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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **2844**

03/10/2016 Authored by Hackbarth

The bill was read for the first time and referred to the Committee on Mining and Outdoor Recreation Policy

04/01/2016 Adoption of Report: Amended and re-referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to natural resources; modifying off-road vehicle provisions; providing for
1.3 David Dill memorial trail; modifying disposition of certain receipts; modifying
1.4 report requirements; modifying game and fish penalty and enforcement
1.5 provisions; modifying fees and requirements to take game and fish; modifying
1.6 commissioner's duties; providing for elk management; requiring rulemaking;
1.7 providing criminal penalties; appropriating money; amending Minnesota Statutes
1.8 2014, sections 3.7371, by adding a subdivision; 16C.135, by adding a subdivision;
1.9 84.798, subdivision 2; 84.8035; 85.015, subdivision 13; 97A.045, subdivision
1.10 7; 97A.055, subdivision 4; 97A.075, subdivision 1; 97A.201, by adding a
1.11 subdivision; 97A.301, subdivision 1; 97A.338; 97A.405, subdivision 2; 97A.421,
1.12 subdivision 2a; 97A.451, subdivision 6; 97A.473, subdivisions 3, 5, 5a; 97A.474,
1.13 subdivision 3; 97A.475, subdivisions 2, 3; 97B.035, subdivision 1; 97B.071;
1.14 97B.086; 97B.305; 97B.516; 97B.731, subdivision 3; 97B.811, subdivision 4a;
1.15 97C.401, subdivision 2; Minnesota Statutes 2015 Supplement, sections 97B.041;
1.16 97B.063; proposing coding for new law in Minnesota Statutes, chapters 97B;
1.17 97C; repealing Minnesota Statutes 2014, section 97A.075, subdivision 5.

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

1.19 Section 1. Minnesota Statutes 2014, section 3.7371, is amended by adding a
1.20 subdivision to read:

1.21 Subd. 8. **Report.** The commissioner must submit a report to the chairs of the house
1.22 of representatives and senate committees and divisions with jurisdiction over agriculture
1.23 and environment and natural resources by December 15 each year that details the total
1.24 amount of damages paid, by elk herd, in the previous two fiscal years.

1.25 Sec. 2. Minnesota Statutes 2014, section 16C.135, is amended by adding a subdivision
1.26 to read:

2.1 Subd. 4. **Certain vehicles and equipment.** The commissioner of natural resources
2.2 is not required to purchase or use ethanol-blended fuel for off-road vehicles, boats,
2.3 snowmobiles, or small engines.

2.4 Sec. 3. Minnesota Statutes 2014, section 84.798, subdivision 2, is amended to read:

2.5 Subd. 2. **Exemptions.** Registration is not required for an off-road vehicle that is:

2.6 (1) owned and used by the United States, an Indian tribal government, the state,
2.7 another state, or a political subdivision; ~~or~~

2.8 (2) registered in another state or country and has not been in this state for more than
2.9 30 consecutive days; or

2.10 (3) operated with a valid state trail pass according to section 84.8035.

2.11 **EFFECTIVE DATE.** This section is effective January 1, 2017, or when the
2.12 electronic licensing system has been upgraded, whichever is sooner.

2.13 Sec. 4. Minnesota Statutes 2014, section 84.8035, is amended to read:

2.14 **84.8035 NONRESIDENT OFF-ROAD VEHICLE STATE TRAIL PASS.**

2.15 Subdivision 1. **Pass required; fee.** (a) Except as provided under paragraph (c), a
2.16 nonresident person may not operate an off-road vehicle on a state or grant-in-aid off-road
2.17 vehicle trail or use area unless the vehicle displays ~~a nonresident~~ an off-road vehicle state
2.18 trail pass sticker issued according to this section. The pass must be viewable by a peace
2.19 officer, a conservation officer, or an employee designated under section 84.0835.

2.20 (b) ~~The fee for an annual pass is \$20. The pass is valid from January 1 through~~
2.21 ~~December 31. The fee for a three-year pass is \$30.~~ The commissioner of natural resources
2.22 shall issue a pass upon application and payment of the fee. Fees collected under this
2.23 section, except for the issuing fee for licensing agents, shall be deposited in the state
2.24 treasury and credited to the off-road vehicle account in the natural resources fund and,
2.25 except for the electronic licensing system commission established by the commissioner
2.26 under section 84.027, subdivision 15, must be used for grants-in-aid to counties and
2.27 municipalities for off-road vehicle organizations to construct and maintain off-road
2.28 vehicle trails and use areas.

2.29 (c) ~~A nonresident~~ An off-road vehicle state trail pass is not required for:

2.30 (1) an off-road vehicle that is owned and used by the United States, another state,
2.31 or a political subdivision thereof that is exempt from registration under section 84.798,
2.32 subdivision 2;

3.1 (2) a person operating an off-road vehicle only on the portion of a trail that is owned
3.2 by the person or the person's spouse, child, or parent; or

3.3 (3) a ~~nonresident~~ person operating an off-road vehicle that is registered according
3.4 to section 84.798.

3.5 (d) The fee for an annual nonresident off-road vehicle state trail pass is \$20. The
3.6 nonresident pass is valid from January 1 through December 31. The fee for a nonresident
3.7 three-year pass is \$30.

