

A bill for an act

relating to game and fish; modifying aquaculture provisions; modifying provisions for taking, possessing, and transporting wild animals; modifying requirements for fish and wildlife management plans; modifying game and fish license provisions; amending Minnesota Statutes 2008, sections 17.4982, subdivision 12, by adding a subdivision; 17.4991, subdivision 3; 17.4994; 84.942, subdivision 1; 84D.03, subdivision 3; 84D.11, subdivision 2a; 97A.015, subdivision 52; 97A.101, subdivision 3; 97A.311, subdivision 5; 97A.331, subdivision 4; 97A.345; 97A.405, subdivision 2; 97A.421, subdivision 4a; 97A.433, by adding a subdivision; 97A.435, subdivisions 1, 4; 97A.502; 97A.535, subdivision 2a; 97A.545, subdivision 5; 97B.015, subdivision 5a; 97B.022, subdivision 2; 97B.031, subdivision 5; 97B.075; 97B.106, subdivision 1; 97B.325; 97B.405; 97B.515, by adding a subdivision; 97B.911; 97B.915; 97B.921; 97B.925; 97C.005, subdivision 3; 97C.087, subdivision 2; 97C.205; 97C.315, subdivision 1; 97C.341; Minnesota Statutes 2009 Supplement, sections 84.95, subdivision 2; 97A.445, subdivision 1a; 97B.055, subdivision 3; 97B.811, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; 97B; 348; repealing Minnesota Statutes 2008, sections 84.942, subdivisions 2, 3, 4; 97A.435, subdivision 5; 97B.511; 97B.515, subdivision 3; 97B.811, subdivision 4.

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

Section 1. Minnesota Statutes 2008, section 17.4982, is amended by adding a subdivision to read:

Subd. 10a. **Fish collector.** "Fish collector" means an individual who has been certified under section 17.4989 to oversee the collection of fish samples from a facility or a water body for disease testing by a certified laboratory.

Sec. 2. Minnesota Statutes 2008, section 17.4982, subdivision 12, is amended to read:

Subd. 12. **Fish health inspection.** (a) "Fish health inspection" means an on-site, statistically based sampling, collection, and testing of fish in accordance with processes

in the Fish Health Blue Book ~~for all lots of fish in a facility~~ or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE) to test for causative pathogens. The samples for inspection must be collected by a fish health inspector or a fish collector in cooperation with the producer. Testing of samples must be done by an approved laboratory.

(b) The inspection for viral hemorrhagic septicemia (VHS), infectious pancreatic necrosis (IPN), and infectious hematopoietic necrosis (IHN) in salmonids and for VHS in nonsalmonids must include at least a minimum viral testing of ovarian fluids at the 95 percent confidence level of detecting two percent incidence of disease ~~(ovarian fluids must be sampled for certification of viral hemorrhagic septicemia and infectious hematopoietic necrosis). Bacterial diseases must be sampled at the 95 percent confidence level with a five percent incidence of disease. The inspection must be performed by a fish health inspector in cooperation with the producer with subsequent examination of the collected tissues and fluids for the detection of certifiable diseases.~~

(c) The inspection for certifiable diseases for wild fish must follow the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases.

Sec. 3. **[17.4989] FISH SAMPLE COLLECTING.**

Subdivision 1. **Training.** Fish collector training may be offered by any organization or agency that has had its class and practicum syllabus approved by the commissioner. The class and practicum must include the following components:

(1) accurate identification of licensed water bodies listed according to section 17.4984 and ensuring that collection is taking place at the correct site;

(2) identification of fish internal organs;

(3) fish dissection and sample preparation as identified by the Department of Natural Resources based on specific testing requirements or as outlined in the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE);

(4) recording and reporting data;

(5) sample preparation and shipping;

(6) a field collection site test to demonstrate mastery of the necessary skills, overseen by a certified fish health inspector; and

(7) a certificate of successful completion signed by a certified fish health inspector on a form provided by the commissioner.

Subd. 2. **Certification time period.** Fish collector certification is valid for five years and is not transferable. A person may renew certification only by successfully completing

certification training. Certification shall be revoked if the certified person is convicted of violating any of the statutes or rules governing testing for aquatic species diseases. Certification may be suspended during an investigation associated with misconduct or violations of fish health testing and collection. The commissioner shall notify the person that certification is being revoked or suspended.

Subd. 3. **Conflict of interest.** A fish collector may not oversee the collection of fish from a facility or a water body when the collector has a conflict of interest in connection with the outcome of the testing.

Sec. 4. Minnesota Statutes 2008, section 17.4991, subdivision 3, is amended to read:

Subd. 3. **Fish health inspection.** (a) An aquatic farm propagating ~~trout, salmon,~~ salmonids or catfish and having an effluent discharge from the aquatic farm into public waters must have a fish health inspection conducted at least once every 12 months by a certified fish health inspector. Testing must be conducted according to ~~approved~~ the Fish Health Blue Book laboratory methods.

