

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1303

(SENATE AUTHORS: SCHMIT)

DATE	D-PG	OFFICIAL STATUS
03/02/2015	506	Introduction and first reading Referred to Environment and Energy
03/16/2015	806a	Comm report: To pass as amended and re-refer to Judiciary
03/18/2015	960a	Comm report: To pass as amended and re-refer to State and Local Government
03/23/2015	1062a	Comm report: To pass as amended and re-refer to Finance See HF846, Art. 4, Sec. 139, Art. 5 (vetoed) See SF5, Art. 4, Sec. 139, Art. 5 (First Special Session)

A bill for an act

1.1 relating to natural resources; modifying certain authorities; extending expiration
1.2 of citizen oversight committees; providing for compliance with federal law;
1.3 modifying enforcement provisions; modifying provisions to take, possess, and
1.4 transport wild animals; providing for certain licenses; modifying landowner's
1.5 bill of rights; requiring certain permission for traps and snares set; modifying
1.6 penalty for certain firearms possession; establishing a pilot program; modifying
1.7 seizure of licenses; providing criminal penalties; requiring rulemaking; amending
1.8 Minnesota Statutes 2014, sections 84.027, subdivision 13a; 84.0274, subdivisions
1.9 3, 5; 84D.03, subdivision 3; 97A.045, subdivision 11; 97A.055, subdivision
1.10 4b; 97A.057, subdivision 1; 97A.211, subdivisions 1, 2; 97A.255, subdivision
1.11 4; 97A.338; 97A.420, subdivision 1; 97A.421, subdivision 2a; 97A.435,
1.12 subdivision 4; 97A.465, by adding a subdivision; 97B.031, subdivision 5, by
1.13 adding a subdivision; 97B.041; 97B.081, subdivision 3; 97B.085, subdivision 2;
1.14 97B.301, by adding a subdivision; 97B.668; 97B.903; 97B.931, subdivision 2;
1.15 97C.005, subdivision 3; 97C.301, by adding a subdivision; 97C.345, by adding a
1.16 subdivision; 97C.501, subdivision 2; proposing coding for new law in Minnesota
1.17 Statutes, chapters 97A; 97B; repealing Minnesota Statutes 2014, section
1.18 97A.475, subdivision 25; Minnesota Rules, part 6264.0400, subparts 27, 28.

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

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

1.22 Subd. 13a. **Game and fish expedited permanent rules.** (a) In addition to the
1.23 authority granted in subdivision 13, the commissioner of natural resources may adopt rules
1.24 under section 14.389 that are authorized under:

1.25 (1) chapters 97A, 97B, and 97C to describe zone or permit area boundaries, to
1.26 designate fish spawning beds or fish preserves, to select hunters or anglers for areas,
1.27 to provide for registration of game or fish, to prevent or control wildlife disease, or to
1.28 correct errors or omissions in rules that do not have a substantive effect on the intent or
1.29 application of the original rule; or

2.1 (2) section 84D.12 to list prohibited invasive species, regulated invasive species, and
2.2 unregulated nonnative species.

2.3 (b) The commissioner of natural resources may adopt rules under section 14.389
2.4 that are authorized under chapters 97A, 97B, and 97C for purposes in addition to those
2.5 listed in paragraph (a), clause (1), subject to the notice and public hearing provisions
2.6 of section 14.389, subdivision 5.

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

2.8 Sec. 2. Minnesota Statutes 2014, section 84.0274, subdivision 3, is amended to read:

2.9 Subd. 3. **Condemnation limits.** No lands shall be acquired by the commissioner
2.10 of natural resources by means of condemnation unless the owner requests that the
2.11 owner's lands be condemned or the condemnation is specifically authorized by law.
2.12 Notwithstanding subdivision 5, paragraph (g), and sections 117.52 and 117.521, the owner
2.13 shall not be paid relocation costs when the owner requests that their lands be condemned.

2.14 Sec. 3. Minnesota Statutes 2014, section 84.0274, subdivision 5, is amended to read:

2.15 Subd. 5. **Owner's rights.** When the state proposes to purchase in fee or any lesser
2.16 interest in land which will be administered by the commissioner of natural resources, the
2.17 landowner shall have the following rights:

2.18 (a) the right to be informed of the specific intended use of the property and of any
2.19 change in the intended use of the property which occurs during the acquisition process.