3.8 (e) The fee for a resident off-road vehicle state trail pass is \$20. The resident pass is
3.9 valid for 30 consecutive days after the date of issuance.

3.10 Subd. 2. **License agents.** The commissioner may appoint agents to issue and
3.11 sell ~~nonresident~~ off-road vehicle state trail passes. The commissioner may revoke the
3.12 appointment of an agent at any time. The commissioner may adopt additional rules as
3.13 provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted
3.14 by the commissioner for accounting and handling of passes pursuant to section 97A.485,
3.15 subdivision 11. An agent shall promptly deposit and remit all money received from the
3.16 sale of the passes, exclusive of the issuing fee, to the commissioner.

3.17 Subd. 3. **Issuance of passes.** The commissioner and agents shall issue and sell
3.18 ~~nonresident~~ off-road vehicle state trail passes. The commissioner shall also make the
3.19 passes available through the electronic licensing system established under section 84.027,
3.20 subdivision 15.

3.21 Subd. 4. **Agent's fee.** In addition to the fee for a pass, an issuing fee of \$1 per pass
3.22 shall be charged. The issuing fee may be retained by the seller of the pass. Issuing fees for
3.23 passes issued by the commissioner shall be deposited in the off-road vehicle account in the
3.24 natural resources fund and retained for the operation of the electronic licensing system.

3.25 Subd. 5. **Duplicate passes.** The commissioner and agents shall issue a duplicate
3.26 pass to persons whose pass is lost or destroyed using the process established under section
3.27 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate ~~nonresident~~
3.28 off-road vehicle state trail pass is \$4, with an issuing fee of 50 cents.

3.29 **EFFECTIVE DATE.** This section is effective January 1, 2017, or when the
3.30 electronic licensing system has been upgraded, whichever is sooner.

3.31 Sec. 5. Minnesota Statutes 2014, section 85.015, subdivision 13, is amended to read:

3.32 Subd. 13. **Arrowhead Region Trails, Cook, Lake, St. Louis, Pine, Carlton,**
3.33 **Koochiching, and Itasca Counties.** (a)(1) The Taconite Trail shall originate at Ely in St.
3.34 Louis County and extend southwesterly to Tower in St. Louis County, thence westerly to

4.1 McCarthy Beach State Park in St. Louis County, thence southwesterly to Grand Rapids in
4.2 Itasca County and there terminate;

4.3 (2) the C. J. Ramstad/Northshore Trail shall originate in Duluth in St. Louis County
4.4 and extend northeasterly to Two Harbors in Lake County, thence northeasterly to Grand
4.5 Marais in Cook County, thence northeasterly to the international boundary in the vicinity
4.6 of the north shore of Lake Superior, and there terminate;

4.7 (3) ~~The Grand Marais to International Falls Trail shall originate in Grand Marais~~
4.8 ~~in Cook County and extend northwesterly, outside of the Boundary Waters Canoe Area,~~
4.9 ~~to Ely in St. Louis County, thence southwesterly along the route of the Taconite Trail to~~
4.10 ~~Tower in St. Louis County, thence northwesterly through the Pelican Lake area in St.~~
4.11 ~~Louis County to International Falls in Koochiching County, and there terminate~~ the David
4.12 Dill/Arrowhead Trail shall originate at International Falls in Koochiching County and
4.13 extend southeasterly through the Pelican Lake area in St. Louis County, intersecting with
4.14 the Taconite Trail west of Tower; then the David Dill/Taconite Trail continues easterly
4.15 to Ely in St. Louis County; then the David Dill/Tomahawk Trail extends southeasterly,
4.16 outside the Boundary Waters Canoe Area, to the area of Little Marais in Lake County and
4.17 there terminates at the intersection with the C. J. Ramstad/Northshore Trail; and

4.18 (4) the Matthew Lourey Trail shall originate in Duluth in St. Louis County and
4.19 extend southerly to Chengwatana State Forest in Pine County.

4.20 (b) The trails shall be developed primarily for riding and hiking.

4.21 (c) In addition to the authority granted in subdivision 1, lands and interests in lands
4.22 for the Arrowhead Region trails may be acquired by eminent domain. Before acquiring
4.23 any land or interest in land by eminent domain the commissioner of administration shall
4.24 obtain the approval of the governor. The governor shall consult with the Legislative
4.25 Advisory Commission before granting approval. Recommendations of the Legislative
4.26 Advisory Commission shall be advisory only. Failure or refusal of the commission to
4.27 make a recommendation shall be deemed a negative recommendation.

4.28 Sec. 6. Minnesota Statutes 2014, section 97A.045, subdivision 7, is amended to read:

4.29 Subd. 7. **Duty to encourage stamp design and purchases.** (a) The commissioner
4.30 shall encourage the purchase of:

4.31 (1) Minnesota migratory waterfowl stamps by nonhunters interested in migratory
4.32 waterfowl preservation and habitat development;

4.33 (2) pheasant stamps by persons interested in pheasant habitat improvement;

4.34 (3) trout and salmon stamps by persons interested in trout and salmon stream and
4.35 lake improvement; and

- 5.1 ~~(4) turkey stamps by persons interested in stamp collecting; and~~
 5.2 ~~(5) (4) walleye stamps by persons interested in walleye stocking and stamp collecting.~~
 5.3 (b) The commissioner shall make rules governing contests for selecting a design for
 5.4 each stamp, including those stamps not required to be in possession while taking game or
 5.5 fish. The commissioner shall ensure that stamp design and characteristics are consistent
 5.6 with the design and characteristics that are sought by pictorial stamp collectors.

