

A bill for an act

relating to game and fish; modifying aquaculture provisions; modifying compensation and assistance provisions for crop damage by elk; modifying requirements for fish and wildlife management plans; modifying provisions for taking, possessing, and transporting wild animals; modifying certain acquisition procedures; modifying penalty and license provisions; modifying duties of the Board of Water and Soil Resources; limiting landowner liability for state walk-in access program; requiring rulemaking; providing criminal penalties; amending Minnesota Statutes 2010, sections 3.7371, subdivisions 1, 3; 17.4982, subdivisions 8, 12, 13, by adding a subdivision; 17.4991, subdivision 3; 17.4994; 84.92, subdivisions 8, as amended if enacted, 9, 10; 84.942, subdivision 1; 84.95, subdivision 2; 84D.11, subdivision 2a; 97A.015, subdivisions 24, 49, 52, 55; 97A.028, subdivision 3; 97A.101, subdivision 3; 97A.311, subdivision 5; 97A.321, subdivision 1; 97A.331, by adding a subdivision; 97A.405, subdivision 2; 97A.415, subdivision 2; 97A.425, subdivision 3; 97A.433, by adding a subdivision; 97A.435, subdivision 1; 97A.445, subdivision 1a; 97A.465, subdivision 5; 97A.475, subdivision 7; 97A.502; 97A.505, subdivision 2; 97A.545, subdivision 5; 97B.022, subdivision 2; 97B.031, subdivision 5; 97B.041; 97B.045, subdivision 3; 97B.055, subdivision 3; 97B.075; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.325; 97B.405; 97B.515, by adding a subdivision; 97B.667; 97B.803; 97B.811, subdivision 3; 97C.005, subdivision 3; 97C.081, subdivision 3, by adding a subdivision; 97C.087, subdivision 2; 97C.205; 97C.315, subdivision 1; 97C.341; 103B.101, subdivision 9; 604A.12; 604A.24; proposing coding for new law in Minnesota Statutes, chapters 17; 97B; 97C; 348; repealing Minnesota Statutes 2010, sections 84.942, subdivisions 2, 3, 4; 97A.015, subdivisions 26b, 27b, 27c; 97A.435, subdivision 5; 97B.511; 97B.515, subdivision 3; 97B.811, subdivision 4; 97C.081, subdivision 2; 239.791, subdivision 16, as added if enacted.

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

Section 1. Minnesota Statutes 2010, section 3.7371, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law, a person who owns an agricultural crop or pasture shall be compensated by the commissioner of agriculture for an agricultural crop, or fence

2.1 surrounding the crop or pasture, that is damaged or destroyed by elk as provided in this
2.2 section.

2.3 Sec. 2. Minnesota Statutes 2010, section 3.7371, subdivision 3, is amended to read:

2.4 Subd. 3. **Compensation.** The crop owner is entitled to the target price or the
2.5 market price, whichever is greater, of the damaged or destroyed crop plus adjustments
2.6 for yield loss determined according to agricultural stabilization and conservation service
2.7 programs for individual farms, adjusted annually, as determined by the commissioner,
2.8 upon recommendation of the county extension agent for the owner's county. The
2.9 commissioner, upon recommendation of the agent, shall determine whether the crop
2.10 damage or destruction or damage to or destruction of a fence surrounding a crop or pasture
2.11 is caused by elk and, if so, the amount of the crop or fence that is damaged or destroyed.
2.12 In any fiscal year, ~~a crop~~ an owner may not be compensated for a damaged or destroyed
2.13 crop or fence surrounding a crop or pasture that is less than \$100 in value and may be
2.14 compensated up to \$20,000, as determined under this section, if normal harvest procedures
2.15 for the area are followed. In any fiscal year, the commissioner may provide compensation
2.16 for claims filed under this section up to the amount expressly appropriated for this purpose.

2.17 Sec. 3. Minnesota Statutes 2010, section 17.4982, subdivision 8, is amended to read:

2.18 Subd. 8. **Containment facility.** "Containment facility" means a licensed facility for
2.19 salmonids ~~or~~ catfish, or species on the viral hemorrhagic septicemia (VHS) susceptible
2.20 list published by the United States Department of Agriculture, Animal and Plant Health
2.21 Inspection Services, that complies with clauses (1), (3), and (4), or clauses (2), (3), and (4):

2.22 (1) disinfects its effluent to the standards in section 17.4991 before the effluent is
2.23 discharged to public waters;

2.24 (2) does not discharge to public waters or to waters of the state directly connected to
2.25 public waters;

2.26 (3) raises aquatic life that is prohibited from being released into the wild and must be
2.27 kept in a facility approved by the commissioner unless processed for food consumption;

2.28 (4) contains aquatic life requiring a fish health inspection prior to transportation.

2.29 Sec. 4. Minnesota Statutes 2010, section 17.4982, is amended by adding a subdivision
2.30 to read:

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

Sec. 5. Minnesota Statutes 2010, 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. 6. Minnesota Statutes 2010, section 17.4982, subdivision 13, is amended to read:

Subd. 13. **Fish health inspector.** "Fish health inspector" means an individual certified as a fish health inspector or an aquatic animal health inspector by the American Fisheries Society or state, federal, or provincial resource management agency, except that a certification may not be made by an inspector who has a conflict of interest in connection with the outcome of the certification.

Sec. 7. [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. 8. Minnesota Statutes 2010, section 17.4991, subdivision 3, is amended to read:

Subd. 3. **Fish health inspection.** (a) An aquatic farm propagating ~~trout, salmon,~~ ~~or~~ salmonids, catfish, or species on the viral hemorrhagic septicemia (VHS) susceptible list published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, 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~~ laboratory methods of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE).

(b) An aquatic farm propagating any species on the 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. 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.

(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.

(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 or the Diagnostic Manual for Aquatic Animal Diseases by a person certified as a fish health inspector.

(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 or the Diagnostic Manual for Aquatic Animal Diseases.

