

A bill for an act

relating to game and fish; modifying youth hunting requirements; amending Minnesota Statutes 2008, sections 97A.435, subdivision 2; 97A.445, subdivision 5; 97A.451, subdivision 3; 97A.475, subdivisions 3a, 4, 43, 44; 97B.015, subdivisions 4, 5, 5a, 6, 7; 97B.020; 97B.021, subdivision 1; 97B.022, subdivision 2; 97B.301, subdivisions 3, 6; 97B.601, subdivision 4; Minnesota Statutes 2009 Supplement, sections 97A.075, subdivisions 1, 5; 97A.441, subdivision 7; 97A.475, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2008, sections 97A.451, subdivisions 3a, 4; 97A.485, subdivision 12.

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

Section 1. Minnesota Statutes 2009 Supplement, 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), ~~(13)~~, ~~(14)~~, and ~~(15)~~ (8), and 3, clauses ~~(2)~~, (3), (4), ~~(10)~~, (5), and (11), ~~and (12)~~, 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.

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(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. 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.

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. 2. Minnesota Statutes 2009 Supplement, section 97A.075, subdivision 5, is amended to read:

Subd. 5. **Turkey account.** (a) \$4.50 from each turkey license sold, except youth licenses under section 97A.475, subdivision 2, clause ~~(4)~~ (5), and subdivision 3, clause ~~(7)~~ (8), must be credited to the wild turkey management account. Money in the account may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for wild turkeys on public and private land including forest stand improvement and establishment of nesting cover, winter roost area, and reliable food sources;

(2) acquisitions of, or easements on, critical wild turkey habitat;

(3) reimbursement of expenditures to provide wild turkey habitat on public and private land;

(4) trapping and transplantation of wild turkeys; and

(5) the promotion of turkey habitat development and maintenance, population surveys and monitoring, and research.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4), or to specific promotional or evaluative activities under paragraph (a), clause (5); or

(2) any permanent personnel costs.

Sec. 3. Minnesota Statutes 2008, section 97A.435, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** Persons eligible for a turkey license shall be determined by ~~this section and commissioner's rule adopted by the commissioner.~~ A person is eligible for

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~~a turkey license only if the person is at least age 16 before the season opens, possesses a firearms safety certificate, or, if under age 12, is accompanied by a parent or guardian.~~

Sec. 4. Minnesota Statutes 2009 Supplement, section 97A.441, subdivision 7, is amended to read:

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

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clause ~~(5)~~ (6).

Sec. 5. Minnesota Statutes 2008, section 97A.445, subdivision 5, is amended to read:

Subd. 5. ~~Small game hunting; Take a Kid Hunting Weekend.~~ (a) A resident over age 18 may take small game by hunting without a license during one Saturday and Sunday of the small game hunting season designated by rule of the commissioner if accompanied by a child who is under age ~~16~~ 18. The commissioner shall publicize the Saturday and Sunday as "Take a Kid Hunting Weekend." Notwithstanding section 97A.451, subdivision 3, a person under age 18 does not need a hunting license to take small game by hunting on the weekend designated under this paragraph.

(b) Notwithstanding section 97A.451, subdivision 3, a person under age 16 may take waterfowl without a license when accompanied by a nonhunting adult age 18 or over during youth waterfowl hunting days designated by rule of the commissioner in accordance with federal law.

Sec. 6. Minnesota Statutes 2008, section 97A.451, subdivision 3, is amended to read:

Subd. 3. ~~Residents under age 16; small game~~ **Resident and nonresident hunting.**

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

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

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

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

~~(4) age 12 or under and is accompanied by a parent or guardian. Except as otherwise specifically provided by law, a person must obtain a license to hunt big game or small game by firearms or bow and arrow and is eligible to obtain a license and use it for hunting if the person was born on or before December 31, 1979, or, if born after December 31, 1979, is:~~

~~(1) 12 years of age or under and is accompanied by a parent or guardian;~~

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

~~(3) 14 years of age or over and possesses a hunter education firearms safety certificate; or~~

~~(4) 13 years of age or over, possesses an apprentice hunter validation, and is accompanied by an adult 18 years of age or over who is licensed to hunt in Minnesota and whose license was not obtained using an apprentice hunter validation.~~