5.7 Sec. 7. Minnesota Statutes 2014, section 97A.055, subdivision 4, is amended to read:

5.8 Subd. 4. **Game and fish annual reports.** (a) By December 15 each year,
 5.9 the commissioner shall submit to the legislative committees having jurisdiction over
 5.10 appropriations and the environment and natural resources reports on each of the following:

5.11 (1) the amount of revenue from the following and purposes for which expenditures
 5.12 were made:

5.13 (i) the small game license surcharge under section 97A.475, subdivision 4;

5.14 (ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision
 5.15 5, clause (1);

5.16 (iii) the trout and salmon stamp under section 97A.475, subdivision 10;

5.17 (iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2);

5.18 ~~(v) the wild turkey management account under section 97A.075, subdivision 5;~~

5.19 ~~(vi) (v) the deer license donations and surcharges under section 97A.475,~~
 5.20 subdivisions 3, paragraph (b), and 3a; and

5.21 ~~(vii) (vi) the walleye stamp under section 97A.475, subdivision 10a;~~

5.22 (2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and
 5.23 (c), and the purposes for which these amounts were spent;

5.24 (3) money credited to the game and fish fund under this section and purposes for
 5.25 which expenditures were made from the fund;

5.26 (4) outcome goals for the expenditures from the game and fish fund; and

5.27 (5) summary and comments of citizen oversight committee reviews under
 5.28 subdivision 4b.

5.29 (b) The report must include the commissioner's recommendations, if any, for
 5.30 changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

5.31 Sec. 8. Minnesota Statutes 2014, section 97A.075, subdivision 1, is amended to read:

5.32 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this
 5.33 subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2,

6.1 clauses (5), (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11),
6.2 and (12); and 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

6.3 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and
6.4 wildlife trust fund, established in section 97A.4742, for each license issued under
6.5 section 97A.473, subdivision 4, shall be credited to the deer management account and
6.6 is appropriated to the commissioner for deer habitat improvement or deer management
6.7 programs.

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

6.13 (d) Fifty cents from each deer license is credited to the emergency deer feeding and
6.14 wild cervidae health management account and is appropriated for emergency deer feeding
6.15 and wild cervidae health management. Money appropriated for emergency deer feeding
6.16 and wild cervidae health management is available until expended.

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

6.21 ~~(e) Fifty cents from each annual deer license and 50 cents annually from the lifetime~~
6.22 ~~fish and wildlife trust fund established in section 97A.4742, for each license issued under~~
6.23 ~~section 97A.473, subdivision 4, shall be credited to the wolf management and monitoring~~
6.24 ~~account under subdivision 7.~~

6.25 Sec. 9. Minnesota Statutes 2014, section 97A.201, is amended by adding a subdivision
6.26 to read:

6.27 Subd. 3. Prosecuting authority. (a) County attorneys must prosecute violations an
6.28 enforcement officer is authorized to enforce under section 97A.205, clause (5).

6.29 (b) Prosecution under paragraph (a) includes associated civil actions provided by law.

6.30 Sec. 10. Minnesota Statutes 2014, section 97A.301, subdivision 1, is amended to read:

6.31 Subdivision 1. **Misdemeanor.** Unless a different penalty is prescribed, a person
6.32 is guilty of a misdemeanor if that person:

6.33 (1) ~~takes, buys, sells, transports or possesses a wild animal in violation of~~ violates
6.34 the game and fish laws;

- 7.1 (2) aids or assists in committing the violation;
- 7.2 (3) knowingly shares in the proceeds of the violation;
- 7.3 (4) fails to perform a duty or comply with a requirement of the game and fish laws;
- 7.4 (5) knowingly makes a false statement related to an affidavit regarding a violation or
- 7.5 requirement of the game and fish laws; or
- 7.6 (6) violates or attempts to violate a rule under the game and fish laws.

7.7 Sec. 11. Minnesota Statutes 2014, section 97A.338, is amended to read:

7.8 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

7.9 (a) A person who takes, possesses, or transports wild animals over the legal limit, in

7.10 closed season, or without a valid license, when the restitution value of the wild animals

7.11 is over \$1,000 is guilty of a gross overlimit violation. A violation under this section

7.12 paragraph is a gross misdemeanor.

7.13 (b) A person who takes, possesses, or transports two or more trophy animals as

7.14 defined in Minnesota Rules, part 6133.0020, subpart 11, over the legal limit, in closed

7.15 season, or without a valid license, is guilty of a gross overlimit violation. A violation

7.16 under this paragraph is a gross misdemeanor.

7.17 Sec. 12. Minnesota Statutes 2014, section 97A.405, subdivision 2, is amended to read:

7.18 Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from

7.19 an area where a licensed activity was performed must have in personal possession either:

7.20 (1) the proper license, if the license has been issued to and received by the person; or (2)

7.21 the proper license identification number or stamp validation, if the license has been sold to

7.22 the person by electronic means but the actual license has not been issued and received.