(g) Salmonids and catfish, or species on the VHS susceptible list 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. 9. Minnesota Statutes 2010, 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

6.1 in section 97A.475, subdivision 29. The Taking of sucker eggs from public waters is
6.2 subject to chapter 97C and may be supervised by the commissioner. The commissioner
6.3 may limit the amount of sucker eggs that a person with a sucker egg license endorsement
6.4 may take based on the number of sucker eggs taken historically by the licensee, new
6.5 requests for eggs, or the condition of the spawning runs at those historical streams and
6.6 rivers that have produced previous annual quotas.

6.7 Sec. 10. Minnesota Statutes 2010, section 84.92, subdivision 8, as amended by S.F.
6.8 No. 1115, if enacted, is amended to read:

6.9 Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a
6.10 motorized ~~floatation-tired~~ vehicle ~~of not less than three low pressure tires, but not more~~
6.11 ~~than~~ equipped with three to six nonhighway tires, that is limited in engine displacement
6.12 ~~of less than 1,000 cubic centimeters~~ and includes a class 1 all-terrain vehicle and class
6.13 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart; a mini-truck; a
6.14 dune buggy; a go cart; or vehicles designed and used specifically for lawn maintenance,
6.15 agriculture, logging, or mining purposes.

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

6.17 Sec. 11. Minnesota Statutes 2010, section 84.92, subdivision 9, is amended to read:

6.18 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an
6.19 all-terrain vehicle that has a total dry weight of less than 1,000 pounds and has a straddled
6.20 seat.

6.21 Sec. 12. Minnesota Statutes 2010, section 84.92, subdivision 10, is amended to read:

6.22 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an
6.23 all-terrain vehicle that is not a class 1 all-terrain vehicle, has a total dry weight of ~~1,000 to~~
6.24 1,800 pounds or less, and has a manufacturer's published width of 68 inches or less.

6.25 Sec. 13. Minnesota Statutes 2010, section 84.942, subdivision 1, is amended to read:

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

Sec. 14. Minnesota Statutes 2010, 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. 15. Minnesota Statutes 2010, 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.

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

Sec. 16. Minnesota Statutes 2010, section 97A.015, subdivision 24, is amended to read:

Subd. 24. **Game birds.** "Game birds" means migratory waterfowl, ring-necked pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray partridge, bobwhite quail, wild turkeys, coots, gallinules, sora and Virginia rails, mourning dove, sandhill crane, American woodcock, and common snipe.

Sec. 17. Minnesota Statutes 2010, section 97A.015, subdivision 49, is amended to read:

Subd. 49. **Undressed bird.** "Undressed bird" means:

(1) a bird, excluding ~~migratory waterfowl, pheasant, Hungarian partridge, turkey, or grouse~~ ducks, with ~~feet and a fully~~ feathered ~~head~~ wing intact;

(2) a ~~migratory waterfowl, excluding geese, duck~~ with a fully feathered wing and head attached; or

(3) a pheasant, Hungarian partridge, or wild turkey, ~~or grouse~~ with one leg and foot ~~or the fully feathered head or wing~~ intact; or

~~(4) a goose with a fully feathered wing attached.~~

Sec. 18. Minnesota Statutes 2010, 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. 19. Minnesota Statutes 2010, section 97A.015, subdivision 55, is amended to read:

Subd. 55. **Wild animals.** "Wild animals" means all ~~living~~ creatures, whether dead or alive, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

Sec. 20. Minnesota Statutes 2010, section 97A.028, subdivision 3, is amended to read:

Subd. 3. **Emergency deterrent materials assistance.** (a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner or tenant and the commissioner that establishes a program for addressing the problem of destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, ~~or~~ destruction of agricultural crops by flightless Canada geese, or destruction of agricultural crops or pasture by elk within the native elk range, as determined by the commissioner.

(b) A landowner or tenant may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, ~~or~~ destruction of agricultural crops by

flightless Canada geese, or destruction of agricultural crops or pasture by elk within the native elk range, as determined by the commissioner. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials when the commissioner determines that:

(1) immediate action is necessary to prevent significant damage from continuing; and

(2) a cooperative damage management agreement cannot be implemented immediately.

(c) A person may receive emergency deterrent materials assistance under this subdivision more than once, but the cumulative total value of deterrent materials provided to a person, or for use on a parcel, may not exceed ~~\$3,000~~ \$5,000 for specialty crops, ~~\$750~~ \$1,500 for protecting stored forage crops, or ~~\$500~~ \$1,000 for agricultural crops damaged by flightless Canada geese. The value of deterrent materials provided to a person to help protect stored forage crops, agricultural crops, or pasture from damage by elk may not exceed \$5,000. If a person is a co-owner or cotenant with respect to the ~~specialty~~ crops for which the deterrent materials are provided, the deterrent materials are deemed to be "provided" to the person for the purposes of this paragraph.

(d) As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner or tenant shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. If requested by a landowner or tenant, any fencing materials provided must be capable of providing long-term protection of specialty crops. A landowner or tenant who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.

Sec. 21. Minnesota Statutes 2010, 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. 22. Minnesota Statutes 2010, 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. 23. Minnesota Statutes 2010, section 97A.321, subdivision 1, is amended to read:

Subdivision 1. **Owner responsibility; penalty amount.** The owner of a dog that pursues but does not kill a big game animal is subject to a civil penalty of \$100 for each violation. The owner of a dog that kills or mortally wounds a big game animal is subject to a civil penalty of \$500 for each violation.

Sec. 24. Minnesota Statutes 2010, section 97A.331, is amended by adding a subdivision to read:

Subd. 4a. **Hunting big game while under revocation.** Notwithstanding section 97A.421, subdivision 7, a person who takes big game during the time the person is prohibited from obtaining a license to take big game under section 97A.421 is guilty of a gross misdemeanor.

