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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 742

02/20/2013 Authored by Dill

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

03/07/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations

03/18/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Environment, Natural Resources and Agriculture Finance

04/02/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Ways and Means

A bill for an act

relating to natural resources; modifying commissioner's authorities and duties; modifying definitions; modifying invasive species provisions; modifying watercraft provisions; providing for certain license seizures; modifying game and fish license provisions; modifying requirements for taking game and fish; providing for certain all-terrain vehicle registration and watercraft license exemptions; modifying nonresident all-terrain vehicle state trail pass requirements; requiring rulemaking; amending Minnesota Statutes 2012, sections 84.027, subdivision 13, by adding subdivisions; 84.922, subdivision 1a; 84.9275, subdivision 1; 84D.01, subdivision 15a; 84D.03, subdivision 4; 84D.09; 84D.10, subdivisions 1, 4; 84D.105, subdivision 2; 84D.11, by adding subdivisions; 84D.13, subdivision 2, by adding a subdivision; 86B.005, subdivision 18, by adding subdivisions; 86B.13, by adding a subdivision; 86B.301, subdivision 2; 86B.501, subdivision 1; 86B.825, subdivision 2; 97A.135, subdivision 3; 97A.420, subdivision 1; 97A.441, subdivisions 6, 6a; 97A.445, subdivision 1; 97A.451, subdivisions 3, 3b, 4, 5, by adding a subdivision; 97A.475, subdivisions 2, 8; 97A.485, subdivision 6; 97B.0215; 97B.022, subdivision 2; 97B.055, subdivision 2; 97B.071; 97B.112; 97C.341; 97C.345, subdivisions 1, 2; 97C.375; 97C.376, subdivisions 1, 2, 3; repealing Minnesota Statutes 2012, sections 84D.01, subdivision 22; 97A.451, subdivision 4a; 97C.346; Laws 2011, First Special Session chapter 2, article 5, section 69.

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

Section 1. Minnesota Statutes 2012, section 84.027, subdivision 13, is amended to read:

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

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

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

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

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, including the need to adjust season variables on an annual basis based upon current biological and harvest data, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the ~~emergency~~ conditions and a copy of the rule in the notice. The ~~emergency~~ conditions for opening a water body or portion of a water body for night bow fishing under this section may include the need to temporarily open the area to evaluate compatibility of the activity on that body of water prior to permanent rulemaking. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

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

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

(2) the attorney general approves the rule; and

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

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

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

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

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

3.1 Sec. 2. Minnesota Statutes 2012, section 84.027, is amended by adding a subdivision
3.2 to read:

3.3 Subd. 19. **Federal law compliance.** Notwithstanding any law to the contrary,
3.4 the commissioner may establish, by written order, policies for the use and operation of
3.5 other power-driven mobility devices, as defined under Code of Federal Regulations, title
3.6 28, section 35.104, on lands and in facilities administered by the commissioner for the
3.7 purposes of implementing the Americans with Disabilities Act, United States Code, title
3.8 42, section 12101 et seq. These policies are exempt from the rulemaking provisions of
3.9 chapter 14 and section 14.386 does not apply.

3.10 Sec. 3. Minnesota Statutes 2012, section 84.027, is amended by adding a subdivision
3.11 to read:

3.12 Subd. 20. **Hunting licenses to critically ill persons.** The commissioner may allow
3.13 critically ill persons to purchase, once in a lifetime, hunting licenses otherwise limited by a
3.14 lottery drawing, which licenses allow for taking game within established hunting seasons
3.15 or season frameworks. The commissioner may provide the licenses to persons who are
3.16 participating in a program for critically ill hunters sponsored by a nonprofit organization
3.17 with expertise in providing hunting opportunities to hunters who are gravely ill or have
3.18 physical disabilities. The commissioner may provide licenses or permits otherwise limited
3.19 by drawings, including wild turkey, deer, bear, prairie chicken, and wolf. The commissioner
3.20 may not allow the purchase of moose and elk licenses under this subdivision. Deer licenses
3.21 authorized by the commissioner under this subdivision may be for deer of either sex.

3.22 Sec. 4. Minnesota Statutes 2012, section 84.922, subdivision 1a, is amended to read:

3.23 Subd. 1a. **Exemptions.** All-terrain vehicles exempt from registration are:

3.24 (1) vehicles owned and used by the United States, an Indian tribal government, the
3.25 state, another state, or a political subdivision;

3.26 (2) vehicles that are registered in another state or country ~~that~~ and have not been
3.27 in this state for more than 30 consecutive days or that are registered by an Indian tribal
3.28 government to a tribal member and have not been outside the tribal reservation boundary
3.29 for more than 30 consecutive days;

3.30 (3) vehicles that:

3.31 (i) are owned by a resident of another state or country that does not require
3.32 registration of all-terrain vehicles;

3.33 (ii) have not been in this state for more than 30 consecutive days; and

(iii) are operated on state and grant-in-aid trails by a nonresident possessing a nonresident all-terrain vehicle state trail pass;

(4) vehicles used exclusively in organized track racing events; and

(5) vehicles that are 25 years old or older and were originally produced as a separate identifiable make by a manufacturer.

EFFECTIVE DATE. This section is effective January 1, 2014.

Sec. 5. Minnesota Statutes 2012, section 84.9275, subdivision 1, is amended to read:

Subdivision 1. **Pass required; fee.** (a) A tribal member exempt from registration under section 84.922, subdivision 1a, clause (2), or a nonresident may not operate an all-terrain vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid nonresident all-terrain vehicle state trail pass in immediate possession. The pass must be available for inspection by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The commissioner of natural resources shall issue a pass upon application and payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the all-terrain vehicle account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to counties and municipalities for all-terrain vehicle organizations to construct and maintain all-terrain vehicle trails and use areas.

(c) A nonresident all-terrain vehicle state trail pass is not required for:

(1) an all-terrain vehicle that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.922, subdivision 1a;

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

(3) a nonresident operating an all-terrain vehicle that is registered according to section 84.922.

EFFECTIVE DATE. This section is effective January 1, 2014.

Sec. 6. Minnesota Statutes 2012, section 84D.01, subdivision 15a, is amended to read:

Subd. 15a. **Service provider.** "Service provider" means an individual who or entity that:

(1) decontaminates, installs, or removes water-related equipment or structures into or from waters of the state for hire or as a service provided as a benefit of membership in a yacht club, boat club, marina, or similar organization; or

(2) rents or leases water-related equipment that will be used in, placed into, or removed from waters of the state.