(b) An aquatic farm propagating any species on the viral hemorrhagic septicemia (VHS) susceptible list and having an effluent discharge from the aquatic farm into public waters must test for VHS virus using the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE). The commissioner may, by written order published in the State Register, prescribe alternative testing time periods and methods from those prescribed in the Fish Health Blue Book or the OIE Diagnostic Manual if the commissioner determines that biosecurity measures will not be compromised. These alternatives are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner must provide reasonable notice to affected parties of any changes in testing requirements.

(c) Results of fish health inspections must be provided to the commissioner for all fish that remain in the state. All data used to prepare and issue a fish health certificate must be maintained for three years by the issuing fish health inspector, approved laboratory, or accredited veterinarian.

~~(b)~~ (d) A health inspection fee must be charged based on each lot of fish sampled. The fee by check or money order payable to the Department of Natural Resources must be prepaid or paid at the time a bill or notice is received from the commissioner that the inspection and processing of samples is completed.

~~(c)~~ (e) Upon receipt of payment and completion of inspection, the commissioner shall notify the operator and issue a fish health certificate. The certification must be made according to the Fish Health Blue Book by a person certified as a fish health inspector.

~~(d)~~ (f) All aquatic life in transit or held at transfer stations within the state may be inspected by the commissioner. This inspection may include the collection of stock for purposes of pathological analysis. Sample size necessary for analysis will follow guidelines listed in the Fish Health Blue Book.

~~(e)~~ (g) Salmonids and catfish must have a fish health inspection before being transported from a containment facility, unless the fish are being transported directly to an outlet for processing or other food purposes or unless the commissioner determines that an inspection is not needed. A fish health inspection conducted for this purpose need only be done on the lot or lots of fish that will be transported. The commissioner must conduct a fish health inspection requested for this purpose within five working days of receiving written notice. Salmonids and catfish may be immediately transported from a containment facility to another containment facility once a sample has been obtained for a health inspection or once the five-day notice period has expired.

Sec. 5. Minnesota Statutes 2008, section 17.4994, is amended to read:

17.4994 SUCKER EGGS.

Sucker eggs may be taken from public waters with a sucker egg license endorsement; ~~which authorizes sucker eggs to be taken at a rate of one quart of eggs for each 1-1/2 acres of licensed surface waters except that for intensive culture systems, sucker eggs may be taken at a rate of two quarts per 1,000 muskellunge fry being reared for the fee prescribed in section 97A.475, subdivision 29.~~ The Taking of sucker eggs from public waters is subject to chapter 97C and may be supervised by the commissioner. The commissioner may limit the amount of sucker eggs that a person with a sucker egg license endorsement may take based on the number of sucker eggs taken historically by the licensee, new requests for eggs, and the condition of the spawning runs at those historical streams and rivers that have produced previous annual quotas.

Sec. 6. Minnesota Statutes 2008, section 84.942, subdivision 1, is amended to read:

Subdivision 1. **Preparation.** The commissioner of natural resources shall prepare ~~a comprehensive fish and wildlife management plan~~ plans designed to accomplish the policy of section 84.941. ~~The comprehensive fish and wildlife management plan shall include a strategic plan as outlined in subdivision 2. The strategic plan must be completed by July 1, 1986. The management plan must also include the long-range and operational plans as described in subdivisions 3 and 4. The management plan must be completed by July 1, 1988.~~

Sec. 7. Minnesota Statutes 2009 Supplement, section 84.95, subdivision 2, is amended to read:

Subd. 2. **Purposes and expenditures.** Money from the reinvest in Minnesota resources fund may only be spent for the following fish and wildlife conservation enhancement purposes:

(1) development and implementation of the ~~comprehensive~~ fish and wildlife management ~~plan~~ plans under section 84.942;

(2) implementation of the reinvest in Minnesota reserve program established by section 103F.515;

(3) soil and water conservation practices to improve water quality, reduce soil erosion and crop surpluses;

(4) enhancement or restoration of fish and wildlife habitat on lakes, streams, wetlands, and public and private forest lands;

(5) acquisition and development of public access sites and recreation easements to lakes, streams, and rivers for fish and wildlife oriented recreation;

(6) matching funds with government agencies, federally recognized Indian tribes and bands, and the private sector for acquisition and improvement of fish and wildlife habitat;

(7) research and surveys of fish and wildlife species and habitat;

(8) enforcement of natural resource laws and rules;

(9) information and education;

(10) implementing the aspen recycling program under section 88.80 and for other forest wildlife management projects; and

(11) necessary support services to carry out these purposes.

Sec. 8. Minnesota Statutes 2008, section 84D.03, subdivision 3, is amended to read:

Subd. 3. **Bait harvest from infested waters.** (a) ~~The Taking of~~ wild animals from infested waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b) and section 97C.341.

(b) In waters that are designated as infested waters, except those designated because they contain prohibited invasive species of fish or certifiable diseases of fish as defined in section 17.4982, subdivision 6, the taking of wild animals may be permitted for:

(1) commercial taking of wild animals for bait and aquatic farm purposes according to a permit issued under section 84D.11, subject to rules adopted by the commissioner; and

(2) bait purposes for noncommercial personal use in waters that contain Eurasian water milfoil, when the infested waters are designated solely because they contain

Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow traps not exceeding 16 inches in diameter and 32 inches in length.

