierson</u>	<u>Carver</u>
21.32	<u>Silver</u>	<u>Ramsey</u>
21.33	<u>Wasserman</u>	<u>Carver</u>
21.34	<u>Weaver</u>	<u>Hennepin</u>

21.35 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
21.36 section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section
21.37 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

21.38 Sec. 51. **REPEALER.**

H.F. No. 1238, 1st Engrossment - 86th Legislative Session (2009-2010) [H1238-1]

- 22.1 Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97B.301, subdivisions 7
22.2 and 8; and 97C.405, are repealed.

APPENDIX
Repealed Minnesota Statutes: H1238-1

97A.525 TRANSPORTATION OF WILD ANIMALS BY COMMON CARRIER.

Subd. 2. **Nonresidents.** A nonresident may transport wild animals by common carrier without being in the vehicle if the nonresident has the license required to take the animals and they are shipped to the nonresident.

97B.301 DEER LICENSES AND LIMITS.

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 muzzleloader 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 prescribed by the commissioner.

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

Subd. 8. **Sale of multiple zone or multiple season licenses.** If the commissioner adopts rules on deer zones, or seasons that eliminate the need for purchasing an all season deer or multizone license, then the commissioner is not required to offer all season deer or multizone licenses for sale.

97C.405 MUSKELLUNGE SIZE LIMITS.

(a) Except as allowed under paragraph (b), if a person catches a muskellunge less than 40 inches long, the person must immediately release the fish into the waters.

(b) The commissioner may designate lakes north of Trunk Highway No. 210 where muskellunge less than 40 inches, but not less than 30 inches long, may be retained.