Sec. 25. Minnesota Statutes 2010, 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. 26. Minnesota Statutes 2010, section 97A.415, subdivision 2, is amended to read:

Subd. 2. **Transfer prohibited.** A person may not lend, transfer, borrow, or solicit a license or permit, license identification number, application for a license or permit, coupon, tag, or seal, or use a license, permit, license identification number, coupon, tag, or seal not issued to the person unless otherwise expressly authorized. A person may transfer a license, as prescribed by the commissioner, for use by a person with a severe disability or critical illness who is participating in a hunting or fishing program sponsored by a nonprofit organization.

Sec. 27. Minnesota Statutes 2010, section 97A.425, subdivision 3, is amended to read:

Subd. 3. **Reports.** Except for persons licensed to mount specimens of wild animals, an annual report covering the preceding license year must be submitted to the commissioner by March 15. The commissioner may require other reports for statistical purposes. The reports must be on forms supplied or approved by the commissioner.

12.1 Sec. 28. Minnesota Statutes 2010, section 97A.433, is amended by adding a
12.2 subdivision to read:

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

12.7 Sec. 29. Minnesota Statutes 2010, section 97A.435, subdivision 1, is amended to read:

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

12.12 Sec. 30. Minnesota Statutes 2010, section 97A.445, subdivision 1a, is amended to read:

12.13 Subd. 1a. **Angling in a state park.** (a) A resident may take fish by angling without
12.14 an angling license;

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

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

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

12.21 Sec. 31. Minnesota Statutes 2010, section 97A.465, subdivision 5, is amended to read:

12.22 Subd. 5. **Preference to service members.** (a) For purposes of this subdivision:

12.23 (1) "qualified service member or veteran" means a Minnesota resident who:

12.24 (i) is currently serving, or has served at any time during the past 24 months, in active
12.25 service as a member of the United States armed forces, including the National Guard or
12.26 other military reserves;

12.27 (ii) has received a Purple Heart medal for qualifying military service, as shown by
12.28 official military records; or

12.29 (iii) has a service-connected disability rated at 100 percent as defined by the United
12.30 States Department of Veterans Affairs; and

12.31 (2) "active service" means service defined under section 190.05, subdivision 5b or 5c.

12.32 (b) Notwithstanding any other provision of this chapter, chapter 97B or 97C, or
12.33 administrative rules, the commissioner may give first preference to qualified service

13.1 members or veterans in any drawing or lottery involving the selection of applicants for
13.2 hunting or fishing licenses, permits, and special permits. This subdivision does not
13.3 apply to licenses or permits for taking moose, elk, or prairie chickens. Actions of the
13.4 commissioner under this subdivision are not rules under the Administrative Procedure Act
13.5 and section 14.386 does not apply.

13.6 Sec. 32. Minnesota Statutes 2010, section 97A.475, subdivision 7, is amended to read:

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

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

13.10 (2) to take fish by angling limited to seven consecutive days selected by the licensee,
13.11 \$26.50;

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

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

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

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

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

13.19 (b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses
13.20 issued under paragraph (a), clause (5), and licenses purchased at the resident fee by
13.21 nonresidents under age 16 under section 97A.451, subdivision 5, paragraph (b). An
13.22 additional commission may not be assessed on this surcharge.

13.23 Sec. 33. Minnesota Statutes 2010, section 97A.502, is amended to read:

13.24 **97A.502 DEER KILLED BY MOTOR VEHICLES.**

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

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

13.33 Sec. 34. Minnesota Statutes 2010, section 97A.505, subdivision 2, is amended to read:

14.1 Subd. 2. **Possession of unlawful animals brought into state prohibited.** (a) A
14.2 person may not possess a wild animal that has been unlawfully taken, bought, sold, or
14.3 possessed outside the state, or unlawfully shipped into the state.

14.4 (b) When entering the state from Canada, a person who possesses fish that were
14.5 unlawfully taken or possessed under paragraph (a) may be charged in the same manner as
14.6 for possessing fish that were unlawfully taken or possessed in the state.

14.7 Sec. 35. Minnesota Statutes 2010, section 97A.545, subdivision 5, is amended to read:

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

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

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

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

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

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

14.19 Sec. 36. **[97B.0215] PARENT OR GUARDIAN RESPONSIBILITY; VIOLATION.**

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

14.23 Sec. 37. Minnesota Statutes 2010, section 97B.022, subdivision 2, is amended to read:

14.24 Subd. 2. **Apprentice hunter validation requirements.** A resident born after
14.25 December 31, 1979, who is age 12 or ~~older~~ over and who does not possess a hunter
14.26 education firearms safety certificate may be issued an apprentice hunter validation. An
14.27 apprentice hunter validation ~~is valid for only one~~ may be purchased two license ~~year~~ years
14.28 in a lifetime and used to obtain hunting licenses during the same license year that the
14.29 validation is purchased. An individual in possession of an apprentice hunter validation
14.30 may hunt small game ~~and~~ deer, and bear only when accompanied by an adult licensed to
14.31 hunt in Minnesota whose license was not obtained using an apprentice hunter validation.
14.32 An apprentice hunter validation holder must obtain all required licenses and stamps.

Sec. 38. Minnesota Statutes 2010, section 97B.031, subdivision 5, is amended to read:

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

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

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

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

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

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

Sec. 39. Minnesota Statutes 2010, section 97B.041, is amended to read:

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

(a) 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;

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

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

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

(b) This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader, and those persons may not possess a firearm other than a muzzleloader legal for taking deer under section 97B.031, subdivision 1, or a handgun under paragraph (a), clause (4) or (5), when muzzleloader hunting during ~~that~~ the muzzleloader season.