(c) Equipment and gear authorized for minnow harvest in a designated infested water by permit issued under paragraph (b) may not be transported to, or used in, any waters other than waters specified in the permit.

Sec. 9. Minnesota Statutes 2008, section 84D.11, subdivision 2a, is amended to read:

Subd. 2a. **Harvest of bait from infested waters.** The commissioner may issue a permit to allow the harvest of bait:

(1) from waters that are designated as infested waters, except those designated because they contain prohibited invasive species of fish or certifiable diseases of fish as defined in section 17.4982, subdivision 6; and

(2) from infested waters as allowed under section 97C.341, paragraph (c).

The permit shall include conditions necessary to avoid spreading aquatic invasive species. Before receiving a permit, a person annually must satisfactorily complete aquatic invasive species-related training provided by the commissioner.

Sec. 10. Minnesota Statutes 2008, section 97A.015, subdivision 52, is amended to read:

Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, blackbird, starling, magpie, cormorant, common pigeon, Eurasian collared dove, chukar partridge, quail other than bobwhite quail, and mute swan.

Sec. 11. Minnesota Statutes 2008, section 97A.101, subdivision 3, is amended to read:

Subd. 3. **Fishing may not be restricted.** Seasons or methods of taking fish other than minnows may not be restricted under this section.

Sec. 12. Minnesota Statutes 2008, section 97A.311, subdivision 5, is amended to read:

Subd. 5. **Refunds.** (a) The commissioner may issue a refund on a license, not including any issuing fees paid under section 97A.485, subdivision 6, if the request is received within 90 days of the original license purchase and:

(1) the licensee dies before the opening of the licensed season. The original license and a copy of the death certificate must be provided to the commissioner;

(2) the licensee is unable to participate in the licensed activity because the licensee is called to active military duty or military leave is canceled during the entire open season of the licensed activity. The original license and a copy of the military orders or notice of cancellation of leave must be provided to the commissioner; ~~or~~

(3) the licensee purchased two licenses for the same license season in error; or
(4) the licensee was not legally required to purchase the license to participate
in the activity.

(b) This subdivision does not apply to lifetime licenses.

Sec. 13. Minnesota Statutes 2008, section 97A.331, subdivision 4, is amended to read:

Subd. 4. **Taking and possessing big game out of season.** (a) A person that takes or
illegally possesses big game during the closed season is guilty of a gross misdemeanor.
The restitution value for a trophy deer taken or illegally possessed during the closed
season is according to paragraphs (b) to (d).

(b) The restitution value for trophy deer shall be determined based on the animal's
trophy score. The trophy score for deer shall be determined using the scoring system
developed by the Boone and Crockett Club.

(c) For typical trophy deer, the following restitution values, based on the Boone and
Crockett Club score, are:

- (1) 135 or over and less than 160, \$2,000;
- (2) 160 or over and less than 180, \$3,000;
- (3) 180 or over and less than 200, \$4,000; and
- (4) 200 or over, \$5,000.

(d) For nontypical trophy deer, the following restitution values, based on the Boone
and Crockett Club score, are:

- (1) 160 or over and less than 185, \$2,000;
- (2) 185 or over and less than 205, \$3,000;
- (3) 205 or over and less than 225, \$4,000; and
- (4) 225 or over, \$5,000.

Sec. 14. Minnesota Statutes 2008, section 97A.345, is amended to read:

97A.345 RESTITUTION VALUE OF WILD ANIMALS.

(a) Except for trophy deer restitution values provided under section 97A.331,
subdivision 4, the commissioner may, by rules adopted under chapter 14, prescribe the
dollar value to the state of species of wild animals. The value may reflect the value to
other persons to legally take the wild animal, the replacement cost, or the intrinsic value
to the state of the wild animals. Species of wild animals with similar values may be
grouped together.

(b) The value of a wild animal under the rules adopted by the commissioner is prima
facie evidence of a wild animal's value under section 97A.341.

(c) The commissioner shall report annually to the legislature the amount of restitution collected under section 97A.341 and the manner in which the funds were expended.

Sec. 15. Minnesota Statutes 2008, section 97A.405, subdivision 2, is amended to read:

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

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received. A person charged with violating the license possession requirement shall not be convicted if the person produces in court or the office of the arresting officer, the actual license previously issued to that person, which was valid at the time of arrest, or satisfactory proof that at the time of the arrest the person was validly licensed. Upon request of a conservation officer or peace officer, a licensee shall write the licensee's name in the presence of the officer to determine the identity of the licensee.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license. A pictorial migratory waterfowl, pheasant, trout and salmon, or walleye stamp shall be provided to the licensee after purchase of a stamp validation only if the licensee pays an additional ~~\$2~~ fee that covers the costs of producing and mailing a pictorial stamp. A pictorial turkey stamp may be purchased for a ~~\$2~~ fee that covers the costs of producing and mailing the pictorial stamp. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees for providing the pictorial stamps. The fees must be set in an amount that does not recover significantly more or less than the cost of producing and mailing the stamps. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply.