Service provider does not include a person working under the supervision of an individual with a valid service provider permit issued under section 84D.108.

Sec. 7. Minnesota Statutes 2012, section 84D.03, subdivision 4, is amended to read:

Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is designated because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, may not be used in any other waters. If a commercial licensee operates in an infested water designated because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in waters designated as infested with invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be tagged with tags provided by the commissioner, as specified in the commercial licensee's license or permit. This tagging requirement does not apply to commercial fishing equipment used in Lake Superior.

(b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is designated solely because it contains Eurasian water milfoil must be dried for a minimum of ten days or frozen for a minimum of two days before they are used in any other waters, except as provided in this paragraph. Commercial licensees must notify the department's regional or area fisheries office or a conservation officer before removing nets or equipment from an infested water designated solely because it contains Eurasian water milfoil and before resetting those nets or equipment in any other waters. Upon notification, the commissioner may authorize a commercial licensee to move nets or equipment to another water without freezing or drying, if that water is designated as infested solely because it contains Eurasian water milfoil.

(c) A commercial licensee must remove all aquatic macrophytes from nets and other equipment ~~when the nets and equipment are removed from~~ before placing the equipment into waters of the state.

(d) The commissioner shall provide a commercial licensee with a current listing of designated infested waters at the time that a license or permit is issued.

Sec. 8. Minnesota Statutes 2012, section 84D.09, is amended to read:

84D.09 AQUATIC MACROPHYTES.

Subdivision 1. **Transportation prohibited.** Unless specifically authorized under a license or permit issued by the commissioner, a person may not transport aquatic macrophytes, except as provided in this section.

Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may transport aquatic macrophytes:

(1) that are duckweeds in the family Lemnaceae;

~~(2) for disposal as part of a harvest or control activity when specifically authorized under an aquatic plant management permit pursuant to section 103G.615, under permit pursuant to section 84D.11, or as specified by the commissioner;~~

~~(3)~~ (2) for purposes of constructing shooting or observation blinds in amounts sufficient for that purpose, provided that the aquatic macrophytes are emergent and cut above the waterline;

~~(4)~~ (3) when legally purchased or traded by or from commercial or hobbyist sources for aquarium, wetland or lakeshore restoration, or ornamental purposes;

~~(5)~~ (4) when harvested for personal or commercial use if in a motor vehicle;

~~(6)~~ (5) to the department, or another destination as the commissioner may direct, in a sealed container for purposes of identifying a species or reporting the presence of a species;

~~(7) when transporting commercial aquatic plant harvesting or control equipment to a suitable location for purposes of cleaning any remaining aquatic macrophytes;~~

~~(8)~~ (6) that are wild rice harvested under section 84.091;

~~(9)~~ (7) in the form of fragments of emergent aquatic macrophytes incidentally transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl season; or

~~(10)~~ (8) when removing water-related equipment from waters of the state for purposes of cleaning off aquatic macrophytes before leaving a water access site.

Sec. 9. Minnesota Statutes 2012, section 84D.10, subdivision 1, is amended to read:

Subdivision 1. **Launching prohibited.** A person may not place or attempt to place into waters of the state water-related equipment, including aquatic plant harvesting or control equipment that has aquatic macrophytes, ~~zebra mussels,~~ or prohibited invasive species attached except as provided in this section.

Sec. 10. Minnesota Statutes 2012, section 84D.10, subdivision 4, is amended to read:

7.1 Subd. 4. **Persons transporting water-related equipment.** (a) When leaving waters
7.2 of the state a person must drain water-related equipment holding water and live wells and
7.3 bilges by removing the drain plug before transporting the water-related equipment off
7.4 the water access site or riparian property.

7.5 (b) Drain plugs, bailers, valves, or other devices used to control the draining of water
7.6 from ballast tanks, bilges, and live wells must be removed or opened while transporting
7.7 water-related equipment.

7.8 (c) Emergency response vehicles and equipment may be transported on a public road
7.9 with the drain plug or other similar device replaced only after all water has been drained
7.10 from the equipment upon leaving the water body.

7.11 (d) Portable bait containers used by licensed aquatic farms, portable bait containers
7.12 when fishing through the ice except on waters designated infested for viral hemorrhagic
7.13 septicemia, and marine sanitary systems are exempt from this subdivision.

7.14 (e) A person must not dispose of bait in waters of the state.

7.15 (f) A boat lift, dock, swim raft, or associated equipment that has been removed
7.16 from any water body may not be placed in another water body until a minimum of 21
7.17 days have passed.

7.18 (g) A person who transports water that is appropriated from noninfested surface
7.19 water bodies and that is transported by a commercial vehicle, excluding watercraft, or
7.20 commercial trailer, which vehicle or trailer is specifically designed and used for water
7.21 hauling, is exempt from paragraphs (a) and (b), provided that the person does not discharge
7.22 the transported water to other surface waters or within 100 feet of a surface water body.

7.23 (h) A person transporting water from noninfested surface water bodies for
7.24 firefighting or emergencies that threaten human safety or property is exempt from
7.25 paragraphs (a) and (b).

7.26 Sec. 11. Minnesota Statutes 2012, section 84D.105, subdivision 2, is amended to read:

7.27 Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize
7.28 individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive
7.29 species, and water. The commissioner may enter into a delegation agreement with a
7.30 tribal or local government where inspection authority as provided under paragraphs (b),
7.31 (g), and (h) is delegated to tribal and local governments that assume all legal, financial,
7.32 and administrative responsibilities for inspection programs on some or all public waters
7.33 within their jurisdiction.

7.34 (b) Inspectors may visually and tactilely inspect watercraft and water-related
7.35 equipment to determine whether aquatic invasive species, aquatic macrophytes, or water

is present. If a person transporting watercraft or water-related equipment refuses to take required corrective actions or fails to comply with an order under section 84D.10, subdivision 3, an inspector who is not a licensed peace officer shall refer the violation to a conservation officer or other licensed peace officer.

(c) In addition to paragraph (b), a conservation officer or other licensed peace officer may inspect any watercraft or water-related equipment that is stopped at a water access site, any other public location in the state, or a private location where the watercraft or water-related equipment is in plain view, if the officer determines there is reason to believe that aquatic invasive species, aquatic macrophytes, or water is present on the watercraft or water-related equipment.

(d) Conservation officers or other licensed peace officers may utilize check stations in locations, or in proximity to locations, where watercraft or other water-related equipment is placed into or removed from waters of the state. Any check stations shall be operated in a manner that minimizes delays to vehicles, equipment, and their occupants.