Sec. 40. Minnesota Statutes 2010, section 97B.045, subdivision 3, is amended to read:

Subd. 3. **Exceptions; hunting and shooting ranges.** (a) Notwithstanding provisions to the contrary under this chapter, a person may transport an unloaded, uncased firearm, excluding a pistol as defined in paragraph (b), in a motor vehicle while at a shooting range, as defined under section 87A.01, subdivision 3, where the person has received permission from the lawful owner or possessor to discharge firearms; lawfully hunting on private or public land; or travelling to or from a site the person intends to hunt lawfully that day or has hunted lawfully that day, unless:

(1) within Anoka, Hennepin, or Ramsey County;

~~(2) within an area where the discharge of a firearm has been prohibited under section 471.633;~~

~~(3)~~ (2) within the boundaries of a home rule charter or statutory city with a population of 2,500 or more;

~~(4)~~ (3) on school grounds; or

~~(5)~~ (4) otherwise restricted under section 97A.091, 97B.081, or 97B.086.

(b) For the purposes of this section, a "pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle:

(1) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or

17.1 (2) for which the propelling force is a spring, elastic band, carbon dioxide, air or
17.2 other gas, or vapor.

17.3 Pistol does not include a device firing or ejecting a shot measuring .18 of an inch, or less,
17.4 in diameter and commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used
17.5 in the construction industry, or children's pop guns or toys.

17.6 Sec. 41. Minnesota Statutes 2010, section 97B.055, subdivision 3, is amended to read:

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

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

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

17.16 (b) The permanent physical disability must be established by medical evidence
17.17 verified in writing by a licensed physician ~~or~~₂ chiropractor, or certified nurse practitioner
17.18 or certified physician assistant acting under the direction of a licensed physician. The
17.19 commissioner may request additional information from the physician or chiropractor
17.20 if needed to verify the applicant's eligibility for the permit. Notwithstanding section
17.21 97A.418, the commissioner may, in consultation with appropriate advocacy groups,
17.22 establish reasonable minimum standards for permits to be issued under this section. In
17.23 addition to providing the medical evidence of a permanent disability, the applicant must
17.24 possess a valid disability parking certificate authorized by section 169.345 or license
17.25 plates issued under section 168.021.

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

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

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

17.33 (f) A person who knowingly makes a false application or assists another in making a
17.34 false application for a permit under this section is guilty of a misdemeanor. A physician₂
17.35 certified nurse practitioner, certified physician assistant, or chiropractor who fraudulently

18.1 certifies to the commissioner that a person is permanently disabled as described in this
18.2 section is guilty of a misdemeanor.

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

18.7 Sec. 42. Minnesota Statutes 2010, section 97B.075, is amended to read:

18.8 **97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

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

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

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

18.18 Sec. 43. Minnesota Statutes 2010, section 97B.106, subdivision 1, is amended to read:

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

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

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

Sec. 44. Minnesota Statutes 2010, section 97B.211, subdivision 1, is amended to read:

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

(b) Paragraph (a) does not apply to a person carrying a handgun in compliance with section 624.714.

Sec. 45. Minnesota Statutes 2010, section 97B.325, is amended to read:

97B.325 DEER STAND RESTRICTIONS.

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

Sec. 46. Minnesota Statutes 2010, 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. A~~
person selected through a drawing must purchase a license by August 1. Any remaining available licenses not purchased shall be issued to any eligible person as prescribed by the commissioner on a first-come, first-served basis beginning three business days after August 1.

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

Sec. 47. **[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. 48. **[97B.435] RESEARCH BEARS.**

(a) The commissioner of natural resources shall annually notify, in writing, all persons with a license to take bear in a permit area with research bears subject to a request for protection under paragraph (b) of:

(1) the location and nature of the research being conducted in the area;

(2) how to identify a research bear;

(3) a request to avoid shooting a research bear; and

(4) procedures to follow if a research bear is taken.

(b) A person conducting research on bears under an agreement with the commissioner of natural resources may request protection of the bears subject to the research under this section. The bears must be tagged with a visible fluorescent ribbon.

(c) A request for protection under paragraph (b) shall be considered made in the bear permit area or areas that include any portion of the area east of Highway 53, in Townships 60 to 64 North, in central St. Louis County, until bear research, under agreement with the commissioner, is no longer conducted in the area.

Sec. 49. Minnesota Statutes 2010, section 97B.515, is amended by adding a subdivision to read:

Subd. 4. Taking elk causing damage or nuisance. The commissioner may authorize licensed hunters to take elk that are causing damage or nuisance from August 15 to March 1 under rules prescribed by the commissioner. The commissioner may issue licenses to hunters impartially selected from a list of elk hunt applicants who indicated on their application that they would be interested and available to respond to an elk damage or nuisance situation. Notwithstanding section 97A.433, subdivision 2, clause (2), a person receiving a license to hunt elk under this subdivision does not lose eligibility for future elk hunts.

Sec. 50. Minnesota Statutes 2010, section 97B.667, is amended to read:

97B.667 REMOVAL OF BEAVERS, BEAVER DAMS, AND LODGES BY ROAD AUTHORITIES.

When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 25, may remove the impairment and any associated beaver lodge within 300 feet of the road. Notwithstanding any law to the contrary, the road authority may remove or kill or arrange to have removed or killed by any lawful means a beaver associated with the lodge. A road authority that kills or arranges to have killed a beaver under this

21.1 section must notify a conservation officer or employee of the Wildlife Division within ten
21.2 days after the animal is killed. A road authority may, after consultation with the Wildlife
21.3 Division, implement a local beaver control program designed to reduce the number of
21.4 incidents of beaver interfering with or damaging a public road. The local control program
21.5 may include the offering of a bounty for the lawful taking of beaver.

21.6 Sec. 51. Minnesota Statutes 2010, section 97B.803, is amended to read:

21.7 **97B.803 MIGRATORY WATERFOWL SEASONS AND LIMITS.**

21.8 ~~(a)~~ The commissioner shall prescribe seasons, limits, and areas for taking migratory
21.9 waterfowl in accordance with federal law.