7.23 (b) If possession of a license or a license identification number is required, a person

7.24 must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper

7.25 license if the license has been issued to and received by the person; or (2) the proper

7.26 license identification number or stamp validation and a valid state driver's license, state

7.27 identification card, or other form of identification provided by the commissioner, if the

7.28 license has been sold to the person by electronic means but the actual license has not been

7.29 issued and received. A person charged with violating the license possession requirement

7.30 shall not be convicted if the person produces in court or the office of the arresting officer,

7.31 the actual license previously issued to that person, which was valid at the time of arrest,

7.32 or satisfactory proof that at the time of the arrest the person was validly licensed. Upon

7.33 request of a conservation officer or peace officer, a licensee shall write the licensee's name

7.34 in the presence of the officer to determine the identity of the licensee.

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

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

8.16 Sec. 13. Minnesota Statutes 2014, section 97A.421, subdivision 2a, is amended to read:

8.17 Subd. 2a. **License revocation after conviction.** (a) A person may not obtain a
8.18 license to take a wild animal and is prohibited from taking wild animals for ten years after
8.19 the date of conviction of a violation of section 97A.338, paragraph (b).

8.20 (b) A person may not obtain a license to take a wild animal and is prohibited from
8.21 taking wild animals for a period of five years after the date of conviction of:

8.22 (1) a violation when the restitution value of the wild animals is \$5,000 or more; or

8.23 (2) a violation when the restitution value of the wild animals exceeds \$500 and
8.24 the violation occurs within ten years of one or more previous license revocations under
8.25 this subdivision.

8.26 ~~(b)~~ (c) A person may not obtain a license to take the type of wild animals involved in
8.27 a violation when the restitution value of the wild animals exceeds \$500 and is prohibited
8.28 from taking the type of wild animals involved in the violation for a period of three years
8.29 after the date of conviction of a violation.

8.30 ~~(e)~~ (d) The time period of multiple revocations under paragraph ~~(a)~~ (b), clause
8.31 (2), ~~shall be~~ is consecutive and no wild animals of any kind may be taken during the
8.32 entire period.

8.33 ~~(d)~~ (e) The court may not stay or reduce the imposition of license revocation
8.34 provisions under this subdivision.

9.1 Sec. 14. Minnesota Statutes 2014, section 97A.451, subdivision 6, is amended to read:

9.2 Subd. 6. **Nonresidents under age 16 attending camps; fishing.** A nonresident
9.3 under the age of 16 that is attending a camp conducted by a nonprofit organization may
9.4 take fish by angling in adjacent and connected public waters without a license. ~~The~~
9.5 ~~organization must have a certificate from the commissioner that describes the public~~
9.6 ~~waters where the fishing is allowed.~~ The nonresident must possess a document, prescribed
9.7 by the commissioner, for identification of the nonresident and the authorized fishing
9.8 waters. The written document must be that authorizes angling and that is signed and dated
9.9 within the current calendar year by the person in charge of the camp.

9.10 Sec. 15. Minnesota Statutes 2014, section 97A.473, subdivision 3, is amended to read:

9.11 Subd. 3. **Lifetime small game hunting license; fee.** (a) A resident lifetime small
9.12 game hunting license authorizes a person to hunt and trap small game, other than wolves,
9.13 in the state. The license authorizes those hunting and trapping activities authorized by
9.14 the annual resident small game hunting license and the trapping license for fur-bearing
9.15 animals other than wolves. The license does not include ~~a turkey stamp validation or~~
9.16 ~~any other~~ hunting stamps required by law.

9.17 (b) The fees for a resident lifetime small game hunting license are:

- 9.18 (1) age 3 and under, \$223;
9.19 (2) age 4 to age 15, \$301;
9.20 (3) age 16 to age 50, \$430; and
9.21 (4) age 51 and over, \$274.

9.22 Sec. 16. Minnesota Statutes 2014, section 97A.473, subdivision 5, is amended to read:

9.23 Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license
9.24 authorizes a person to take fish by angling and hunt and trap small game, other than
9.25 wolves, in the state. The license authorizes those activities authorized by the annual
9.26 resident angling and resident small game hunting licenses and the resident trapping license
9.27 for fur-bearing animals other than wolves. The license does not include a trout and salmon
9.28 stamp validation, ~~a turkey stamp validation,~~ a walleye stamp validation, or any other
9.29 hunting stamps required by law.

9.30 (b) The fees for a resident lifetime sporting license are:

- 9.31 (1) age 3 and under, \$485;
9.32 (2) age 4 to age 15, \$659;
9.33 (3) age 16 to age 50, \$861; and
9.34 (4) age 51 and over, \$560.

10.1 Sec. 17. Minnesota Statutes 2014, section 97A.473, subdivision 5a, is amended to read:

10.2 Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident
10.3 lifetime sporting with spearing option license authorizes a person to take fish by angling
10.4 or spearing and hunt and trap small game, other than wolves, in the state. The license
10.5 authorizes those activities authorized by the annual resident angling, spearing, and resident
10.6 small game hunting licenses and the resident trapping license for fur-bearing animals other
10.7 than wolves. The license does not include a trout and salmon stamp validation, a ~~turkey~~
10.8 ~~stamp validation~~, a walleye stamp validation, or any other hunting stamps required by law.