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

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

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

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Sec. 7. Minnesota Statutes 2009 Supplement, 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 under age 18 to take small game, \$2.50;
- (2) for persons age 18 or over and under age 65 to take small game, \$12.50;
- ~~(2)~~ (3) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
- ~~(3)~~ (4) for persons age 18 or over to take turkey, \$23;
- ~~(4)~~ (5) for persons under age 18 to take turkey, \$12 \$2.50;
- ~~(5)~~ (6) for persons age 18 or over to take deer with firearms during the regular firearms season, \$26;
- ~~(6)~~ (7) for persons age 18 or over to take deer by archery, \$26;
- ~~(7)~~ (8) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$26;
- ~~(8)~~ (9) to take moose, for a party of not more than six persons, \$310;
- ~~(9)~~ (10) to take bear, \$38;
- ~~(10)~~ (11) to take elk, for a party of not more than two persons, \$250;
- ~~(11)~~ (12) to take Canada geese during a special season, \$4;
- ~~(12)~~ (13) to take prairie chickens, \$20;
- ~~(13)~~ (14) for persons under age 18 to take deer with firearms during the regular firearms season, \$13 \$2.50;
- ~~(14)~~ (15) for persons under age 18 to take deer by archery, \$13 \$2.50; and
- ~~(15)~~ (16) for persons under age 18 to take deer by muzzleloader during the muzzleloader season, \$13 \$2.50.

Sec. 8. Minnesota Statutes 2009 Supplement, section 97A.475, subdivision 3, is amended to read:

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

- (1) for persons under age 18 to take small game, \$2.50;
- (2) for persons age 18 or over to take small game, \$73;
- ~~(2)~~ (3) for persons age 18 or over to take deer with firearms during the regular firearms season, \$135;
- ~~(3)~~ (4) for persons age 18 or over to take deer by archery, \$135;
- ~~(4)~~ (5) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$135;

~~(5)~~ (6) to take bear, \$195;
~~(6)~~ (7) for persons age 18 ~~and older~~ or over to take turkey, \$78;
~~(7)~~ (8) for persons under age 18 to take turkey, ~~\$12~~ \$2.50;
~~(8)~~ (9) to take raccoon or bobcat, \$155;
~~(9)~~ (10) to take Canada geese during a special season, \$4;
~~(10)~~ (11) for persons under age 18 to take deer with firearms during the regular
firearms season in any open season option or time period, \$13;
~~(11)~~ (12) for persons under age 18 to take deer by archery, \$13; and
~~(12)~~ (13) for persons under age 18 to take deer during the muzzleloader season,
~~\$13~~ \$2.50.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
paragraph (a), clauses ~~(1)~~ (2) to ~~(8)~~ (9). An additional commission may not be assessed
on this surcharge.

Sec. 9. Minnesota Statutes 2008, section 97A.475, subdivision 3a, is amended to read:

Subd. 3a. **Deer license surcharge.** A person may agree to add a donation of \$1,
\$3, or \$5 to the fees for annual resident and nonresident licenses to take deer by firearms
or archery established under subdivisions 2, clauses ~~(5)~~, (6), (7), ~~(11)~~, and ~~(13)~~ (8), and
3, clauses ~~(2)~~, (3), (4), and ~~(9)~~ (5). Beginning March 1, 2008, fees for bonus licenses to
take deer by firearms or archery established under section 97B.301, subdivision 4, must be
increased by a surcharge of \$1. An additional commission may not be assessed on the
donation or surcharge and the following statement must be included in the annual deer
hunting regulations: "The deer license donations and surcharges are being paid by hunters
for deer management, including assisting with the costs of processing deer donated for
charitable purposes."

Sec. 10. Minnesota Statutes 2008, section 97A.475, subdivision 4, is amended to read:

Subd. 4. **Small game surcharge.** Fees for annual licenses to take small game must
be increased by a surcharge of \$6.50. An additional commission may not be assessed on
the surcharge and the following statement must be included in the annual small game
hunting regulations: "This \$6.50 surcharge is being paid by hunters for the acquisition and
development of wildlife lands." Small game licenses issued to individuals under age 18
are exempt from this surcharge.

Sec. 11. Minnesota Statutes 2008, section 97A.475, subdivision 43, is amended to read:

Subd. 43. **Duplicate licenses.** The fees for duplicate licenses are:

- (1) for licenses to take big game, \$5; ~~and~~
(2) for a license issued to a person under age 18, \$1; and
(3) for other licenses, \$2.

Sec. 12. Minnesota Statutes 2008, section 97A.475, subdivision 44, is amended to read:

Subd. 44. **Replacement licenses.** (a) The fee for a replacement firearms deer license is \$5.