21.10 ~~(b) The regular duck season may not open before the Saturday closest to October 1.~~

21.11 Sec. 52. Minnesota Statutes 2010, section 97B.811, subdivision 3, is amended to read:

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

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

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

21.20 Sec. 53. Minnesota Statutes 2010, section 97C.005, subdivision 3, is amended to read:

21.21 Subd. 3. **Seasons, limits, and other rules.** The commissioner may, in accordance
21.22 with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14,
21.23 establish open seasons, limits, methods, and other requirements for taking fish on special
21.24 management waters. The commissioner may, by written order published in the State
21.25 Register, amend daily, possession, or size limits to make midseason adjustments based
21.26 on available harvest, angling pressure, and population data to manage the fisheries in the
21.27 1837 Ceded Territory in compliance with the court orders in Mille Lacs Band of Chippewa
21.28 v. Minnesota, 119 S. Ct. 1187 (1999). The midseason adjustments in daily, possession, or
21.29 size limits are not subject to the rulemaking provisions of chapter 14 and section 14.386
21.30 does not apply. Before the written order is effective, the commissioner shall attempt to
21.31 notify persons or groups of persons affected by the written order by public announcement,
21.32 posting, and other appropriate means as determined by the commissioner.

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

22.2 Sec. 54. **[97C.007] NORTHERN PIKE EXPERIMENTAL AND SPECIAL**
22.3 **MANAGEMENT WATERS.**

22.4 The combined number of lakes designated for northern pike under sections 97C.001
22.5 and 97C.005 may not exceed 90 at one time. Until August 1, 2021, the designated lakes
22.6 must be selected from the lakes identified in rules adopted under sections 97C.001 and
22.7 97C.005 with northern pike slot limits effective on January 1, 2011. A designation under
22.8 this section must continue for at least ten years, at which time the commissioner shall
22.9 determine, based on scientific studies, whether the designation should be discontinued.

22.10 Sec. 55. Minnesota Statutes 2010, section 97C.081, subdivision 3, is amended to read:

22.11 Subd. 3. **Contests requiring a permit.** (a) Unless subdivision 3a applies, a person
22.12 must have a permit from the commissioner to conduct a fishing contest ~~that does not meet~~
22.13 ~~the criteria in subdivision 2.~~ if:

22.14 (1) there are more than 25 boats for open water contests, more than 150 participants
22.15 for ice fishing contests, or more than 100 participants for shore fishing contests;

22.16 (2) entry fees are more than \$25 per person; or

22.17 (3) the contest is limited to trout species.

22.18 (b) The commissioner shall charge a fee for the permit that recovers the costs of
22.19 issuing the permit and of monitoring the activities allowed by the permit. Notwithstanding
22.20 section 16A.1283, the commissioner may, by written order published in the State Register,
22.21 establish contest permit fees. The fees are not subject to the rulemaking provisions of
22.22 chapter 14 and section 14.386 does not apply.

22.23 ~~(b)~~ (c) The commissioner may require the applicant to furnish evidence of financial
22.24 responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000
22.25 if entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and
22.26 if the applicant has either:

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

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

22.33 ~~(c)~~ (d) The permit fee for any individual contest may not exceed the following
22.34 amounts:

23.1 (1) \$60 for an open water contest not exceeding 50 boats and without off-site
23.2 weigh-in;

23.3 (2) \$200 for an open water contest with more than 50 boats and without off-site
23.4 weigh-in;

23.5 (3) \$250 for an open water contest not exceeding 50 boats with off-site weigh-in;

23.6 (4) \$500 for an open water contest with more than 50 boats with off-site weigh-in; or

23.7 (5) \$120 for an ice fishing contest with more than 150 participants.

23.8 Sec. 56. Minnesota Statutes 2010, section 97C.081, is amended by adding a
23.9 subdivision to read:

23.10 Subd. 3a. **Contests without a permit.** A person may conduct a fishing contest
23.11 without a permit from the commissioner if:

23.12 (1) the contest is not limited to specifically named waters;

23.13 (2) all the contest participants are age 18 years or under;

23.14 (3) the contest is limited to rough fish; or

23.15 (4) the total prize value is \$500 or less.

23.16 Sec. 57. Minnesota Statutes 2010, section 97C.087, subdivision 2, is amended to read:

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

23.22 Sec. 58. Minnesota Statutes 2010, section 97C.205, is amended to read:

23.23 **97C.205 TRANSPORTING AND STOCKING FISH.**

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

23.26 (1) is being transported under an aquaculture license as authorized under sections
23.27 17.4985 and 17.4986;

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

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

23.30 (4) is being transported by a commercial fishing license holder under section
23.31 97C.821; or

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

- 24.1 (b) The commissioner may adopt rules to allow and regulate:
- 24.2 (1) the transportation of fish and fish eggs; and
- 24.3 (2) the stocking of waters with fish or fish eggs.
- 24.4 (c) The commissioner must allow the possession of fish on special management or
- 24.5 experimental waters to be prepared as a meal on the ice or on the shore of that water
- 24.6 body if the fish:
- 24.7 (1) were lawfully taken;
- 24.8 (2) have been packaged by a licensed fish packer; and
- 24.9 (3) do not otherwise exceed the statewide possession limits.
- 24.10 (d) The commissioner shall prescribe rules designed to encourage local sporting
- 24.11 organizations to propagate game fish by using rearing ponds. The rules must:
- 24.12 (1) prescribe methods to acquire brood stock for the ponds by seining public waters;
- 24.13 (2) allow the sporting organizations to own and use seines and other necessary
- 24.14 equipment; and
- 24.15 (3) prescribe methods for stocking the fish in public waters that give priority to the
- 24.16 needs of the community where the fish are reared and the desires of the organization
- 24.17 operating the rearing pond.
- 24.18 (e) A person age 16 or under may, for purposes of display in a home aquarium,
- 24.19 transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white
- 24.20 crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow,
- 24.21 and brown bullheads taken by angling, except as otherwise ordered by the commissioner
- 24.22 upon documentation of an emergency fish disease in Minnesota waters, as defined in
- 24.23 section 17.4982, subdivision 9. No more than four of each species may be transported at
- 24.24 any one time, and any individual fish can be no longer than ten inches in total length. The
- 24.25 commissioner may, by written order published in the State Register, prohibit transportation
- 24.26 of live fish under this paragraph to help prevent spread of an emergency fish disease
- 24.27 documented to occur in Minnesota waters. The order is exempt from the rulemaking
- 24.28 provisions of chapter 14 and section 14.386 does not apply.