(e) Conservation officers or other licensed peace officers may order water-related equipment to be removed from a water body if the commissioner determines such action is needed to implement aquatic invasive species control measures.

(f) The commissioner may require mandatory inspections of water-related equipment before a person places or removes water-related equipment into or out of a water body. Inspection stations may be located at or near public water accesses or in locations that allow for servicing individual or multiple water bodies. The commissioner shall ensure that inspection stations:

- (1) have adequate staffing to minimize delays to vehicles and their occupants;
- (2) allow for reasonable travel times between public accesses and inspection stations if inspection is required before placing water-related equipment into a water body;
- (3) are located so as not to create traffic delays or public safety issues;
- (4) have decontamination equipment available to bring water-related equipment into compliance; and
- (5) do not reduce the capacity or hours of operation of public water accesses.

(g) The commissioner may authorize tribal and local governments that enter into a delegation agreement with the commissioner to conduct mandatory inspections of water-related equipment at specified locations within a defined area before a person places or removes water-related equipment into or out of a water body. Tribal and local governments that are authorized to conduct inspections under this paragraph must:

- (1) assume all legal, financial, and administrative responsibilities for implementing the mandatory inspections, alone or in agreement with other tribal or local governments;

- 9.1 (2) employ inspectors that have been trained and authorized by the commissioner;
- 9.2 (3) conduct inspections and decontamination measures in accordance with guidelines
- 9.3 approved by the commissioner;
- 9.4 (4) have decontamination equipment available at inspection stations or identify
- 9.5 alternative decontamination equipment locations within a reasonable distance of the
- 9.6 inspection station that can bring water-related equipment into compliance;
- 9.7 (5) provide for inspection station locations that do not create traffic delays or public
- 9.8 safety issues; and
- 9.9 (6) submit a plan approved by the commissioner according to paragraph (h).
- 9.10 (h) Plans required under paragraph (g) must address:
- 9.11 (1) no reduction in capacity or hours of operation of public accesses and fees that
- 9.12 do not discourage or limit use;
- 9.13 (2) reasonable travel times between public accesses and inspection stations;
- 9.14 (3) adequate staffing to minimize wait times and provide adequate hours of operation
- 9.15 at inspection stations and public accesses;
- 9.16 (4) adequate enforcement capacity;
- 9.17 (5) measures to address inspections of water-related equipment at public water
- 9.18 accesses for commercial entities and private riparian land owners; and
- 9.19 (6) other elements as required by the commissioner to ensure statewide consistency,
- 9.20 appropriate inspection and decontamination protocols, and protection of the state's
- 9.21 resources, public safety, and access to public waters.
- 9.22 (i) A government unit authorized to conduct inspections under this subdivision must
- 9.23 submit an annual report to the commissioner summarizing the results and issues related
- 9.24 to implementing the inspection program.
- 9.25 (j) The commissioner may waive the plan requirement in paragraph (g) for inspection
- 9.26 programs where authorized inspectors are placed directly at one or more water access
- 9.27 sites, with no requirement for a person to travel from the water access for inspection
- 9.28 or decontamination, and no local ordinance or other regulation requiring a mandatory
- 9.29 inspection before placing watercraft or water-related equipment into a water body or after
- 9.30 watercraft or water-related equipment are removed from a water body.

9.31 Sec. 12. Minnesota Statutes 2012, section 84D.11, is amended by adding a subdivision

9.32 to read:

9.33 Subd. 2b. **Transport of water.** The commissioner may issue a permit under this

9.34 section or an authorization under other licenses or permits pursuant to sections 97C.801,

10.1 97C.811, and 103G.271 to allow the transport of water in containers or water-related
10.2 equipment specifically designed and used for hauling water.

10.3 Sec. 13. Minnesota Statutes 2012, section 84D.11, is amended by adding a subdivision
10.4 to read:

10.5 Subd. 2c. **Transport of aquatic macrophytes.** The commissioner may issue a
10.6 permit to allow the transport of aquatic macrophytes to locations specified in the permit
10.7 for purposes of research, education, and decontaminating equipment.

10.8 Sec. 14. Minnesota Statutes 2012, section 84D.11, is amended by adding a subdivision
10.9 to read:

10.10 Subd. 2d. **Special permits.** The commissioner may issue special permits for the
10.11 activities in this section. A special permit may be issued in the form of a general permit
10.12 to a governmental subdivision or to the general public to conduct one or more activities
10.13 under a single permit.

10.14 Sec. 15. Minnesota Statutes 2012, section 84D.13, subdivision 2, is amended to read:

10.15 Subd. 2. **Cumulative remedy.** The authority of conservation officers and other
10.16 licensed peace officers to issue civil citations is in addition to other remedies available
10.17 under law, except that the state may not seek penalties under any other provision of law
10.18 for the incident subject to the citation.

10.19 Sec. 16. Minnesota Statutes 2012, section 84D.13, is amended by adding a subdivision
10.20 to read:

10.21 Subd. 9. **Training for offenders.** A person who is convicted of or subject to a final
10.22 order for a violation of this chapter involving water-related equipment must successfully
10.23 complete a training course as provided in section 86B.13.

10.24 **EFFECTIVE DATE.** This section is effective July 1, 2015.

10.25 Sec. 17. Minnesota Statutes 2012, section 86B.005, is amended by adding a
10.26 subdivision to read:

10.27 Subd. 15a. **Rice boat.** "Rice boat" means a nonmotorized watercraft being used
10.28 for harvesting wild rice.

10.29 Sec. 18. Minnesota Statutes 2012, section 86B.005, subdivision 18, is amended to read:

11.1 Subd. 18. **Watercraft.** "Watercraft" means any contrivance used or designed for
11.2 navigation on water, except:

11.3 (1) a ~~duck~~ waterfowl boat during the ~~duck~~ waterfowl hunting season seasons;

11.4 (2) a rice boat during the harvest season; or

11.5 (3) a seaplane.

11.6 Sec. 19. Minnesota Statutes 2012, section 86B.005, is amended by adding a
11.7 subdivision to read:

11.8 Subd. 18a. **Waterfowl boat.** "Waterfowl boat" means a watercraft being used
11.9 while hunting waterfowl.

11.10 Sec. 20. Minnesota Statutes 2012, section 86B.13, is amended by adding a subdivision
11.11 to read:

11.12 Subd. 1a. **Training for offenders.** A person who is convicted of or subject to
11.13 a final order for a violation of chapter 84D involving water-related equipment must
11.14 successfully complete the training course in subdivision 1 before continuing operation or
11.15 use of water-related equipment.

