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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 395

01/29/2015 Authored by Lueck

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

1.1 A bill for an act
1.2 relating to game and fish; requiring the commissioner to make certain
1.3 considerations when adopting rules and making funding decisions; amending
1.4 Minnesota Statutes 2014, sections 84.027, subdivision 13; 97A.045, by adding a
1.5 subdivision.

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

1.7 Section 1. Minnesota Statutes 2014, section 84.027, subdivision 13, is amended to read:

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

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

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

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

1.20 (b) If conditions exist that do not allow the commissioner to comply with sections
1.21 97A.0451 to 97A.0459, including the need to adjust season variables on an annual basis
1.22 based upon current biological and harvest data, the commissioner may adopt a rule
1.23 under this subdivision by submitting the rule to the attorney general for review under
1.24 section 97A.0455, publishing a notice in the State Register and filing the rule with the
1.25 secretary of state and the Legislative Coordinating Commission, and complying with

2.1 section 97A.0459, and including a statement of the conditions and a copy of the rule in the
2.2 notice. The conditions for opening a water body or portion of a water body for night bow
2.3 fishing under this section may include the need to temporarily open the area to evaluate
2.4 compatibility of the activity on that body of water prior to permanent rulemaking. The
2.5 notice may be published after it is received from the attorney general or five business days
2.6 after it is submitted to the attorney general, whichever is earlier.

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

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

2.11 (2) the attorney general approves the rule; and

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

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

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

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

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

2.27 (h) The commissioner shall consider, in writing, the impact upon the state's hunting
2.28 and fishing and the taking of game and fish heritage when adopting game and fish rules
2.29 and ensure that hunting and fishing and the taking of game and fish are equally preserved
2.30 for the people as provided under the Minnesota Constitution, article XIII, section 12.

2.31 Sec. 2. Minnesota Statutes 2014, section 97A.045, is amended by adding a subdivision
2.32 to read:

2.33 Subd. 14. **Duty to preserve hunting and fishing.** The commissioner shall ensure
2.34 that hunting and fishing and the taking of game and fish are equally preserved for the
2.35 people as provided under the Minnesota Constitution, article XIII, section 12. When

- 3.1 making a funding decision or recommendation that has the potential to impact hunting,
- 3.2 fishing, or other aspects of taking game or fish, the commissioner must consider, in writing,
- 3.3 the impact of the decision or recommendation on the state's game and fish taking heritage.