- 24.29 Sec. 59. Minnesota Statutes 2010, section 97C.315, subdivision 1, is amended to read:
- 24.30 Subdivision 1. **Lines.** An angler may not use more than one line, except:
- 24.31 ~~(1) two lines may be used to take fish;~~
- 24.32 (1) through the ice; and
- 24.33 ~~(2) the commissioner may, by rule, authorize the use of two lines in areas designated~~
- 24.34 ~~by the commissioner in Lake Superior from the shore, a dock, or a pier; and~~
- 24.35 (3) from an anchored watercraft.

25.1 Sec. 60. Minnesota Statutes 2010, section 97C.341, is amended to read:

25.2 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

25.3 (a) A person may not use live minnows imported from outside of the state, game
25.4 fish, goldfish, or carp for bait. The commissioner may, by written order published in
25.5 the State Register, authorize use of game fish eggs as bait and prescribe restrictions on
25.6 their use. The order is exempt from the rulemaking provisions of chapter 14 and section
25.7 14.386 does not apply.

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

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

25.15 (1) fresh or frozen bait only on Lake Superior; or

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

25.18 (d) To ensure that frozen or dead fish being brought into the state are not in violation
25.19 of paragraph (b), the following paperwork must accompany the shipment. Documents
25.20 must be open for inspection by the commissioner at any reasonable time. All documents
25.21 must be available to purchasers of these bait items. Each container or package of frozen or
25.22 dead fish must have the following information:

25.23 (1) water body source;

25.24 (2) lot number;

25.25 (3) company contact including name, phone, and address;

25.26 (4) date of packaging and labeling; and

25.27 (5) valid negative fish health certification from the source water body.

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

25.29 Sec. 61. **[97C.342] CERTIFICATION THAT FROZEN OR DEAD FISH BAIT**
25.30 **ARE DISEASE FREE.**

25.31 Subdivision 1. Definitions. For purposes of this section, the following terms have
25.32 the meanings given:

25.33 (1) "Water body" means waters identified by a unique Department of Natural
25.34 Resources public water identification number; a body of water that has defined boundaries

26.1 and that has no Department of Natural Resources public water identification number; or
26.2 a section of stream designated by a Kittle number, lock and dam numbering system, or
26.3 to the upstream and downstream barrier.

26.4 (2) "Commercial license" means a license issued under section 97A.475, subdivision
26.5 26, 27, 29, or 30.

26.6 Subd. 2. **Bait restrictions.** Frozen or dead fish on the official list of viral
26.7 hemorrhagic septicemia susceptible species published by the United States Department of
26.8 Agriculture, Animal and Plant Health Inspection Services; cisco (all Coregonus, including
26.9 lake herring and tullibee); and smelt (all Osmerus, Spirincus, Hypomesus, and Allosmerus)
26.10 being used as bait in waters of the state must originate from water bodies certified disease
26.11 free. Certification for these water bodies is valid for one year from the date of test results.

26.12 Subd. 3. **Testing requests.** As a part of commercial licensing procedures, a list of
26.13 water bodies requiring a fish health certification for commercial bait harvest must be
26.14 provided to the commissioner no later than March 1 of each year, except in 2011 the list
26.15 must be provided by August 1.

26.16 Subd. 4. **Certification fees.** Notwithstanding section 16A.1283, the commissioner
26.17 may by written order published in the State Register, establish fees for the services and
26.18 testing required to issue health certifications for a water body. The fees must be set in an
26.19 amount that does not recover significantly more or less than the costs of providing services
26.20 to health-certify a water body. The fees are not subject to the rulemaking provisions of
26.21 chapter 14 and sections 14.125 and 14.386 do not apply. The services covered under
26.22 this subdivision include:

26.23 (1) cost of collecting the species for testing;

26.24 (2) fish health inspection and certification, including initial tissue sample collection,
26.25 basic fish health assessment, and fish disease testing; and

26.26 (3) administrative overhead for tracking and documentation of testing.

26.27 Subd. 5. **Transportation permit requirements.** A commercial licensee harvesting
26.28 from a certified disease-free water body must obtain a live fish importation, transportation,
26.29 and stocking permit to move fish from that source. A live fish importation, transportation,
26.30 and stocking permit may be used for multiple shipments within a 30-day term period if
26.31 the source and destination remain the same. The commercial licensee must contact the
26.32 department within 24 hours of exercising the permit. Permits may be issued through the
26.33 department's regional offices or St. Paul office and must be obtained prior to moving fish
26.34 as approved for movement from these certified disease-free water bodies.

26.35 Subd. 6. **Reporting requirements.** A commercial licensee harvesting bait under
26.36 this section must maintain records on forms provided by the commissioner for each lot

27.1 of fish frozen for sale as bait. The records must include the lot number for each batch of
27.2 fish frozen, water body health certification documentation, transportation permit number,
27.3 and other information as specified on the reporting form. The commercial licensee
27.4 must enter required records onto forms within 24 hours of packaging and labeling each
27.5 lot of fish. The commercial licensee must retain records for three years following the
27.6 year of creation. All records required to be retained must be open to inspection by the
27.7 commissioner at any reasonable time.

27.8 Subd. 7. **Labeling requirements.** Frozen fish from certified disease-free water
27.9 bodies that are being sold as bait must be labeled. The seller of the product is responsible
27.10 for making sure the items are labeled according to this section. Each container or package
27.11 of frozen fish must have the following information:

- 27.12 (1) Department of Natural Resources certified water body number;
27.13 (2) Department of Natural Resources transportation permit number;
27.14 (3) lot number;
27.15 (4) date of harvest from water body;
27.16 (5) date of packaging and labeling;
27.17 (6) bait store or vendor name where purchased; and
27.18 (7) disease-free certification date.