11.16 **EFFECTIVE DATE.** This section is effective July 1, 2015.

11.17 Sec. 21. Minnesota Statutes 2012, section 86B.301, subdivision 2, is amended to read:

11.18 Subd. 2. **Exemptions.** A watercraft license is not required for:

11.19 (1) a watercraft that is covered by a license or number in full force and effect under
11.20 federal law or a federally approved licensing or numbering system of another state, and
11.21 has not been within this state for more than 90 consecutive days, which does not include
11.22 days that a watercraft is laid up at dock over winter or for repairs at a Lake Superior
11.23 port or another port in the state;

11.24 (2) a watercraft from a country other than the United States that has not been within
11.25 this state for more than 90 consecutive days, which does not include days that a watercraft is
11.26 laid up at dock over winter or for repairs at a Lake Superior port or another port in the state;

11.27 (3) a watercraft owned by the United States, an Indian tribal government, a state, or
11.28 a political subdivision of a state, except watercraft used for recreational purposes;

11.29 (4) a ship's lifeboat;

11.30 (5) a watercraft that has been issued a valid marine document by the United States
11.31 government;

11.32 (6) a ~~duck~~ waterfowl boat during ~~duck~~ waterfowl hunting season;

11.33 (7) a rice boat during the harvest season;

- 12.1 (8) a seaplane; ~~and~~
12.2 (9) a nonmotorized watercraft ten feet in length or less; and
12.3 (10) a watercraft that is covered by a valid license or number issued by a federally
12.4 recognized Indian tribe in the state under a federally approved licensing or numbering
12.5 system and that is owned by a member of that tribe.

12.6 **EFFECTIVE DATE.** Clause (10) is effective January 1, 2015.

12.7 Sec. 22. Minnesota Statutes 2012, section 86B.501, subdivision 1, is amended to read:

12.8 Subdivision 1. **Personal flotation or lifesaving devices.** (a) Watercraft and ~~duck~~
12.9 waterfowl boats using the waters of this state must be equipped with the number and type
12.10 of personal flotation or lifesaving devices prescribed by the commissioner.

12.11 (b) The commissioner may not:

12.12 (1) require sailboards to be equipped with personal flotation or lifesaving devices; or

12.13 (2) require persons on sailboards to wear personal flotation or lifesaving devices

12.14 or have them readily available.

12.15 Sec. 23. Minnesota Statutes 2012, section 86B.825, subdivision 2, is amended to read:

12.16 Subd. 2. **Exempt watercraft.** A watercraft is not required to have a certificate of
12.17 title if the watercraft is:

12.18 (1) owned by a manufacturer or dealer and held for sale;

12.19 (2) used by a manufacturer solely for testing;

12.20 (3) from a jurisdiction other than this state, temporarily using the waters of this state;

12.21 (4) owned by the United States, a state, this state, or a political subdivision;

12.22 (5) a ~~duck~~ waterfowl boat used only during ~~duck~~ waterfowl hunting season;

12.23 (6) a rice boat used only during the wild rice harvesting season;

12.24 (7) owned by a person, firm, or corporation operating a resort as defined in section
12.25 157.15 or a recreational camping area as defined in section 327.14, subdivision 8, except
12.26 with respect to a previously titled watercraft; or

12.27 (8) watercraft manufactured prior to August 1, 1979.

12.28 Sec. 24. Minnesota Statutes 2012, section 97A.135, subdivision 3, is amended to read:

12.29 Subd. 3. **Cooperative farming agreements.** On any public hunting, game refuge,
12.30 wildlife management area, aquatic management area, or scientific and natural area lands,
12.31 the commissioner may enter into written cooperative farming agreements on a sharecrop
12.32 basis, without competitive bidding, for the purpose of wildlife and plant management.

12.33 Cooperative farming agreements may also be used to allow pasturing of livestock. The

13.1 agreements may provide for the bartering of a share of any crop, produced from these
13.2 lands, for services or products that will enhance or benefit the management of state lands
13.3 for plant and animal species. Cooperative farming agreements pursuant to this section shall
13.4 not be considered leases for tax purposes under section 272.01, subdivision 2, or 273.19.

13.5 Sec. 25. Minnesota Statutes 2012, section 97A.420, subdivision 1, is amended to read:

13.6 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the
13.7 license of a person who unlawfully takes, transports, or possesses wild animals when the
13.8 restitution value of the wild animals exceeds \$500. Except as provided in subdivisions
13.9 2, 4, and 5, the person may not use or obtain any license to take the same type of wild
13.10 animals involved, including a duplicate license, until an action is taken under subdivision
13.11 6. If the license seized under this paragraph was for a big game animal, the license seizure
13.12 applies to all licenses to take big game issued to the individual. If the license seized under
13.13 this paragraph was for small game animals, the license seizure applies to all licenses to
13.14 take small game issued to the individual.

13.15 (b) In addition to the license seizure under paragraph (a), if the restitution value of
13.16 the wild animals unlawfully taken, possessed, or transported is \$5,000 or more, all other
13.17 game and fish licenses held by the person shall be immediately seized. Except as provided
13.18 in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit,
13.19 including a duplicate license, until an action is taken under subdivision 6.

13.20 (c) A person may not take wild animals covered by a license seized under this
13.21 subdivision until an action is taken under subdivision 6.

13.22 Sec. 26. Minnesota Statutes 2012, section 97A.441, subdivision 6, is amended to read:

13.23 Subd. 6. **Taking deer; disabled veterans.** A person authorized to issue licenses
13.24 must issue, without a fee, a license to take deer with firearms or by archery to a resident
13.25 that is a veteran, as defined in section 197.447, and that has a 100 percent service
13.26 connected disability as defined by the United States Veterans Administration upon being
13.27 furnished satisfactory evidence. The commissioner, upon request, must issue a permanent
13.28 card documenting satisfactory evidence of 100 percent permanently disabled status. The
13.29 card serves as satisfactory evidence to obtain a license under this subdivision at all agent
13.30 locations.

13.31 Sec. 27. Minnesota Statutes 2012, section 97A.441, subdivision 6a, is amended to read:

13.32 Subd. 6a. **Taking small game; disabled veterans.** A person authorized to issue
13.33 licenses must issue, without a fee, a license to take small game to a resident who is a veteran,

14.1 as defined in section 197.447, and who has a 100 percent service connected disability as
14.2 defined by the United States Veterans Administration upon being furnished satisfactory
14.3 evidence. The commissioner, upon request, must issue a permanent card documenting
14.4 satisfactory evidence of 100 percent permanently disabled status. The card serves as
14.5 satisfactory evidence to obtain a license under this subdivision at all agent locations.