Sec. 16. Minnesota Statutes 2008, section 97A.421, subdivision 4a, is amended to read:

Subd. 4a. **Suspension for failure to appear in court or pay a fine or surcharge.**

When a court reports to the commissioner that a person (1) has failed to appear in court ~~under the summons issued~~ in response to a notice to appear or fails to comply with other orders of the court regarding the appearance or proceedings for a violation of the game and fish laws or (2) has been convicted of violating a provision of the game and fish laws, has been sentenced to the payment of a fine or had a surcharge levied against them, and refused or failed to comply with that sentence or to pay the fine or surcharge, the commissioner shall suspend the game and fish license and permit privileges of the person until notified by the court that the person has appeared in court under clause (1) or that any fine or surcharge due the court has been paid under clause (2).

Sec. 17. Minnesota Statutes 2008, section 97A.433, is amended by adding a subdivision to read:

Subd. 5. **Mandatory separate selection.** The commissioner must conduct a separate selection for 20 percent of the elk licenses to be issued each year. Only individuals who have applied at least ten times for an elk license and who have never received a license are eligible for this separate selection.

Sec. 18. Minnesota Statutes 2008, section 97A.435, subdivision 1, is amended to read:

Subdivision 1. ~~Number of licenses to be issued~~ **License issuance.** The commissioner shall include in ~~a rule setting the dates for a turkey season the number of licenses to be issued~~ rules setting turkey seasons the methods for issuing licenses for those seasons.

Sec. 19. Minnesota Statutes 2008, section 97A.435, subdivision 4, is amended to read:

Subd. 4. **Separate selection of eligible licensees.** (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons who are owners or tenants of and who live on at least 40 acres of land in the area, and their immediate family members, are eligible applicants for turkey licenses for the separate selection. The qualifying land may be noncontiguous. Persons who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season. A license issued under this subdivision is restricted to the permit area where the qualifying land is located.

10.1 (b) The commissioner may by rule establish criteria for determining eligible family
10.2 members under this subdivision.

10.3 Sec. 20. Minnesota Statutes 2009 Supplement, section 97A.445, subdivision 1a,
10.4 is amended to read:

10.5 Subd. 1a. **Angling in a state park.** (a) A resident may take fish by angling without
10.6 an angling license:

10.7 (1) when shore fishing or wading on state-owned land within a state park; or

10.8 (2) when angling from a boat or float, ~~this subdivision applies only to those or~~
10.9 through the ice on water bodies completely encompassed within the statutory boundary of
10.10 the state park.

10.11 (b) The exemption from an angling license does not apply to waters where a trout
10.12 stamp is required.

10.13 Sec. 21. Minnesota Statutes 2008, section 97A.502, is amended to read:

10.14 **97A.502 DEER KILLED BY MOTOR VEHICLES.**

10.15 (a) Deer killed by a motor vehicle on a public road must be removed by the road
10.16 authority, as defined by section 160.02, subdivision 25, unless the driver of the motor
10.17 vehicle is allowed to possess the deer under paragraph (b). The commissioner of natural
10.18 resources must provide to all road authorities standard forms for statistical purposes and
10.19 the tracking of wild animals.

10.20 (b) The driver of a motor vehicle that has collided with and killed a deer on a public
10.21 road has priority for a possession permit for the entire deer if the facts indicate that the
10.22 deer was not taken illegally.

10.23 Sec. 22. Minnesota Statutes 2008, section 97A.535, subdivision 2a, is amended to read:

10.24 Subd. 2a. **Quartering of deer allowed.** A deer that has been tagged as required
10.25 in subdivision 1 may be quartered at the site of the kill. The animal's head or genitalia
10.26 must remain attached to one of the quarters for male deer taken in a lottery deer area or
10.27 areas with antler point restrictions the animal's head must remain attached to one of the
10.28 quarters. The quarters must be presented together for registration under subdivision 2 and
10.29 must remain together until the deer is processed for storage.

10.30 Sec. 23. Minnesota Statutes 2008, section 97A.545, subdivision 5, is amended to read:

Subd. 5. **Birds must be in undressed condition; exceptions.** (a) Except as provided in paragraph (b), a person may ship or otherwise transport game birds in an undressed condition only.

(b) Paragraph (a) does not apply if the birds being shipped or otherwise transported:

(1) were taken on a shooting preserve and are marked or identified in accordance with section 97A.121, subdivision 5;

(2) were taken, dressed, and lawfully shipped or otherwise transported in another state; ~~or~~

(3) are migratory game birds that were lawfully tagged and packed by a federally permitted migratory bird preservation facility; or

(4) are doves shipped or transported in accordance with federal law.

Sec. 24. Minnesota Statutes 2008, section 97B.015, subdivision 5a, is amended to read:

Subd. 5a. **Exemption for military personnel.** (a) Notwithstanding subdivision 5,

(1) a person who has successfully completed basic training in the United States armed forces is exempt from the range and shooting exercise portion of the required course of instruction for the firearms safety certificate; and

(2) a person who has successfully completed basic training and training as a sniper in the United States armed forces is exempt from both the classroom instruction and the range and shooting exercise portions of the required course of instruction for the firearms safety certificate.