10.9 (b) The fees for a resident lifetime sporting with spearing option license are:

- 10.10 (1) age 3 and under, \$562;
10.11 (2) age 4 to age 15, \$765;
10.12 (3) age 16 to age 50, \$961; and
10.13 (4) age 51 and over, \$612.

10.14 Sec. 18. Minnesota Statutes 2014, section 97A.474, subdivision 3, is amended to read:

10.15 Subd. 3. **Nonresident lifetime small game hunting license; fee.** (a) A nonresident
10.16 lifetime small game hunting license authorizes a person to hunt small game in the state.
10.17 The license authorizes those hunting activities authorized by the annual nonresident small
10.18 game hunting license. The license does not include a ~~turkey stamp validation~~ or any other
10.19 hunting stamps required by law.

10.20 (b) The fees for a nonresident lifetime small game hunting license are:

- 10.21 (1) age 3 and under, \$947;
10.22 (2) age 4 to age 15, \$1,280;
10.23 (3) age 16 to age 50, \$1,633; and
10.24 (4) age 51 and over, \$1,083.

10.25 Sec. 19. Minnesota Statutes 2014, section 97A.475, subdivision 2, is amended to read:

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

- 10.28 (1) for persons age 18 or over and under age 65 to take small game, \$15.50;
10.29 (2) for persons age 65 or over, \$7 to take small game;
10.30 (3) for persons age 18 or over to take turkey, ~~\$26~~ \$21;
10.31 (4) for persons age 13 or over and under age 18 to take turkey, \$5;
10.32 (5) for persons age 18 or over to take deer with firearms during the regular firearms
10.33 season, \$30;
10.34 (6) for persons age 18 or over to take deer by archery, \$30;

- 11.1 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
11.2 season, \$30;
- 11.3 (8) to take moose, for a party of not more than six persons, \$356;
- 11.4 (9) for persons age 18 or over to take bear, \$44;
- 11.5 (10) to take elk, for a party of not more than two persons, \$287;
- 11.6 (11) to take Canada geese during a special season, \$4;
- 11.7 (12) to take prairie chickens, \$23;
- 11.8 (13) for persons age 13 or over and under age 18 to take deer with firearms during
11.9 the regular firearms season, \$5;
- 11.10 (14) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 11.11 (15) for persons age 13 or over and under age 18 to take deer by muzzleloader
11.12 during the muzzleloader season, \$5;
- 11.13 (16) for persons age 10, 11, or 12 to take bear, no fee;
- 11.14 (17) for persons age 13 or over and under age 18 to take bear, \$5;
- 11.15 (18) for persons age 18 or over to take small game for a consecutive 72-hour period
11.16 selected by the licensee, \$19, of which an amount equal to: one-half of the fee for the
11.17 migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
11.18 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half
11.19 of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in
11.20 the pheasant habitat improvement account under section 97A.075, subdivision 4; and
11.21 one-half of the small game surcharge under subdivision 4, shall be deposited in the
11.22 wildlife acquisition account;
- 11.23 (19) for persons age 16 or over and under age 18 to take small game, \$5;
- 11.24 (20) to take wolf, \$30;
- 11.25 (21) for persons age 12 and under to take turkey, no fee;
- 11.26 (22) for persons age 10, 11, or 12 to take deer by firearm, no fee;
- 11.27 (23) for persons age 10, 11, or 12 to take deer by archery, no fee; and
- 11.28 (24) for persons age 10, 11, or 12 to take deer by muzzleloader during the
11.29 muzzleloader season, no fee.

11.30 Sec. 20. Minnesota Statutes 2014, section 97A.475, subdivision 3, is amended to read:

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

11.33 (1) for persons age 18 or over to take small game, \$90.50;

11.34 (2) for persons age 18 or over to take deer with firearms during the regular firearms
11.35 season, \$160;

- 12.1 (3) for persons age 18 or over to take deer by archery, \$160;
- 12.2 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
12.3 season, \$160;
- 12.4 (5) for persons age 18 or over to take bear, \$225;
- 12.5 (6) for persons age 18 or over to take turkey, ~~\$91~~ \$86;
- 12.6 (7) for persons age 13 or over and under age 18 to take turkey, \$5;
- 12.7 (8) to take raccoon or bobcat, \$178;
- 12.8 (9) to take Canada geese during a special season, \$4;
- 12.9 (10) for persons age 13 or over and under age 18 to take deer with firearms during
12.10 the regular firearms season in any open season option or time period, \$5;
- 12.11 (11) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 12.12 (12) for persons age 13 or over and under age 18 to take deer during the muzzleloader
12.13 season, \$5;
- 12.14 (13) for persons age 13 or over and under 18 to take bear, \$5;
- 12.15 (14) for persons age 18 or over to take small game for a consecutive 72-hour period
12.16 selected by the licensee, \$75, of which an amount equal to: one-half of the fee for the
12.17 migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
12.18 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half
12.19 of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in
12.20 the pheasant habitat improvement account under section 97A.075, subdivision 4; and
12.21 one-half of the small game surcharge under subdivision 4, shall be deposited into the
12.22 wildlife acquisition account;
- 12.23 (15) for persons age 16 or 17 to take small game, \$5;
- 12.24 (16) to take wolf, \$250;
- 12.25 (17) for persons age 12 and under to take turkey, no fee;
- 12.26 (18) for persons age ten, 11, or 12 to take deer by firearm, no fee;
- 12.27 (19) for persons age ten, 11, or 12 to take deer by archery, no fee;
- 12.28 (20) for persons age ten, 11, or 12 to take deer by muzzleloader during the
12.29 muzzleloader season, no fee; and
- 12.30 (21) for persons age 10, 11, or 12 to take bear, no fee.
- 12.31 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
12.32 paragraph (a), clauses (1) to (6) and (8). An additional commission may not be assessed
12.33 on this surcharge.