27.19 Subd. 8. **Persons using frozen or dead bait.** A person on, or taking wild animals
27.20 in, waters of the state with frozen or dead bait must possess all labeling as prescribed
27.21 under subdivision 7. The person must retain the labeling until the bait is used and no
27.22 longer in the person's possession.

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

27.24 Sec. 62. Minnesota Statutes 2010, section 103B.101, subdivision 9, is amended to read:

27.25 Subd. 9. **Powers and duties.** In addition to the powers and duties prescribed
27.26 elsewhere, the board shall:

27.27 (1) coordinate the water and soil resources planning and implementation activities of
27.28 counties, soil and water conservation districts, watershed districts, watershed management
27.29 organizations, and any other local units of government through its various authorities for
27.30 approval of local plans, administration of state grants, contracts and easements, and by
27.31 other means as may be appropriate;

27.32 (2) facilitate communication and coordination among state agencies in cooperation
27.33 with the Environmental Quality Board, and between state and local units of government,
27.34 in order to make the expertise and resources of state agencies involved in water and soil

28.1 resources management available to the local units of government to the greatest extent
28.2 possible;

28.3 (3) coordinate state and local interests with respect to the study in southwestern
28.4 Minnesota under United States Code, title 16, section 1009;

28.5 (4) develop information and education programs designed to increase awareness
28.6 of local water and soil resources problems and awareness of opportunities for local
28.7 government involvement in preventing or solving them;

28.8 (5) provide a forum for the discussion of local issues and opportunities relating
28.9 to water and soil resources management;

28.10 (6) adopt an annual budget and work program that integrate the various functions
28.11 and responsibilities assigned to it by law; and

28.12 (7) report to the governor and the legislature by October 15 of each even-numbered
28.13 year with an assessment of board programs and recommendations for any program
28.14 changes and board membership changes necessary to improve state and local efforts
28.15 in water and soil resources management.

28.16 The board may accept grants, gifts, donations, or contributions in money, services,
28.17 materials, or otherwise from the United States, a state agency, or other source to achieve
28.18 an authorized or delegated purpose. The board may enter into a contract or agreement
28.19 necessary or appropriate to accomplish the transfer. The board may conduct or participate
28.20 in local, state, or federal programs or projects that have as one purpose or effect the
28.21 preservation or enhancement of water and soil resources and may enter into and administer
28.22 agreements with local governments or landowners or their designated agents as part
28.23 of those programs or projects. The board may receive and expend money to acquire
28.24 conservation easements, as defined in chapter 84C, on behalf of the state and federal
28.25 government consistent with the Camp Ripley's Army Compatible Use Buffer Project.

28.26 Any money received is hereby deposited in an account in a fund other than the
28.27 general fund and appropriated and dedicated for the purpose for which it is granted.

28.28 Sec. 63. **[348.125] COYOTE CONFLICT MANAGEMENT OPTION.**

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

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

29.1 Sec. 64. Minnesota Statutes 2010, section 604A.12, is amended to read:

29.2 **604A.12 LIVESTOCK ACTIVITIES; IMMUNITY FROM LIABILITY.**

29.3 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms
29.4 have the meanings given them.

29.5 (b) "Inherent risks of livestock activities" means dangers or conditions that are an
29.6 integral part of livestock activities, including:

29.7 (1) the propensity of livestock to behave in ways that may result in death or injury to
29.8 persons on or around them, such as kicking, biting, ~~or~~ bucking, or charging;

29.9 (2) the unpredictability of livestock's reaction to things like sound, sudden
29.10 movement, unfamiliar objects, persons, or other animals;

29.11 (3) natural hazards such as surface or subsurface conditions; or

29.12 (4) collisions with other livestock or objects.

29.13 (c) "Livestock" means cattle, sheep, swine, horses, ponies, donkeys, mules, hinnies,
29.14 goats, buffalo, llamas, or poultry.

29.15 (d) "Livestock activity" means an activity involving the maintenance or use of
29.16 livestock, regardless of whether the activity is open to the general public, and, except in
29.17 the case of livestock grazing under clause (7), provided the activity is not performed for
29.18 profit. Livestock activity includes:

29.19 (1) livestock production;

29.20 (2) loading, unloading, or transporting livestock;

29.21 (3) livestock shows, fairs, competitions, performances, races, rodeos, or parades;

29.22 (4) livestock training or teaching activities;

29.23 (5) boarding, shoeing, or grooming livestock; ~~or~~

29.24 (6) riding or inspecting livestock or livestock equipment; or

29.25 (7) the use of state property for livestock grazing, pursuant to an agreement with the
29.26 commissioner of natural resources.

29.27 (e) "Livestock activity sponsor" means a person who sponsors, organizes, or
29.28 provides the facilities for a livestock activity that is open to the general public.

29.29 (f) "Participant" means a person who directly and intentionally engages in a livestock
29.30 activity. Participant does not include a spectator who is in an authorized area.

29.31 Subd. 2. **Immunity from liability; livestock events.** ~~Except as provided in~~

29.32 ~~subdivision 3,~~ A nonprofit corporation, association, or organization, or a person or other
29.33 entity donating services, livestock, facilities, or equipment for the use of a nonprofit
29.34 corporation, association, or organization, is not liable for the death of or an injury to a
29.35 participant resulting from the inherent risks of livestock activities.

Subd. 3. **Exceptions; livestock events.** Subdivision 2 does not apply if any of the following exist:

(1) the person provided livestock for the participant and failed to make reasonable efforts to determine the ability of the participant to safely engage in the livestock activity or to determine the ability of the participant to safely manage the particular livestock based on the participant's representations of the participant's ability;

(2) the person provided equipment or tack for the livestock and knew or should have known that it was faulty to the extent that it caused the injury or death;

(3) the person owns or leases the land upon which a participant was injured or died because of a human-made dangerous latent condition and failed to use reasonable care to protect the participant;

(4) the person is a livestock activity sponsor and fails to comply with the notice requirement of subdivision 4; or

(5) the act or omission of the person was willful or negligent.