2.20 The owner shall also be informed that the documents regarding the purchase will be public
2.21 records if the land is purchased by the state;

2.22 (b) the right to be paid a fair price for the property. The price shall include the
2.23 fair market value of the land plus:

2.24 (1) all necessary incidental costs such as abstracting and recording fees related
2.25 to the sale. The costs of clearing title defects, paying taxes, and attorney's fees are not
2.26 reimbursable; and

2.27 (2) any penalties incurred by the owner where the property is security for a loan or
2.28 advance of credit that contains a provision requiring or permitting the imposition of a
2.29 penalty if the loan or advance of credit is prepaid;

2.30 (c) the right to payment, at the owner's election, in a lump sum or in up to four
2.31 annual installments;

2.32 (d) the right to have the property fairly appraised by the state. The state's appraiser
2.33 shall physically inspect the property and the owner shall be allowed to accompany the
2.34 appraiser when the appraisal is made. The state's appraiser shall certify in the appraisal

3.1 report to having physically inspected the property and having given the landowner an
 3.2 opportunity to accompany the appraiser on inspections. Notwithstanding section 13.44,
 3.3 subdivision 3, before an offer is made, the landowner shall be informed of the value
 3.4 determined pursuant to section 84.0272;

3.5 (e) the right to retain a qualified independent appraiser to conduct an appraisal at any
 3.6 time prior to certification of the state's appraisal of the property ~~and to be reimbursed for~~
 3.7 ~~appraisal fees as provided in section 117.232, subdivision 1, if the land is sold to the state~~
 3.8 and to have that appraisal considered along with the state's in certifying the selling price
 3.9 and the right to be reimbursed for appraisal fees up to \$1,500 if the land is sold to the state;

3.10 (f) the right to have the state acquire the property by means of condemnation upon
 3.11 the owner's request with the agreement of the commissioner;

3.12 (g) when the property is being acquired by condemnation or the condemnation is
 3.13 specifically authorized by law, the right to receive or waive relocation assistance, services,
 3.14 payments and benefits as provided in sections 117.52 and 117.521 and to contest the state's
 3.15 offer for relocation and moving expenses;

3.16 (h) the right to accept the state's offer for the property ~~and contest the state's offer for~~
 3.17 ~~relocation and moving expenses;~~

3.18 (i) the right to continue occupancy of the property until full payment is received,
 3.19 provided that when the owner elects to receive payment in annual installments pursuant to
 3.20 clause (c), the owner may retain occupancy until the first payment is made; and

3.21 (j) the right to seek the advice of counsel regarding any aspect of the land transaction.

3.22 Sec. 4. Minnesota Statutes 2014, section 84D.03, subdivision 3, is amended to read:

3.23 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested
 3.24 waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b),
 3.25 (c), or (d) and section 97C.341.

3.26 (b) In waters that are listed as infested waters, except those listed ~~because they~~
 3.27 ~~contain~~ as infested with prohibited invasive species of fish or certifiable diseases of fish, as
 3.28 defined under section 17.4982, subdivision 6, taking wild animals may be permitted for:

3.29 (1) commercial taking of wild animals for bait and aquatic farm purposes ~~according~~
 3.30 ~~to~~ as provided in a permit issued under section 84D.11, subject to rules adopted by the
 3.31 commissioner; and

3.32 (2) bait purposes for noncommercial personal use in waters that contain Eurasian
 3.33 water milfoil, when the infested waters are listed solely because they contain Eurasian
 3.34 water milfoil and if the equipment for taking is limited to cylindrical minnow traps not
 3.35 exceeding 16 inches in diameter and 32 inches in length; ~~and.~~

4.1 ~~(3)~~ (c) In streams or rivers that are listed as infested waters, except those listed as
4.2 infested with certifiable diseases of fish, as defined under section 17.4982, subdivision 6,
4.3 the harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers
4.4 for bait from streams or rivers listed as infested waters, by hook and line for noncommercial
4.5 personal use. Other provisions that apply to this clause are is allowed as follows:

4.6 ~~(i)~~ (1) fish taken under this clause paragraph must be used on the same body of water
4.7 where caught and while still on that water body. Where the river or stream is divided by
4.8 barriers such as dams, the fish must be caught and used on the same section of the river
4.9 or stream;

4.10 ~~(ii)~~ (2) fish taken under this clause paragraph may not be transported live from or
4.11 off the water body;

4.12 ~~(iii)~~ (3) fish harvested under this clause paragraph may only be used in accordance
4.13 with this section;

4.14 ~~(iv)~~ (4) any other use of wild animals used for bait from infested waters is prohibited;

4.15 ~~(v)~~ (5) fish taken under this clause paragraph must meet all other size restrictions
4.16 and requirements as established in rules; and

4.17 ~~(vi)~~ (6) all species listed under this clause paragraph shall be included in the person's
4.18 daily limit as established in rules, if applicable.

4.19 (d) In the Mississippi River downstream of St. Anthony Falls and the St.
4.20 Croix River downstream of the dam at Taylors Falls, including portions described as
4.21 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1,
4.22 items A and B, the harvest of gizzard shad by cast net for noncommercial personal use as
4.23 bait for angling, as provided in a permit issued under section 84D.11, is allowed as follows:

4.24 (1) nontarget species must immediately be returned to the water;

4.25 (2) gizzard shad taken under this paragraph must be used on the same body of water
4.26 where caught and while still on that water body. Where the river is divided by barriers
4.27 such as dams, the gizzard shad must be caught and used on the same section of the river;

4.28 (3) gizzard shad taken under this paragraph may not be transported off the water
4.29 body; and

4.30 (4) gizzard shad harvested under this paragraph may only be used in accordance
4.31 with this section.