(b) The fee for a replacement firearms deer license issued to a person under age 18 is \$1.

Sec. 13. Minnesota Statutes 2008, section 97B.015, subdivision 4, is amended to read:

Subd. 4. **Student fee.** To defray the expense of the course, the Enforcement Division shall collect a fee from each person that takes the hunter education firearm safety course. The commissioner shall establish a fee that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees shall be deposited in the game and fish fund and the amount thereof is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the program. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses.

Sec. 14. Minnesota Statutes 2008, section 97B.015, subdivision 5, is amended to read:

Subd. 5. **Hunter education firearms safety certificate.** The commissioner shall issue a hunter education firearms safety certificate to a person that satisfactorily completes the required course of instruction. A person must be at least age 11 to take the hunter education firearms safety course ~~and may receive a firearms safety certificate, but the certificate is not valid for hunting until the year the person reaches age 12. A person who is age 11 and has a firearms safety certificate may purchase a license to take big game that will be valid for hunting during the entire regular season for which the license is valid if the person will reach age 12 during that calendar year. A firearms safety certificate issued to a person under age 12 by another state as provided in section 97B.020 is not valid for hunting in Minnesota until the person reaches age 12.~~ The form and content of the hunter education firearms safety certificate shall be prescribed by the commissioner.

Sec. 15. Minnesota Statutes 2008, section 97B.015, subdivision 5a, is amended to read:

8.1 Subd. 5a. **Exemption for military personnel.** Notwithstanding subdivision 5, a
8.2 person who has successfully completed basic training in the United States armed forces is
8.3 exempt from the range and shooting exercise portion of the required course of instruction
8.4 for the hunter education firearms safety certificate. The commissioner may require written
8.5 proof of the person's military training, as deemed appropriate for implementing this
8.6 subdivision. The commissioner shall publicly announce this exemption from the range
8.7 and shooting exercise requirement and the availability of the department's online, remote
8.8 study option for adults seeking hunter education firearms safety certification. Military
8.9 personnel are not exempt from any other requirement of this section for obtaining a hunter
8.10 education firearms safety certificate.

8.11 Sec. 16. Minnesota Statutes 2008, section 97B.015, subdivision 6, is amended to read:

8.12 Subd. 6. **Provisional certificate for persons with developmental disability.** Upon
8.13 the recommendation of a course instructor, the commissioner may issue a provisional
8.14 hunter education firearms safety certificate to a person who satisfactorily completes the
8.15 classroom portion of the hunter education firearms safety course but is unable to pass
8.16 the written or an alternate format exam portion of the course because of developmental
8.17 disability as defined in section 97B.1055, subdivision 1. The certificate is valid only
8.18 when used according to section 97B.1055.

8.19 Sec. 17. Minnesota Statutes 2008, section 97B.015, subdivision 7, is amended to read:

8.20 Subd. 7. **Fee for duplicate certificate.** The commissioner shall collect a fee, to
8.21 include a \$1 issuing fee for licensing agents, for issuing a duplicate hunter education
8.22 firearms safety certificate. The commissioner shall establish a fee that neither significantly
8.23 overrecovers nor underrecovers costs, including overhead costs, involved in providing
8.24 the service. The fee is not subject to the rulemaking provisions of chapter 14 and section
8.25 14.386 does not apply. The commissioner may establish the fee notwithstanding section
8.26 16A.1283. The duplicate certificate fees, except for the issuing fee for licensing agents
8.27 under this subdivision, shall be deposited in the game and fish fund and, except for the
8.28 electronic licensing system commission established by the commissioner under section
8.29 84.027, subdivision 15, and issuing fees collected by the commissioner, are appropriated
8.30 annually to the Enforcement Division of the Department of Natural Resources for the
8.31 administration of the hunter education firearm safety course program.

Sec. 18. Minnesota Statutes 2008, section 97B.020, is amended to read:

**97B.020 HUNTER EDUCATION FIREARMS SAFETY CERTIFICATE
REQUIRED.**

(a) Except as provided in this section ~~and section 97A.451, subdivision 3a~~, a person age 13 or over born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

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

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

(c) A person age 13 or over born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a) or (b).

Sec. 19. Minnesota Statutes 2008, section 97B.021, subdivision 1, is amended to read:

Subdivision 1. **Restrictions.** (a) Except as provided in this subdivision, a person under the age of 16 may not possess a firearm, unless accompanied by a parent or guardian.