14.6 Sec. 28. Minnesota Statutes 2012, section 97A.445, subdivision 1, is amended to read:

14.7 Subdivision 1. **Angling; Take a Kid Fishing Weekends.** (a) A resident age 16
14.8 years or older may take fish by angling without an angling ~~or~~ license and may take fish by
14.9 spearing from a dark house without a spearing license and without a fish house or dark
14.10 house license during one three-day consecutive period of the open water angling season
14.11 and one three-day consecutive period of the ice angling season designated by rule of
14.12 the commissioner if the resident is accompanied by a child who is under age 16. The
14.13 commissioner may, by written order published in the State Register, establish the three-day
14.14 consecutive periods. The written order is not subject to the rulemaking provisions of
14.15 chapter 14 and section 14.386 does not apply.

14.16 (b) The commissioner ~~shall~~ may designate and publicize the three-day periods as
14.17 "Take a Kid Fishing Weekend" for the open water angling season and "Take a Kid Ice
14.18 Fishing Weekend" for the ice angling season. The commissioner shall announce the date
14.19 of each three-day weekend at least 30 days in advance of the date it occurs.

14.20 Sec. 29. Minnesota Statutes 2012, section 97A.451, is amended by adding a
14.21 subdivision to read:

14.22 Subd. 2a. **Residents age 16 or 17; spearing.** Residents age 16 or over and under
14.23 age 18 may take fish by spearing without a spearing license but must possess a fishing
14.24 license under section 97A.475, subdivision 6, clause (7).

14.25 Sec. 30. Minnesota Statutes 2012, section 97A.451, subdivision 3, is amended to read:

14.26 Subd. 3. **Residents and nonresidents under age 16; small game.** (a) A resident or
14.27 nonresident under age 16 may not obtain a small game license but may take small game
14.28 by firearms or bow and arrow without a license if the resident or nonresident is:

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

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

(3) age 13, 14, or 15, and possesses an apprentice hunter validation, ~~and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation as provided under section 97B.022;~~ or

(4) age 12 or under and is accompanied by a parent or guardian.

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

(c) A resident or nonresident under age 13 must obtain a free turkey license to take turkey and may take a turkey without a firearms safety certificate if the resident or nonresident is accompanied by an adult parent or guardian who has a firearms safety certificate.

(d) A resident under age 13 may apply for a prairie chicken license and may take a prairie chicken without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

Sec. 31. Minnesota Statutes 2012, section 97A.451, subdivision 3b, is amended to read:

Subd. 3b. **Nonresidents age 16 or over and under age 18; small game.** (a) A nonresident age 16 or over and under age 18 may take small game by firearms or archery and may obtain a small game license at the youth fee under section 97A.475, subdivision 3, paragraph (a), clause (14), if the nonresident possesses a firearms safety certificate or an apprentice hunter validation as provided under section 97B.022.

~~(b) A nonresident under age 16 may take small game by firearms or archery and may obtain a small game license without paying the applicable fees under section 97A.475, subdivisions 3, 4, and 5, if the nonresident is:~~

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

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

~~(3) age 12 or under and is accompanied by a parent or guardian.~~

Sec. 32. Minnesota Statutes 2012, section 97A.451, subdivision 4, is amended to read:

Subd. 4. **Residents and nonresidents under age 13 16; big game.** (a) A resident or nonresident age 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses a firearms safety certificate or an apprentice hunter validation as

provided under section 97B.022. A nonresident age 12 or 13 must be accompanied by a parent or guardian to hunt big game.

(b) A resident ~~or nonresident~~ age ten or over ~~and under age 13~~ 11 must obtain a license under paragraph (c) and may take big game, provided the person is under the direct supervision of a parent or guardian where the parent or guardian is within immediate reach.

(c) A resident ~~or nonresident~~ age ten or over ~~and under age 13~~, 11, or 12 must obtain a license to take big game ~~and may obtain the license without paying the fee required~~ under section 97A.475, subdivision 2 or 3.

Sec. 33. Minnesota Statutes 2012, section 97A.451, subdivision 5, is amended to read:

Subd. 5. **Nonresident youth; angling.** (a) A nonresident under age 16 may:

(1) take fish by angling without a license if a parent or guardian has a fishing license. Fish taken by a nonresident under age 16 without a license must be included in the limit of the parent or guardian;

(2) purchase a youth fishing license under section 97A.475, subdivision 7, paragraph (a), clause (8), and possess a limit of fish; or

(3) be included under a nonresident family angling license and possess a limit of fish.

(b) A nonresident age 16 or over and under age 18 must purchase a youth license to angle under section 97A.475, subdivision 7, paragraph (a), clause (8).

(c) Nonresidents age 16 or over and under age 18 may take fish by spearing without a spearing license but must possess a fishing license under section 97A.475, subdivision 7, paragraph (a), clause (8).

(d) Nonresidents under age 16 may take fish by spearing without a spearing or angling license.

(e) Limits for fish taken by spearing must comply with one of the options listed under paragraph (a).

Sec. 34. Minnesota Statutes 2012, section 97A.475, subdivision 2, is amended to read:

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

(1) for persons age 18 or over and under age 65 to take small game, \$15.50;

(2) for persons age 65 or over, \$7 to take small game;

(3) for persons age 18 or over to take turkey, \$26;

(4) for persons age 13 or over and under age 18 to take turkey, \$5;

(5) for persons age 18 or over to take deer with firearms during the regular firearms season, \$30;