12.34 Sec. 21. **[97B.032] RULES LIMITING USE OF LEAD SHOT PROHIBITED.**

13.1 The commissioner of natural resources shall not adopt rules further restricting the
13.2 use of lead shot.

13.3 **EFFECTIVE DATE.** This section is effective the day following final enactment
13.4 and applies to rules adopted on or after that date.

13.5 Sec. 22. Minnesota Statutes 2014, section 97B.035, subdivision 1, is amended to read:

13.6 Subdivision 1. **Hunting with bows released by mechanical devices.** (a) A person
13.7 may not hunt with a bow drawn, held, or released by a mechanical device, except:

13.8 (1) with a disabled hunter permit issued under section 97B.106;

13.9 (2) as provided in section 97B.037 for persons age 60 or over; or

13.10 (3) as provided in paragraph (b).

13.11 (b) A person may use a mechanical device attached to the bowstring if the person's
13.12 own strength draws, holds, and releases the bowstring.

13.13 Sec. 23. Minnesota Statutes 2015 Supplement, section 97B.041, is amended to read:

13.14 **97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED**
13.15 **IN DEER ZONES.**

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

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

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

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

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

13.27 (5) handguns possessed by a person authorized to carry a handgun under sections
13.28 624.714 and 624.715 for the purpose authorized; and

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

13.30 (b) This section does not apply during an open firearms season in an area where deer
13.31 may be taken only by muzzleloader, except that muzzle-loading firearms lawful for the
13.32 taking of deer may be possessed only by persons with a valid license to take deer by

14.1 muzzleloader during the muzzleloader season. While muzzleloader hunting, a person with
14.2 a valid license to take deer by muzzleloader may not possess a firearm other than:

14.3 (1) a muzzleloader that is legal for taking deer under section 97B.031, subdivision
14.4 1; and

14.5 (2) a firearm as described in paragraph (a), clauses (2) to (5).

14.6 (c) A first violation of paragraph (a) is punishable by a warning if the person is
14.7 shooting at an object that has been placed for the sole purpose of target shooting.

14.8 Sec. 24. Minnesota Statutes 2015 Supplement, section 97B.063, is amended to read:

14.9 **97B.063 DEER HUNTER SATISFACTION SURVEY.**

14.10 The commissioner shall annually administer the collection of deer hunter
14.11 information related to participation and satisfaction. This may include information on
14.12 preferences, values, interests, participation rates and patterns, barriers to participation, or
14.13 other factors. The data shall be collected using established social science methods. The
14.14 commissioner shall annually submit a summary of the information gathered under this
14.15 section to the chairs and ranking minority members of the house of representatives and
14.16 senate committees and divisions with jurisdiction over environment and natural resources
14.17 no later than January 1 for the preceding fiscal year. The commissioner shall also make
14.18 the summary information available on the department's Web site.

14.19 Sec. 25. Minnesota Statutes 2014, section 97B.071, is amended to read:

14.20 **97B.071 ~~BLAZE ORANGE CLOTHING REQUIREMENTS; BLAZE~~**
14.21 **ORANGE OR BLAZE PINK.**

14.22 (a) Except as provided in rules adopted under paragraph (c), a person may not hunt
14.23 or trap during the open season where deer may be taken by firearms under applicable laws
14.24 and ordinances, unless the visible portion of the person's cap and outer clothing above the
14.25 waist, excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze
14.26 pink includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within
14.27 each foot square. This section does not apply to migratory waterfowl hunters on waters of
14.28 this state or in a stationary shooting location or to trappers on waters of this state.

14.29 (b) Except as provided in rules adopted under paragraph (c), and in addition to
14.30 the requirement in paragraph (a), a person may not take small game other than turkey,
14.31 migratory birds, raccoons, and predators, except while trapping, unless a visible portion of
14.32 at least one article of the person's clothing above the waist is blaze orange or blaze pink.
14.33 This paragraph does not apply to a person when in a stationary location while hunting
14.34 deer by archery or when hunting small game by falconry.

15.1 (c) The commissioner may, by rule, prescribe an alternative color in cases where
15.2 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public
15.3 Law 103-141.

15.4 (d) A violation of paragraph (b) shall not result in a penalty, but is punishable only
15.5 by a safety warning.

15.6 Sec. 26. Minnesota Statutes 2014, section 97B.086, is amended to read:

15.7 **97B.086 POSSESSION OF NIGHT VISION OR THERMAL IMAGING**
15.8 **EQUIPMENT.**

15.9 (a) A person may not possess night vision or thermal imaging equipment while
15.10 taking wild animals or while having in possession, either individually or as one of a group
15.11 of persons, a firearm, bow, or other implement that could be used to take wild animals.