(b) A person under age 16 may possess a firearm without being accompanied by a parent or guardian:

- (1) on land owned by, or occupied as the principal residence of, the person or the person's parent or guardian;
- (2) while participating in an organized target shooting program with adult supervision;
- (3) while the person is participating in a hunter education firearms safety program or traveling to and from class; or
- (4) if the person is age 14 or 15 and has a hunter education firearms safety certificate.

10.1 (c) A person age 13, 14, or 15 hunting with an apprentice hunter validation may
10.2 possess a firearm if accompanied by a parent or guardian age 18 or over who is licensed
10.3 to hunt in Minnesota and whose license was not obtained using an apprentice hunter
10.4 validation.

10.5 Sec. 20. **[97B.0215] PARENT OR GUARDIAN RESPONSIBILITY; VIOLATION.**

10.6 A parent or guardian may not knowingly direct, allow, or permit a person under the
10.7 age of 18 to hunt without the required license, permit, training, or certification, or in
10.8 violation of the game and fish laws.

10.9 Sec. 21. Minnesota Statutes 2008, section 97B.022, subdivision 2, is amended to read:

10.10 Subd. 2. **Apprentice hunter validation requirements.** A resident born after
10.11 December 31, 1979, who is age ~~12~~ 13 or ~~older~~ over and who does not possess a hunter
10.12 education firearms safety certificate or a nonresident who is age 13 to 17 and who does
10.13 not possess a hunter education firearms safety certificate may be issued an apprentice
10.14 hunter validation. An apprentice hunter validation is valid for only ~~one~~ two license ~~year~~
10.15 years in a lifetime. An individual in possession of an apprentice hunter validation may
10.16 hunt small game ~~and~~ deer, and bear only when accompanied by an adult licensed to hunt
10.17 in Minnesota whose license was not obtained using an apprentice hunter validation. An
10.18 apprentice hunter validation holder must obtain all required licenses and stamps.

10.19 Sec. 22. Minnesota Statutes 2008, section 97B.301, subdivision 3, is amended to read:

10.20 Subd. 3. **Party hunting.** If two or more persons with licenses to take deer by
10.21 firearms, or two or more persons with licenses to take deer by archery, are hunting as a
10.22 party, a member of the party may take more than one deer, but the total number of deer
10.23 taken by the party may not exceed the number of persons licensed to take deer in the
10.24 party. For a deer license issued to a person under age 18, only the person to whom the
10.25 license is issued may take and tag a deer under that license.

10.26 Sec. 23. Minnesota Statutes 2008, section 97B.301, subdivision 6, is amended to read:

10.27 Subd. 6. **Residents or nonresidents under age 18 may take deer of either sex.** A
10.28 resident or nonresident under the age of 18 may take a deer of either sex except in those
10.29 antlerless permit areas and seasons where no antlerless permits are offered. In antlerless
10.30 permit areas where no antlerless permits are offered, the commissioner may provide
10.31 a limited number of youth either sex permits to residents or nonresidents under age 18,
10.32 under the procedures provided in section 97B.305, and may give preference to residents or

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11.1 nonresidents under the age of 18 that have not previously been selected. This subdivision
11.2 does not authorize the taking of ~~an antlerless deer~~ on the youth hunter's license by another
11.3 member of a party ~~under subdivision 3.~~

11.4 Sec. 24. Minnesota Statutes 2008, section 97B.601, subdivision 4, is amended to read:

11.5 Subd. 4. **Exception to license requirements.** (a) ~~A resident under age 16 may take~~
11.6 ~~small game without a small game license, and a resident under age 13 may trap without a~~
11.7 ~~trapping license, as provided in section 97A.451, subdivision 3.~~

11.8 (b) A person may take small game without a small game license on land occupied by
11.9 the person as a principal residence.

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

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

11.14 (e) A person may take a turkey or a prairie chicken without a small game license.

11.15 (f) A person participating in "Take a Kid Hunting Weekend" may take small game
11.16 without a license as provided in section 97A.445, subdivision 5.

11.17 (g) A person under age 16 may take waterfowl without a small game license on
11.18 youth waterfowl days as provided in section 97A.445, subdivision 5.

11.19 (h) Certain military personnel or discharged veterans may take small game without a
11.20 license as provided in section 97A.465.

11.21 Sec. 25. **REPEALER.**

11.22 Minnesota Statutes 2008, sections 97A.451, subdivisions 3a and 4; and 97A.485,
11.23 subdivision 12, are repealed.