(b) The commissioner may require written proof of the person's military training, as deemed appropriate for implementing this subdivision. The commissioner shall publicly announce ~~this exemption~~ these exemptions from the ~~range and shooting exercise requirement~~ respective requirements for the firearms safety certificate and the availability of the department's online, remote study option for adults seeking firearms safety certification. Except as provided in paragraph (a), military personnel and veterans are not exempt from ~~any other requirement~~ the requirements of this section for obtaining a firearms safety certificate.

EFFECTIVE DATE. This section is effective July 1, 2010, for applications for firearms safety certificates received on or after that date.

Sec. 25. Minnesota Statutes 2008, section 97B.022, subdivision 2, is amended to read:

Subd. 2. **Apprentice hunter validation requirements.** A resident born after December 31, 1979, who is age ~~12~~ 13 or ~~older~~ over and who does not possess a hunter education firearms safety certificate may be issued an apprentice hunter validation. An

12.1 apprentice hunter validation is valid for only ~~one~~ two license ~~year~~ years in a lifetime. An
12.2 individual in possession of an apprentice hunter validation may hunt small game ~~and~~
12.3 deer, and bear only when accompanied by an adult licensed to hunt in Minnesota whose
12.4 license was not obtained using an apprentice hunter validation. An apprentice hunter
12.5 validation holder must obtain all required licenses and stamps.

12.6 Sec. 26. Minnesota Statutes 2008, section 97B.031, subdivision 5, is amended to read:

12.7 Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law
12.8 to the contrary, the commissioner may issue a special permit, without a fee, to use a
12.9 muzzleloader with a scope to take deer during the muzzleloader season to a person who
12.10 obtains the required licenses and who has a visual impairment. The scope may not have
12.11 magnification capabilities.

12.12 (b) The visual impairment must be to the extent that the applicant is unable to
12.13 identify targets and the rifle sights at the same time without a scope. The visual impairment
12.14 and specific conditions must be established by medical evidence verified in writing by
12.15 (1) a licensed physician; or a certified nurse practitioner or certified physician assistant
12.16 acting under the direction of a licensed physician; (2) a licensed ophthalmologist; or (3)
12.17 a licensed optometrist. The commissioner may request additional information from the
12.18 physician if needed to verify the applicant's eligibility for the permit.

12.19 (c) A permit issued under this subdivision may be valid for up to five years, based
12.20 on the permanence of the visual impairment as determined by the licensed physician,
12.21 ophthalmologist, or optometrist.

12.22 (d) The permit must be in the immediate possession of the permittee when hunting
12.23 under the special permit.

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

12.26 (f) A person who knowingly makes a false application or assists another in making
12.27 a false application for a permit under this subdivision is guilty of a misdemeanor. A
12.28 physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or
12.29 optometrist who fraudulently certifies to the commissioner that a person is visually
12.30 impaired as described in this subdivision is guilty of a misdemeanor.

12.31 Sec. 27. Minnesota Statutes 2009 Supplement, section 97B.055, subdivision 3, is
12.32 amended to read:

12.33 Subd. 3. **Hunting from vehicle by disabled hunters.** (a) The commissioner may
12.34 issue a special permit, without a fee, to discharge a firearm or bow and arrow from a

13.1 stationary motor vehicle to a person who obtains the required licenses and who has a
13.2 permanent physical disability that is more substantial than discomfort from walking. The
13.3 permit recipient must be:

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

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

13.8 (b) The permanent physical disability must be established by medical evidence
13.9 verified in writing by a licensed physician ~~or~~ chiropractor, or certified nurse practitioner
13.10 or certified physician assistant acting under the direction of a licensed physician. The
13.11 commissioner may request additional information from the physician or chiropractor
13.12 if needed to verify the applicant's eligibility for the permit. Notwithstanding section
13.13 97A.418, the commissioner may, in consultation with appropriate advocacy groups,
13.14 establish reasonable minimum standards for permits to be issued under this section. In
13.15 addition to providing the medical evidence of a permanent disability, the applicant must
13.16 possess a valid disability parking certificate authorized by section 169.345 or license
13.17 plates issued under section 168.021.

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

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

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

13.25 (f) A person who knowingly makes a false application or assists another in making a
13.26 false application for a permit under this section is guilty of a misdemeanor. A physician,
13.27 certified nurse practitioner, certified physician assistant, or chiropractor who fraudulently
13.28 certifies to the commissioner that a person is permanently disabled as described in this
13.29 section is guilty of a misdemeanor.