- 17.1 (6) for persons age 18 or over to take deer by archery, \$30;
- 17.2 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
- 17.3 season, \$30;
- 17.4 (8) to take moose, for a party of not more than six persons, \$356;
- 17.5 (9) to take bear, \$44;
- 17.6 (10) to take elk, for a party of not more than two persons, \$287;
- 17.7 (11) to take Canada geese during a special season, \$4;
- 17.8 (12) to take prairie chickens, \$23;
- 17.9 (13) for persons age 13 or over and under age 18 to take deer with firearms during
- 17.10 the regular firearms season, \$5;
- 17.11 (14) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 17.12 (15) for persons age 13 or over and under age 18 to take deer by muzzleloader
- 17.13 during the muzzleloader season, \$5;
- 17.14 (16) for persons age 18 or over to take small game for a consecutive 72-hour period
- 17.15 selected by the licensee, \$19, of which an amount equal to: one-half of the fee for the
- 17.16 migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
- 17.17 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half
- 17.18 of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in
- 17.19 the pheasant habitat improvement account under section 97A.075, subdivision 4; and
- 17.20 one-half of the small game surcharge under subdivision 4, shall be deposited in the
- 17.21 wildlife acquisition account;
- 17.22 (17) for persons age 16 or over and under age 18 to take small game, \$5; ~~and~~
- 17.23 (18) to take wolf, \$30-;
- 17.24 (19) for persons age 12 and under to take turkey, no fee;
- 17.25 (20) for persons age 10, 11, or 12 to take deer by firearm, no fee;
- 17.26 (21) for persons age 10, 11, or 12 to take deer by archery, no fee; and
- 17.27 (22) for persons age 10, 11, or 12 to take deer by muzzleloader during the
- 17.28 muzzleloader season, no fee.

17.29 Sec. 35. Minnesota Statutes 2012, section 97A.475, subdivision 8, is amended to read:

17.30 Subd. 8. **Minnesota sporting; super sports.** (a) The commissioner shall issue

17.31 Minnesota sporting licenses to residents only. The licensee may take fish by angling

17.32 and small game. The fee for the license is:

17.33 (1) for an individual, \$31.50; and

17.34 (2) for a combined license for a married couple to take fish and for one spouse to

17.35 take small game, \$45.50.

18.1 (b) The commissioner shall issue Minnesota super sports licenses to residents only.
18.2 The licensee may take fish by angling, including trout; small game, including pheasant
18.3 and waterfowl; and deer by firearms or muzzleloader or by archery. The fee for the super
18.4 sports license, including all required stamp validations is:

18.5 (1) for an individual age 18 or over, ~~\$92.50~~ \$86.50; and

18.6 (2) for a combined license for a married couple to take fish, including the trout and
18.7 salmon stamp validation, and for one spouse to take small game, including pheasant
18.8 and waterfowl, and deer, ~~\$118.50~~ \$110.50.

18.9 (c) Revenue for the stamp endorsements under paragraph (b) shall be deposited
18.10 according to section 97A.075, subdivisions 2, 3, and 4.

18.11 (d) Revenue for the deer license endorsement under paragraph (b) shall be deposited
18.12 according to section 97A.075, subdivision 1.

18.13 Sec. 36. Minnesota Statutes 2012, section 97A.485, subdivision 6, is amended to read:

18.14 Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell
18.15 licenses under this section must issue the following licenses for the license fee and the
18.16 following issuing fees:

18.17 (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

18.18 (2) Minnesota sporting, the issuing fee is \$1;

18.19 (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing
18.20 animals, the issuing fee is \$1;

18.21 (4) to apply for a limited hunt drawing, the issuing fee is \$1 unless the application
18.22 requires a license purchase at the time of application and the license purchase requires
18.23 an application fee;

18.24 (5) for a prairie chicken license, the issuing fee is \$1;

18.25 (6) for a turkey license, the issuing fee is \$1;

18.26 (7) for an elk license, the issuing fee is \$1;

18.27 (8) for a moose license, the issuing fee is \$1;

18.28 (9) for a wolf license, the issuing fee is \$1;

18.29 ~~(4)~~ (10) for a stamp validation that is not issued simultaneously with a license, an
18.30 issuing fee of 50 cents may be charged at the discretion of the authorized seller;

18.31 ~~(5)~~ (11) for stamp validations issued simultaneously with a license, there is no fee;

18.32 ~~(6)~~ (12) for licenses, seals, tags, or coupons issued without a fee under section
18.33 97A.441 or 97A.465, ~~an the issuing fee of 50 cents may be charged at the discretion of~~
18.34 ~~the authorized seller is \$1;~~

18.35 ~~(7)~~ (13) for lifetime licenses, there is no fee; and

19.1 ~~(8)~~ (14) for all other licenses, permits, renewals, or applications or any other
19.2 transaction through the electronic licensing system under this chapter or any other chapter
19.3 when an issuing fee is not specified, an issuing fee of ~~50 cents~~ \$1 may be charged at the
19.4 discretion of the authorized seller.

19.5 (b) Only one issuing fee may be collected when selling more than one stamp in the
19.6 same transaction after the end of the season for which the stamp was issued.

19.7 (c) The agent shall keep the issuing fee as a commission for selling the licenses.

19.8 (d) The commissioner shall collect the issuing fee on licenses sold by the
19.9 commissioner.

19.10 (e) A license, except stamps, must state the amount of the issuing fee and that the
19.11 issuing fee is kept by the seller as a commission for selling the licenses.

19.12 (f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:

19.13 (1) for licenses to take big game, 75 cents; and

19.14 (2) for other licenses, 50 cents.

19.15 (g) The commissioner may issue one-day angling licenses in books of ten licenses
19.16 each to fishing guides operating charter boats upon receipt of payment of all license
19.17 fees, excluding the issuing fee required under this section. Copies of sold and unsold
19.18 licenses shall be returned to the commissioner. The commissioner shall refund the charter
19.19 boat captain for the license fees of all unsold licenses. Copies of sold licenses shall be
19.20 maintained by the commissioner for one year.

19.21 Sec. 37. Minnesota Statutes 2012, section 97B.0215, is amended to read:

19.22 **97B.0215 PARENT OR GUARDIAN RESPONSIBILITY; VIOLATION.**

19.23 A parent or ~~legal~~ guardian of a minor may not knowingly direct, allow, or permit
19.24 the minor to hunt without the required license, permit, training, or certification, or in
19.25 violation of the game and fish laws.

19.26 Sec. 38. Minnesota Statutes 2012, section 97B.022, subdivision 2, is amended to read:

19.27 Subd. 2. **Apprentice hunter validation requirements.** (a) A resident or nonresident
19.28 born after December 31, 1979, who is age 12 or over and who does not possess a hunter
19.29 education firearms safety certificate may be issued an apprentice hunter validation. An
19.30 apprentice hunter validation may be purchased two license years in a lifetime and used to
19.31 obtain hunting licenses during the same license year that the validation is purchased.

19.32 (b) An individual in possession of an apprentice hunter validation may hunt small
19.33 game, deer, and bear only when accompanied by an adult ~~licensed to hunt~~ who has a

20.1 valid license to hunt the same species of game in Minnesota and whose license was not
20.2 obtained using an apprentice hunter validation.