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

15.13 (1) unloaded;

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

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

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

15.19 (1) completely encased or unstrung; and

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

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

15.23 (e) This section does not apply to night vision or thermal imaging equipment:

15.24 (1) possessed by peace officers or military personnel while exercising their duties; or

15.25 (2) possessed by an employee of a firearm or ammunition manufacturer for the
15.26 purposes of testing a firearm, ammunition, or related product.

15.27 Sec. 27. Minnesota Statutes 2014, section 97B.305, is amended to read:

15.28 **97B.305 COMMISSIONER MAY LIMIT NUMBER OF DEER HUNTERS.**

15.29 (a) The commissioner may limit the number of persons that may hunt deer in an
15.30 area if it is necessary to prevent an overharvest or improve the distribution of hunters.

15.31 The commissioner may, by rule, establish a method, including a drawing, to impartially
15.32 select the hunters for an area. The commissioner shall give preference to hunters that
15.33 have previously applied and have not been selected and to landowners as provided under
15.34 paragraph (b).

16.1 (b) When applicable, the commissioner must conduct a separate selection for up to
16.2 20 percent of the deer licenses to be issued for any area. Only persons who are owners
16.3 or tenants of and who live on at least 80 acres of agricultural land, as defined in section
16.4 97B.001, in the permit area, and their family members who live on the qualifying land,
16.5 are eligible applicants. The qualifying land may be noncontiguous. Persons who are
16.6 unsuccessful in a separate selection must be included in the selection for the remaining
16.7 licenses. A license issued under this paragraph is restricted to the permit area where the
16.8 qualifying land is located. The commissioner may use rules adopted under section 97A.435,
16.9 subdivision 4, paragraph (b), for determining eligible family members under this section.

16.10 Sec. 28. **97B.427] FEEDING BEARS.**

16.11 Feeding a bear by hand or other physical contact is prohibited.

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

16.13 Sec. 29. Minnesota Statutes 2014, section 97B.516, is amended to read:

16.14 **97B.516 ELK MANAGEMENT PLAN.**

16.15 (a) The commissioner of natural resources must adopt an elk management plan that:

16.16 (1) recognizes the value and uniqueness of elk;

16.17 (2) provides for integrated management of an elk population in harmony with the
16.18 environment; and

16.19 (3) affords optimum recreational opportunities.

16.20 (b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd
16.21 in a manner that would increase the size of the herd, including adoption or implementation
16.22 of an elk management plan designed to increase an elk herd, unless the commissioner of
16.23 agriculture verifies that crop and fence damages paid under section 3.7371 and attributed
16.24 to the herd have not increased for at least two years.

16.25 (c) At least 60 days prior to implementing a plan to increase an elk herd, the
16.26 commissioners of natural resources and agriculture must hold a joint public meeting in the
16.27 county where the elk herd to be increased is located. At the meeting, the commissioners
16.28 must present evidence that crop and fence damages have not increased in the prior two years
16.29 and must detail the practices that will be used to reduce elk conflicts with area landowners.

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

16.31 Sec. 30. Minnesota Statutes 2014, section 97B.731, subdivision 3, is amended to read:

17.1 Subd. 3. **Crow season.** ~~The commissioner shall prescribe a 124-day open season~~
17.2 ~~and restrictions for taking crows begins July 15 and ends October 31. The open season~~
17.3 ~~may not be shorter than the maximum season allowed under federal law.~~ The remainder of
17.4 the year crows may be taken as allowed by federal law.

17.5 Sec. 31. Minnesota Statutes 2014, section 97B.811, subdivision 4a, is amended to read:

17.6 Subd. 4a. **Restrictions on certain motorized decoys.** ~~From the opening day of the~~
17.7 ~~duck season through the Saturday nearest October 8, a person may not use a motorized~~
17.8 ~~decoy, or other motorized device designed to attract migratory waterfowl. During the~~
17.9 ~~remainder of the duck season,~~ The commissioner may, by rule, designate all or any portion
17.10 of a wetland or lake closed to the use of motorized decoys or motorized devices designed
17.11 to attract migratory waterfowl. On water bodies and lands fully contained within wildlife
17.12 management area boundaries, a person may not use motorized decoys or motorized
17.13 devices designed to attract migratory waterfowl at any time during the duck season.

17.14 Sec. 32. **[97C.008] MUSKELLUNGE IN CERTAIN WATERS PROHIBITED.**

17.15 The commissioner of natural resources shall not introduce muskellunge or stock
17.16 muskellunge in the following waters:

- 17.17 (1) Big Marine Lake in Washington County;
17.18 (2) Fairmont Chain of Lakes in Martin County;
17.19 (3) Gull Chain of Lakes in Cass and Crow Wing Counties;
17.20 (4) Franklin Lake in Otter Tail County;
17.21 (5) Lizzie Lake in Otter Tail County; and
17.22 (6) Loon Lake in Otter Tail County.

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

17.24 Sec. 33. Minnesota Statutes 2014, section 97C.401, subdivision 2, is amended to read:

17.25 Subd. 2. **Walleye; northern pike.** (a) Except as provided in paragraph (b), a person
17.26 may have no more than one walleye larger than 20 inches ~~and one northern pike larger~~
17.27 ~~than 30 inches~~ in possession.