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

13.34 Sec. 28. Minnesota Statutes 2008, section 97B.075, is amended to read:

13.35 **97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

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

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

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

14.11 Sec. 29. Minnesota Statutes 2008, section 97B.106, subdivision 1, is amended to read:

14.12 Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may
14.13 issue a special permit, without a fee, to take big game, small game, or rough fish with a
14.14 crossbow to a person that is unable to hunt or take rough fish by archery because of a
14.15 permanent or temporary physical disability. A crossbow permit issued under this section
14.16 also allows the permittee to use a bow with a mechanical device that draws, releases, or
14.17 holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

14.18 (b) To qualify for a crossbow permit under this section, a temporary disability
14.19 must render the person unable to hunt or fish by archery for a minimum of two years
14.20 after application for the permit is made. The permanent or temporary disability must
14.21 be established by medical evidence, and the inability to hunt or fish by archery for the
14.22 required period of time must be verified in writing by (1) a licensed physician or a certified
14.23 nurse practitioner or certified physician assistant acting under the direction of a licensed
14.24 physician; or (2) a licensed chiropractor. A person who has received a special permit
14.25 under this section because of a permanent disability is eligible for subsequent special
14.26 permits without providing medical evidence and verification of the disability.

14.27 (c) The person must obtain the appropriate license.

14.28 Sec. 30. Minnesota Statutes 2008, section 97B.325, is amended to read:

14.29 **97B.325 DEER STAND RESTRICTIONS.**

14.30 A person may not take deer from a constructed platform or other structure that is
14.31 located within the right-of-way of an improved public highway ~~or is higher than 16 feet~~
14.32 ~~above the ground. The height restriction does not apply to a portable stand that is chained,~~
14.33 ~~belted, clamped, or tied with rope.~~

Sec. 31. Minnesota Statutes 2008, section 97B.405, is amended to read:

97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.

(a) The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by rule, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

(b) In the case of a drawing, the commissioner shall allow a person to apply for a permit in more than one area at the same time and rank the person's choice of area.

(c) A person selected through a drawing must purchase a license by the Friday closest to July 31. Any remaining available licenses not purchased shall be issued beginning the following Wednesday to those who applied unsuccessfully. Any remaining available licenses not purchased by unsuccessful applicants may then be issued the following week beginning on Wednesday to any eligible person as prescribed by the commissioner on a first-come, first-served basis.

Sec. 32. [97B.4251] BAITING BEAR; USE OF DRUM.

Notwithstanding section 97B.425, a private landowner or person authorized by the private landowner may use a drum to bait bear on the person's private land. The drum must be securely chained or cabled to a tree so that it cannot be moved from the site by a bear and the drum may not include a mechanical device for dispensing feed. The drum must be marked with the name and address of the person who registered the bait site. For purposes of this section, "drum" means a 30 gallon or larger drum.

Sec. 33. Minnesota Statutes 2008, section 97B.515, is amended by adding a subdivision to read:

Subd. 4. **Taking elk causing damage or nuisance.** The commissioner may authorize the taking of elk that are causing damage or nuisance by licensed hunters from September 1 to March 1 under rules prescribed by the commissioner. The commissioner may select and issue licenses to hunters from lists of license applicants based on their interest, proximity, and availability to quickly respond to the damage or nuisance situation. A person receiving a license to hunt elk under this subdivision is not subject to the requirements of section 97A.433, subdivision 2, clause (2), and does not lose eligibility for future elk hunts.

16.1 Sec. 34. Minnesota Statutes 2009 Supplement, section 97B.811, subdivision 3, is
16.2 amended to read:

16.3 Subd. 3. **Restrictions on leaving decoys unattended.** During the open season for
16.4 waterfowl, a person may not leave decoys in public waters between sunset and two hours
16.5 before lawful shooting hours or leave decoys unattended during other times for more than
16.6 three consecutive hours unless:

16.7 ~~(1) the decoys are in waters adjacent to~~ completely surrounded by private land
16.8 ~~under the control of the hunter; and~~

16.9 ~~(2) there is not natural vegetation growing in water sufficient to partially conceal a~~
16.10 ~~hunter~~ and there is no public access to the water.

16.11 Sec. 35. Minnesota Statutes 2008, section 97B.911, is amended to read:

16.12 **97B.911 MUSKRAT SEASONS.**

16.13 (a) Except as provided in paragraph (b), the commissioner may establish open
16.14 seasons and restrictions for taking muskrat.

16.15 (b) The fall open season for muskrat shall begin the third Saturday in October in
16.16 the forest trapping zone.

16.17 Sec. 36. Minnesota Statutes 2008, section 97B.915, is amended to read:

16.18 **97B.915 MINK SEASONS.**

16.19 (a) Except as provided in paragraph (b), the commissioner may establish open
16.20 seasons and restrictions for taking mink.

16.21 (b) The fall open season for mink shall begin the third Saturday in October in the
16.22 forest trapping zone.

16.23 Sec. 37. Minnesota Statutes 2008, section 97B.921, is amended to read:

16.24 **97B.921 OTTER SEASONS.**

16.25 (a) Except as provided in paragraph (b), the commissioner may establish open
16.26 seasons and restrictions for taking otter.

16.27 (b) The fall open season for otter shall begin the third Saturday in October in the
16.28 forest trapping zone.