Subd. 3a. Immunity from liability; grazing on public lands. (a) Any person or entity grazing livestock on state lands under an agreement with the commissioner of natural resources is not liable for damage to property or the death of or an injury to a person due to the inherent risks of livestock activities.

(b) This subdivision does not apply if the person or entity grazing the livestock:

(1) fails to exercise reasonable care in using the land for grazing or in managing the livestock; or

(2) maintains a condition in material violation of an agreement with the commissioner of natural resources for use of the land, and the condition contributed to the damage, death, or injury.

Subd. 4. **Posting notice.** (a) A livestock activity sponsor shall post plainly visible signs at one or more prominent locations in the premises where the livestock activity takes place that include a warning of the inherent risks of livestock activity and the limitation of liability under this section.

(b) The commissioner of natural resources shall post plainly visible signs at one or more prominent locations on any state property being used for grazing purposes pursuant to an agreement with the commissioner. The signs shall include a warning of the inherent risks of livestock activity, and the limitations of liability provided in this section and any other applicable law.

EFFECTIVE DATE; APPLICABILITY. This section is effective the day following final enactment and applies to causes of action arising on or after that date. The

31.1 commissioner shall post notice as required by subdivision 4 on any property subject to a
31.2 livestock grazing agreement on the effective date of this section within 60 days of that date.

31.3 Sec. 65. Minnesota Statutes 2010, section 604A.24, is amended to read:

31.4 **604A.24 LIABILITY; LEASED LAND, WATER-FILLED MINE PITS;**
31.5 **MUNICIPAL POWER AGENCY LAND.**

31.6 Unless otherwise agreed in writing, sections 604A.22 and 604A.23 also apply to
31.7 the duties and liability of an owner of the following land:

31.8 (1) land leased to the state or any political subdivision for recreational purpose; or

31.9 (2) idled or abandoned, water-filled mine pits whose pit walls may slump or cave,
31.10 and to which water the public has access from a water access site operated by a public
31.11 entity; ~~or~~

31.12 (3) land of which a municipal power agency is an owner and that is used for
31.13 recreational trail purposes, and other land of a municipal power agency which is within
31.14 300 feet of such land if the entry onto such land was from land that is dedicated for
31.15 recreational purposes or recreational trail use; or

31.16 (4) land leased to the state or otherwise subject to an agreement or contract for
31.17 purposes of a state-sponsored walk-in access program.

31.18 Sec. 66. **RULEMAKING; GAME FARMS.**

31.19 (a) The commissioner of natural resources shall amend Minnesota Rules, parts
31.20 6242.0900, subpart 1, and 6242.1000, subpart 1, to allow an option for game farm
31.21 licensees to use approved report and sales receipt formats.

31.22 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
31.23 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
31.24 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,
31.25 section 14.388.

31.26 Sec. 67. **RULEMAKING; SPEARING ON CASS LAKE.**

31.27 The commissioner of natural resources shall amend Minnesota Rules, part
31.28 6264.0400, subpart 69, to allow a person to take fish by spearing on Cass Lake. The
31.29 commissioner may use the good cause exemption under Minnesota Statutes, section
31.30 14.388, to adopt rules under this section, and Minnesota Statutes, section 14.386, does not
31.31 apply except as provided under Minnesota Statutes, section 14.388. The commissioner
31.32 shall not adopt restrictions on spearing northern pike on Cass Lake under Minnesota
31.33 Statutes, section 97C.001 or 97C.005.

Sec. 68. **DEER HUNTING RULES.**

(a) If the commissioner of natural resources adopts a rule applicable for the Series 300 deer permit areas that imposes an antler point restriction for taking antlered deer, other than that imposed under Minnesota Rules, part 6232.0200, subpart 6, the rule must:

(1) exempt disabled hunters and hunters age 60 years or older from the antler point restriction; and

(2) expire after the 2012 deer hunting season.

(b) The commissioner of natural resources may not reinstate an antler point restriction for the Series 300 deer permit areas, other than that imposed under Minnesota Rules, part 6232.0200, subpart 6, after the 2012 deer hunting season unless the legislature approves the antler point restriction.

(c) The commissioner of natural resources shall amend Minnesota Rules, part 6232.1300, subpart 3, item B, to allow legal bucks to be taken in season option A for a nine-day period beginning the Saturday nearest November 6. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

Sec. 69. **LAKE FLORIDA FISHING RESTRICTIONS.**

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

Sec. 70. **CONSUMPTIVE USE OF WATER.**

Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature approves of the consumptive use of water under a permit of more than 2,000,000 gallons per day average in a 30-day period in Cook County, in connection with snowmaking and potable water. Notwithstanding any other law to the contrary, the permit for the consumptive use of water approved under this section shall be issued, subject to the fees specified under Minnesota Statutes, section 103G.271, without any additional administrative process to withdraw up to 150,000,000 gallons of water annually for snowmaking and potable water purposes. The permit authorized under this section shall be suspended if the flow of the Poplar River falls below 15 cubic feet per second for more than five consecutive days. The permit authorized under this section shall be reinstated

33.1 when the flow of the Poplar River resumes to 15 cubic feet per second or greater. The
33.2 permit shall be for a term of five years.

33.3 Sec. 71. **REPEALER.**

33.4 (a) Minnesota Statutes 2010, sections 84.942, subdivisions 2, 3, and 4; 97A.015,
33.5 subdivisions 26b, 27b, and 27c; 97A.435, subdivision 5; 97B.511; 97B.515, subdivision 3;
33.6 97B.811, subdivision 4; and 97C.081, subdivision 2, are repealed.

33.7 (b) Minnesota Statutes 2010, section 239.791, subdivision 16, as added by S.F.
33.8 No. 1115, if enacted, is repealed.

33.9 **EFFECTIVE DATE.** Paragraph (b) is effective the day following final enactment.