17.28 (b) ~~The restrictions in Paragraph (a) do~~ does not apply to boundary waters.

17.29 Sec. 34. **RULEMAKING; NORTHERN PIKE.**

17.30 (a) The commissioner of natural resources shall amend Minnesota Rules, part
17.31 6262.0200, subpart 1, item G, to establish the daily and possession limits for northern pike
17.32 in management zones according to paragraphs (b) to (e).

18.1 (b) The northeastern management zone includes all inland waters lying east
18.2 and north of U.S. Highway 53 from International Falls to Duluth. In the northeastern
18.3 management zone, the daily and possession limit for northern pike is two. When taking
18.4 northern pike by angling in the northeastern management zone, only one over 40 inches in
18.5 length may be in possession, and all northern pike from 30 to 40 inches in length must be
18.6 immediately returned to the water. When taking northern pike by dark house spearing,
18.7 only one over 26 inches in length may be in possession.

18.8 (c) The north central management zone includes all inland waters lying west and
18.9 south of U.S. Highway 53 from International Falls to Duluth and north of a line described
18.10 as follows: from the South Dakota border, along State Highway 7 to State Highway 22,
18.11 thence south on State Highway 22 to U.S. Highway 212, thence east on U.S. Highway
18.12 212 to State Highway 41, thence south on State Highway 41 to the near or north bank
18.13 of the Minnesota River, thence along the near banks of the Minnesota and Mississippi
18.14 Rivers to the Wisconsin border. The north central management zone does not include
18.15 waters of the Minnesota or Mississippi Rivers where those waters create the southern
18.16 boundary of the zone. In the north central management zone, the daily and possession
18.17 limit for northern pike is ten.

18.18 (1) When taking northern pike by angling in the north central management zone,
18.19 only two over 26 inches in length may be in possession, and all northern pike from 22
18.20 to 26 inches must be immediately returned to the water.

18.21 (2) When taking northern pike by dark house spearing in the north central
18.22 management zone:

18.23 (i) only two northern pike over 26 inches in length and no northern pike from 22 to
18.24 26 inches in length may be in possession; or

18.25 (ii) only one northern pike from 22 to 26 inches in length and one northern pike over
18.26 26 inches in length may be in possession.

18.27 (d) The southern management zone includes all inland waters lying south of a line
18.28 described as follows: from the South Dakota border, along State Highway 7 to State
18.29 Highway 22, thence south on State Highway 22 to U.S. Highway 212, thence east on U.S.
18.30 Highway 212 to State Highway 41, thence south on State Highway 41 to and including
18.31 the waters of the Minnesota River, thence along the Minnesota River to and including the
18.32 waters of the Mississippi River to the Wisconsin border. In the southern management
18.33 zone, the daily and possession limit for northern pike is two. The minimum size for
18.34 northern pike taken by angling or dark house spearing in the southern management zone is
18.35 24 inches in length.

18.36 (e) The restrictions in paragraphs (b) to (d) do not apply in boundary waters.

19.1 (f) The commissioner may use the good cause exemption rulemaking procedure
19.2 under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under
19.3 this section, and Minnesota Statutes, section 14.386, does not apply, except as provided
19.4 under Minnesota Statutes, section 14.388.

19.5 (g) No later than January 15, 2027, the commissioner must report on the success of
19.6 the northern pike regulations, together with recommendations on whether to keep or change
19.7 the regulations. The report must be submitted to the senate and house of representatives
19.8 committees having jurisdiction over environment and natural resources policy and finance.

19.9 **Sec. 35. RULEMAKING; BLAZE PINK.**

19.10 (a) The commissioner of natural resources shall amend Minnesota Rules, parts
19.11 6232.2500, 6232.2550, 6232.2560, 6232.3700, and 6232.4400, to allow a person to wear
19.12 blaze pink as provided in Minnesota Statutes, section 97B.071.

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

19.17 **Sec. 36. 2016 MILLE LACS WALLEYE REGULATIONS.**

19.18 The commissioner of natural resources must allow the possession of one walleye
19.19 over 28 inches for Lake Mille Lacs during the 2016 angling season until the state's portion
19.20 of the walleye quota negotiated with the eight tribes has been met.

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

19.22 **Sec. 37. DAVID DILL TRAIL; APPROPRIATION.**

19.23 \$20,000 in fiscal year 2017 is appropriated from the natural resources fund to the
19.24 commissioner of natural resources to design and erect signs marking the David Dill
19.25 trail designated in this act. Of this amount, \$10,000 is from the snowmobile trails and
19.26 enforcement account and \$10,000 is from the all-terrain vehicle account. This is a onetime
19.27 appropriation.

19.28 **Sec. 38. REPEALER.**

19.29 Minnesota Statutes 2014, section 97A.075, subdivision 5, is repealed.

97A.075 USE OF LICENSE REVENUES.

Subd. 5. **Turkey account.** (a) \$4.50 from each turkey license sold, except youth licenses under section 97A.475, subdivision 2, clause (4), and subdivision 3, clause (7), must be credited to the wild turkey management account and is appropriated to the commissioner 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.