16.29 Sec. 38. Minnesota Statutes 2008, section 97B.925, is amended to read:

16.30 **97B.925 BEAVER SEASONS.**

17.1 (a) Except as provided in paragraph (b), the commissioner may establish open
17.2 seasons and restrictions for taking beaver.

17.3 (b) The fall open season for beaver shall begin the third Saturday in October in
17.4 the forest trapping zone.

17.5 Sec. 39. **[97B.927] INCIDENTAL TAKINGS.**

17.6 A person who incidentally takes a muskrat or otter in a beaver trap during the beaver
17.7 season shall tag the animal with the person's name, license number, and the date, time,
17.8 and place where the animal was taken. The person must notify a conservation officer no
17.9 later than 24 hours after the taking. The person shall give the pelt of the animal to the
17.10 Minnesota Trappers Association. All proceeds from the sale of the pelts must be used to
17.11 support the association's education efforts.

17.12 Sec. 40. Minnesota Statutes 2008, section 97C.005, subdivision 3, is amended to read:

17.13 Subd. 3. **Seasons, limits, and other rules.** The commissioner may, in accordance
17.14 with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14,
17.15 establish open seasons, limits, methods, and other requirements for taking fish on special
17.16 management waters. The commissioner may, by written order published in the State
17.17 Register, amend daily, possession, or size limits to make midseason adjustments that are
17.18 necessary based on available harvest, angling pressure, and population data to manage the
17.19 fisheries in the 1837 Ceded Territory in compliance with the court orders in Mille Lacs
17.20 Band of Chippewa v. Minnesota, 119 S. Ct. 1187 (1999). The midseason adjustments in
17.21 daily, possession, or size limits are not subject to the rulemaking provisions of chapter 14
17.22 and section 14.386 does not apply.

17.23 Sec. 41. Minnesota Statutes 2008, section 97C.087, subdivision 2, is amended to read:

17.24 Subd. 2. **Application for tag.** Application for special fish management tags must
17.25 be accompanied by a \$5, nonrefundable application fee for each tag. A person may not
17.26 make more than one tag application each calendar year. If a person makes more than one
17.27 application, the person is ineligible for a special fish management tag for that ~~season~~
17.28 calendar year after determination by the commissioner, without a hearing.

17.29 Sec. 42. Minnesota Statutes 2008, section 97C.205, is amended to read:

17.30 **97C.205 TRANSPORTING AND STOCKING FISH.**

17.31 (a) Except on the water body where taken, a person may not transport a live fish in a
17.32 quantity of water sufficient to keep the fish alive, unless the fish:

18.1 (1) is being transported under an aquaculture license as authorized under sections
18.2 17.4985 and 17.4986;

18.3 (2) is being transported for a fishing contest weigh-in under section 97C.081;

18.4 (3) is a minnow being transported under section 97C.505 or 97C.515;

18.5 (4) is being transported by a commercial fishing license holder under section
18.6 97C.821; or

18.7 (5) is being transported as otherwise authorized in this section or as prescribed for
18.8 certifiable diseases under sections 17.46 to 17.4999.

18.9 (b) The commissioner may adopt rules to allow and regulate:

18.10 (1) the transportation of fish and fish eggs; and

18.11 (2) the stocking of waters with fish or fish eggs.

18.12 (c) The commissioner must allow the possession of fish on special management or
18.13 experimental waters to be prepared as a meal on the ice or on the shore of that water
18.14 body if the fish:

18.15 (1) were lawfully taken;

18.16 (2) have been packaged by a licensed fish packer; and

18.17 (3) do not otherwise exceed the statewide possession limits.

18.18 (d) The commissioner shall prescribe rules designed to encourage local sporting
18.19 organizations to propagate game fish by using rearing ponds. The rules must:

18.20 (1) prescribe methods to acquire brood stock for the ponds by seining public waters;

18.21 (2) allow the sporting organizations to own and use seines and other necessary
18.22 equipment; and

18.23 (3) prescribe methods for stocking the fish in public waters that give priority to the
18.24 needs of the community where the fish are reared and the desires of the organization
18.25 operating the rearing pond.

18.26 (e) A person age 16 or under may, for purposes of display in a home aquarium,
18.27 transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white
18.28 crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow,
18.29 and brown bullheads taken by angling, except as otherwise ordered by the commissioner
18.30 upon documentation of an emergency fish disease in Minnesota waters, as defined in
18.31 section 17.4982, subdivision 9. No more than four of each species may be transported at
18.32 any one time, and any individual fish can be no longer than ten inches in total length. The
18.33 commissioner may, by written order published in the State Register, prohibit transportation
18.34 of live fish under this paragraph to help prevent spread of an emergency fish disease
18.35 documented to occur in Minnesota waters. The order is exempt from the rulemaking
18.36 provisions of chapter 14 and section 14.386 does not apply.

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

19.2 Subdivision 1. **Lines.** An angler may not use more than one line except two lines
19.3 may be used to take fish:

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

19.5 (2) ~~the commissioner may, by rule, authorize the use of two lines in areas designated~~
19.6 ~~by the commissioner in Lake Superior~~ if the angler purchases a second line endorsement
19.7 for \$10.