20.3 (c) When an individual in possession of an apprentice hunter validation is hunting
20.4 turkey or prairie chicken under paragraph (b), the accompanying adult may be licensed
20.5 for another permit area or time period but must be licensed for the same season as the
20.6 apprentice hunter. If the accompanying adult is not licensed for the same permit area or
20.7 time period as the apprentice hunter, the accompanying adult may not shoot or possess a
20.8 firearm or bow while accompanying the apprentice hunter under this paragraph.

20.9 (d) An apprentice hunter validation holder must obtain all required licenses and
20.10 stamps.

20.11 Sec. 39. Minnesota Statutes 2012, section 97B.055, subdivision 2, is amended to read:

20.12 Subd. 2. **Restrictions related to motor vehicles.** A person may not take a wild
20.13 animal with a firearm or by archery from a motor vehicle except as permitted in this
20.14 section. Notwithstanding section 97B.091, a person may transport a bow uncased while
20.15 in ~~an electric motor-powered boat~~ a motorized watercraft and may take rough fish while
20.16 in the boat as provided in section 97C.376, subdivision 3.

20.17 Sec. 40. Minnesota Statutes 2012, section 97B.071, is amended to read:

20.18 **97B.071 BLAZE ORANGE REQUIREMENTS.**

20.19 Subdivision 1. Clothing requirements. (a) Except as provided in rules adopted
20.20 under paragraph (c), a person may not hunt or trap during the open season where deer may
20.21 be taken by firearms under applicable laws and ordinances, unless the visible portion of
20.22 the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze
20.23 orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange
20.24 within each foot square. This section does not apply to migratory waterfowl hunters on
20.25 waters of this state or in a stationary shooting location or to trappers on waters of this state.

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

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

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

21.3 Subd. 2. **Ground blinds.** A person may not hunt deer from a ground blind during
21.4 the open season where deer may be taken by firearms unless the outside of the blind
21.5 displays a minimum of 144 square inches of blaze orange material that is visible from
21.6 all directions around the blind.

21.7 Sec. 41. Minnesota Statutes 2012, section 97B.112, is amended to read:

21.8 **97B.112 SPECIAL HUNTS FOR YOUTH.**

21.9 The commissioner may by rule establish criteria, special seasons, and limits for
21.10 youth and adult hunters to take big game and small game by firearms or archery in
21.11 designated areas or times as part of the agency's overall effort in hunter recruitment and
21.12 retention. The criteria may also include provisions for an unlicensed adult to assist a youth
21.13 hunter during a special season or special hunt established under this section.

21.14 Sec. 42. Minnesota Statutes 2012, section 97C.341, is amended to read:

21.15 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

21.16 (a) A person may not use live minnows imported from outside of the state, game
21.17 fish, goldfish, or carp for bait. Notwithstanding paragraphs (b) and (d), the commissioner
21.18 may, by written order published in the State Register, adopt rules to authorize the use of
21.19 game fish eggs as bait in Lake Superior and its tributaries below the posted boundaries and
21.20 prescribe restrictions on their use. The order is exempt from the rulemaking provisions of
21.21 chapter 14 and section 14.386 does not apply.

21.22 (b) A person may not import or possess live, frozen, or processed bait from known
21.23 waters where viral hemorrhagic septicemia has been identified as being present: (1)
21.24 unless the bait has been processed to inactivate viral hemorrhagic septicemia in a manner
21.25 prescribed by rules adopted by the commissioner; or (2) except as provided in paragraph
21.26 (c). For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians,
21.27 invertebrates, and insects used for taking wild animals in waters of the state.

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

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

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

21.33 (d) To ensure that frozen or dead fish being brought into the state are not in violation
21.34 of paragraph (b), the following paperwork must accompany the shipment. Documents

22.1 must be open for inspection by the commissioner at any reasonable time. All documents
22.2 must be available to purchasers of these bait items. Each container or package of frozen or
22.3 dead fish must have the following information:

- 22.4 (1) water body source;
- 22.5 (2) lot number;
- 22.6 (3) company contact including name, phone, and address;
- 22.7 (4) date of packaging and labeling; and
- 22.8 (5) valid negative fish health certification from the source water body.

22.9 Sec. 43. Minnesota Statutes 2012, section 97C.345, subdivision 1, is amended to read:

22.10 Subdivision 1. **Period when use prohibited.** Except as specifically authorized, a
22.11 person may not take fish with a spear from the third Monday in February to ~~April 30~~ with
22.12 ~~a spear~~, the Friday before the last Saturday in April and may not take fish with a fish
22.13 trap, net, dip net, seine, or other device capable of taking fish from the third Monday
22.14 in February to April 30.

22.15 Sec. 44. Minnesota Statutes 2012, section 97C.345, subdivision 2, is amended to read:

22.16 Subd. 2. **Possession.** (a) Except as specifically authorized, a person may not possess
22.17 a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any
22.18 waters. Possession includes personal possession and in a vehicle.

22.19 (b) A person may possess ~~spears~~, dip nets, and spear guns allowed under section
22.20 97C.381 on or near waters between sunrise and sunset from May 1 to the last Sunday in
22.21 February, or as otherwise prescribed by the commissioner. A person may possess a spear
22.22 on or near waters between sunrise and sunset from the last Saturday in April to the last
22.23 Sunday in February, or as otherwise prescribed by the commissioner.

22.24 Sec. 45. Minnesota Statutes 2012, section 97C.375, is amended to read:

22.25 **97C.375 TAKING ROUGH FISH BY SPEARING.**

22.26 (a) A resident or nonresident may take rough fish by spearing according to paragraph
22.27 (b) and during the times, in waters, and in the manner prescribed by the commissioner.

22.28 (b) Suckers may be taken by spearing from the last Saturday in April through the
22.29 last Sunday in February.

22.30 Sec. 46. Minnesota Statutes 2012, section 97C.376, subdivision 1, is amended to read:

Subdivision 1. **Season.** (a) The regular bow fishing season for residents and nonresidents is from May 1 the last Saturday in April to the last Sunday in February at any time of the day.

(b) The early bow fishing season for residents and nonresidents is open only south of State Highway 210 from the Monday after the last Sunday in February to the Friday before the last Saturday in April at any time of the day. During the early season, a person may bow fish:

(1) only from a boat; and

(2) only while on a lake or on the Mississippi, Minnesota, or St. Croix River.