19.8 Sec. 44. Minnesota Statutes 2008, section 97C.341, is amended to read:

19.9 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

19.10 (a) A person may not use live minnows imported from outside of the state, game
19.11 fish, goldfish, or carp for bait. The commissioner may authorize use of game fish eggs as
19.12 bait and prescribe restrictions on their use.

19.13 (b) A person may not import or possess live, frozen, or processed bait from known
19.14 waters where viral hemorrhagic septicemia has been identified as being present, except as
19.15 provided in paragraph (c). For purposes of this paragraph, "bait" includes fish, aquatic
19.16 worms, amphibians, invertebrates, and insects used for ~~angling~~ taking wild animals.

19.17 (c) Cisco and rainbow smelt taken under rules adopted by the commissioner may
19.18 be used as:

19.19 (1) fresh or frozen bait on Lake Superior; or

19.20 (2) bait that has been processed to inactivate viral hemorrhagic septicemia in a
19.21 manner prescribed by rules adopted by the commissioner.

19.22 Sec. 45. **[348.125] COYOTE CONFLICT MANAGEMENT OPTION.**

19.23 A county board may, by resolution, offer a bounty for the taking of coyotes (Canis
19.24 latrans) by all legal methods. The resolution may be made applicable to the whole or any
19.25 part of the county. The bounty must apply during the months specified in the resolution
19.26 and be in an amount determined by the board.

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

19.28 Sec. 46. **LAKE FLORIDA FISHING RESTRICTIONS.**

19.29 The commissioner shall prohibit fishing on Lake Florida in the area surrounding
19.30 the outlet and carp trap one month prior to the open season for walleye, sauger, northern
19.31 pike, muskellunge, largemouth bass, and smallmouth bass, as provided under Minnesota
19.32 Statutes, section 97C.395, subdivision 1, paragraph (a), clause (1).

20.1 Sec. 47. **RULEMAKING; SPEARING ON CASS LAKE.**

20.2 The commissioner of natural resources shall amend Minnesota Rules, part
20.3 6264.0400, subpart 69, to allow a person to take fish by spearing on Cass Lake. The
20.4 commissioner may use the good cause exemption under Minnesota Statutes, section
20.5 14.388, to adopt rules under this section, and Minnesota Statutes, section 14.386, does not
20.6 apply except as provided under Minnesota Statutes, section 14.388.

20.7 Sec. 48. **REPEALER.**

20.8 Minnesota Statutes 2008, sections 84.942, subdivisions 2, 3, and 4; 97A.435,
20.9 subdivision 5; 97B.511; 97B.515, subdivision 3; and 97B.811, subdivision 4, are repealed.

84.942 FISH AND WILDLIFE RESOURCES MANAGEMENT PLAN.

Subd. 2. **Strategic plan.** The strategic plan must be updated every six years and include:

- (1) an issues analysis describing major fish and wildlife management problems;
- (2) a description of strategies to address management problems; and
- (3) an assessment of the need for additional fish and wildlife research facilities.

Subd. 3. **Long-range plan.** The long-range plan must be updated every six years and include:

- (1) an assessment of historical, present, and projected demand for fish and wildlife resources;
- (2) an assessment of the capability of fish and wildlife resources to meet present and future demand;
- (3) development of a database capable of continuous updating and usable as a resource management tool; and
- (4) a statement of major goals, objectives, and policies to address fish and wildlife resource management issues.

Subd. 4. **Operational plan.** The operational plan must be reviewed and updated every two years. The operational plan must include the following:

- (1) a description of specific actions needed to address resource management issues;
- (2) an estimate of the expenditures necessary to implement the management actions and a description of the sources and amounts of revenue available;
- (3) a procedure to review expenditures and evaluate the effectiveness of the management program; and
- (4) recommendations for additional actions necessary to meet fish and wildlife management needs.

97A.435 TURKEY LICENSES; APPLICATION AND ELIGIBILITY.

Subd. 5. **Spring season.** (a) A person who has not applied for a turkey license through the lottery or applied for a license and was unsuccessful in the lottery, may purchase a turkey hunting license to hunt by archery for the spring turkey season during a combined seventh and eighth time period. A turkey hunting license under this subdivision is separate from the normal lottery process and is effective for hunting only in a wild turkey permit area in the state where 50 or more licenses are issued during an established time period.

(b) Turkey lottery preference points shall not be reduced for a person purchasing a license under this subdivision.

(c) A person may take only one bearded turkey in a spring turkey season regardless of whether the hunter purchased a license through the lottery system or as provided in this subdivision.

97B.511 MOOSE STAND RESTRICTIONS.

A person may not take moose from a constructed platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.

97B.515 ELK; LICENSE REQUIRED, SEASONS, RESTRICTIONS.

Subd. 3. **Stand restrictions.** A person may not take elk from a constructed platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.

97B.811 DECOYS AND BLINDS ON PUBLIC LANDS AND WATERS.

Subd. 4. **Decoys that are navigational hazard prohibited.** A person may not leave decoys in public waters between sunset and one hour before lawful shooting hours if the decoys constitute a navigational hazard.