Sec. 47. Minnesota Statutes 2012, section 97C.376, subdivision 2, is amended to read:

Subd. 2. **Possession of bows and arrows.** A person may possess bows and arrows for the purposes of bow fishing on or within 100 feet of waters at any time from May 1 the last Saturday in April to the last Sunday in February and at other times on lakes and rivers south of State Highway 210 as specified in subdivision 1, paragraph (b), subject to local ordinances. A person must take reasonable measures to retrieve arrows and wounded fish.

Sec. 48. Minnesota Statutes 2012, section 97C.376, subdivision 3, is amended to read:

Subd. 3. **Nighttime restrictions on motors.** (a) From sunset to sunrise, a person bow fishing with the assistance of a gasoline-powered motor must use a four-stroke engine powered generator. the noise limits for total noise while bow fishing from sunset to sunrise shall must not exceed a noise level of 65 decibels on the A scale measured at a distance of 50 feet from the motorboat or equivalent noise levels at other distances as specified by the commissioner in a pass-by test or 67 decibels on the A scale measured at idle in a stationary test at least four feet above the water and at least four feet behind the transom of the motorboat being tested.

(b) The noise limits under paragraph (a) shall be determined under a test procedure approved by the commissioner under section 86B.321, subdivision 2.

(c) The noise limits in paragraph (a) do not preclude enforcement of other laws relating to motorboat noise.

(d) The noise levels under section 86B.321 apply to persons traveling to and from bow fishing sites from sunset to sunrise.

Sec. 49. **RULEMAKING; GAME FISH EGGS AS BAIT.**

(a) The commissioner of natural resources shall amend Minnesota Rules, part 6262.0100, by adding a subpart to read:

24.1 "Spawn bags may be bought or sold only if the bags are made with:
24.2 A. fish eggs from a licensed aquaculture facility; or
24.3 B. fish eggs that are:
24.4 (1) legally taken from a source outside Minnesota that has been certified disease-free;
24.5 and
24.6 (2) preserved and labeled as required under a bait preservation permit. Records must
24.7 be maintained as required for bait preservation permits."
24.8 (b) The commissioner of natural resources shall amend Minnesota Rules, part
24.9 6262.0300, subpart 5, to read:
24.10 "A. Except as provided in this subpart, the taking of fish for bait purposes from all
24.11 Minnesota waters of Lake Superior and all waters of the St. Louis River downstream of
24.12 the Fond du Lac Dam in St. Louis and Carlton Counties, including any and all outflows,
24.13 estuaries, streams, creeks, or waters adjacent to or flowing into these waters is prohibited.
24.14 B. Notwithstanding Minnesota Statutes, sections 84D.03, subdivision 3, and
24.15 97C.341, paragraph (b), eggs from legally taken and possessed trout harvested from Lake
24.16 Superior or its tributaries below the posted boundaries may be used to make spawn bags
24.17 for bait as provided in this item and as authorized in Minnesota Statutes, section 97C.341,
24.18 paragraph (a). Spawn bags may be used only in Lake Superior and its tributaries below
24.19 the posted boundaries and may be transported to and from Lake Superior or its tributaries
24.20 below the posted boundaries."
24.21 (c) The commissioner may use the good cause exemption under Minnesota Statutes,
24.22 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
24.23 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,
24.24 section 14.388.

24.25 Sec. 50. **RULEMAKING; WILDLIFE RESTITUTION VALUE FOR SANDHILL**
24.26 **CRANES.**

24.27 (a) The commissioner of natural resources shall amend Minnesota Rules, part
24.28 6133.0030, by adding a new item establishing the wildlife restitution value of \$200 for a
24.29 sandhill crane.

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

24.34 Sec. 51. **RULEMAKING; SPEARING ROUGH FISH.**

25.1 The commissioner of natural resources shall amend Minnesota Rules, part
25.2 6262.0600, to make seasons for spearing rough fish consistent with the date changes in
25.3 sections 43 to 45. The commissioner may use the good cause exemption under Minnesota
25.4 Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and
25.5 Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota
25.6 Statutes, section 14.388.

25.7 Sec. 52. **RULEMAKING; REMOVING SPEARING RESTRICTIONS.**

25.8 The commissioner of natural resources shall amend Minnesota Rules, part
25.9 6264.0400, subparts 8, 27, 74, 75, and 76, to remove restrictions on taking fish by spearing
25.10 for the following lakes: Big Mantrap, Lobster, Beers, West Battle, Deer, Cross, Sugar,
25.11 Eagle, Owasso, North Star, Moose, and Spider. The commissioner may use the good
25.12 cause exemption under Minnesota Statutes, section 14.388, to adopt rules under this
25.13 section, and Minnesota Statutes, section 14.386, does not apply, except as provided under
25.14 Minnesota Statutes, section 14.388.

25.15 Sec. 53. **REVISOR'S INSTRUCTION.**

25.16 The revisor of statutes shall replace the term "duck boat" with the term "waterfowl
25.17 boat" where the term appears in Minnesota Rules, part 6110.1200, subpart 3.

25.18 Sec. 54. **REPEALER.**

25.19 (a) Minnesota Statutes 2012, sections 84D.01, subdivision 22; 97A.451, subdivision
25.20 4a; and 97C.346, are repealed.

25.21 (b) Laws 2011, First Special Session chapter 2, article 5, section 69, is repealed.

25.22 **EFFECTIVE DATE.** Paragraph (b) is effective retroactively from July 1, 2012.

APPENDIX
Repealed Minnesota Statutes: H0742-3

84D.01 DEFINITIONS.

Subd. 22. **Zebra mussel.** "Zebra mussel" means a species of the genus *Dreissena*.

97A.451 LICENSE REQUIREMENTS AND EXEMPTIONS RELATING TO AGE.

Subd. 4a. **Nonresidents under age 16; big game.** (a) A nonresident age 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses a firearms safety certificate. A nonresident age 12 or 13 must be accompanied by a parent or guardian to hunt big game.

(b) A nonresident age 10 or 11 may take big game provided the person is under the direct supervision of a parent or guardian where the parent or guardian is within immediate reach. A nonresident age 10 or 11 must obtain a license to take big game and must pay the fee required under section 97A.475, subdivision 3.

97C.346 PROHIBITION ON RETURNING CERTAIN NETTED ROUGH FISH TO WATERS.

A person may not release carp or buffalo taken by netting back into the water.

APPENDIX
Repealed Minnesota Session Laws: H0742-3

Laws 2011, First Special Session chapter 2, article 5, section 69

Sec. 69. 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 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.