4.32 This paragraph expires December 1, 2017.

4.33 ~~(e)~~ (e) Equipment authorized for minnow harvest in a listed infested water by permit
4.34 issued under paragraph (b) may not be transported to, or used in, any waters other than
4.35 waters specified in the permit.

5.1 Sec. 5. Minnesota Statutes 2014, section 97A.045, subdivision 11, is amended to read:

5.2 Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner
5.3 determines that action is necessary to prevent or control a wildlife disease, the
5.4 commissioner may prevent or control wildlife disease in a species of wild animal in
5.5 addition to the protection provided by the game and fish laws by further limiting, closing,
5.6 expanding, or opening seasons or areas of the state; by reducing or increasing limits in
5.7 areas of the state; by establishing disease management zones; by authorizing free licenses;
5.8 by allowing shooting from motor vehicles by persons designated by the commissioner;
5.9 by issuing replacement licenses for sick animals; by requiring sample collection from
5.10 hunter-harvested animals; by limiting wild animal possession, transportation, and
5.11 disposition; and by restricting wildlife feeding.

5.12 (b) The commissioner shall restrict wildlife feeding within the modified accredited
5.13 bovine tuberculosis zone proposed by the Board of Animal Health. In addition to any
5.14 other penalties provided by law, a person who violates wildlife feeding restrictions
5.15 required under this paragraph may not obtain a hunting license to take a wild animal
5.16 for two years after the date of conviction.

5.17 (c) The commissioner may prevent or control wildlife disease in a species of wild
5.18 animal in the state by posting restrictions on public access to active disease areas or by
5.19 emergency rule adopted under section 84.027, subdivision 13.

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

5.21 Sec. 6. Minnesota Statutes 2014, section 97A.055, subdivision 4b, is amended to read:

5.22 Subd. 4b. **Citizen oversight committees.** (a) The commissioner shall appoint
5.23 committees of affected persons to review the reports prepared under subdivision 4; review
5.24 the proposed work plans and budgets for the coming year; propose changes in policies,
5.25 activities, and revenue enhancements or reductions; review other relevant information;
5.26 and make recommendations to the legislature and the commissioner for improvements in
5.27 the management and use of money in the game and fish fund.

5.28 (b) The commissioner shall appoint the following committees, each comprised
5.29 of at least ten affected persons:

5.30 (1) a Fisheries Oversight Committee to review fisheries funding and expenditures,
5.31 including activities related to trout and salmon stamps and walleye stamps; and

5.32 (2) a Wildlife Oversight Committee to review wildlife funding and expenditures,
5.33 including activities related to migratory waterfowl, pheasant, and wild turkey management
5.34 and deer and big game management.

6.1 (c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight
6.2 Committee, and four additional members from each committee, shall form a Budgetary
6.3 Oversight Committee to coordinate the integration of the fisheries and wildlife oversight
6.4 committee reports into an annual report to the legislature; recommend changes on a broad
6.5 level in policies, activities, and revenue enhancements or reductions; and provide a forum
6.6 to address issues that transcend the fisheries and wildlife oversight committees.

6.7 (d) The Budgetary Oversight Committee shall develop recommendations for a
6.8 biennial budget plan and report for expenditures on game and fish activities. By August 15
6.9 of each even-numbered year, the committee shall submit the budget plan recommendations
6.10 to the commissioner and to the senate and house of representatives committees with
6.11 jurisdiction over natural resources finance.

6.12 (e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight
6.13 Committee shall be chosen by their respective committees. The chair of the Budgetary
6.14 Oversight Committee shall be appointed by the commissioner and may not be the chair of
6.15 either of the other oversight committees.

6.16 (f) The Budgetary Oversight Committee may make recommendations to the
6.17 commissioner and to the senate and house of representatives committees with jurisdiction
6.18 over natural resources finance for outcome goals from expenditures.

6.19 (g) The committees authorized under this subdivision are not advisory councils or
6.20 committees governed by section 15.059 and are not subject to section 15.059. Committee
6.21 members appointed by the commissioner may request reimbursement for mileage
6.22 expenses in the same manner and amount as authorized by the commissioner's plan
6.23 adopted under section 43A.18, subdivision 2. Committee members must not receive daily
6.24 compensation for oversight activities. The Fisheries Oversight Committee, the Wildlife
6.25 Oversight Committee, and the Budgetary Oversight Committee expire June 30, ~~2015~~ 2020.

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

6.27 Sec. 7. Minnesota Statutes 2014, section 97A.057, subdivision 1, is amended to read:

6.28 Subdivision 1. **Compliance with federal law.** The commissioner shall take any
6.29 action necessary to comply with the Federal Aid in Wildlife Restoration Act, United
6.30 States Code, title 16, sections 669 to 669i, and the Federal Aid in Fish Restoration Act,
6.31 United States Code, title 16, sections 777 to 777k. Notwithstanding section 16E.145 or
6.32 any other law to the contrary, an appropriation for an information or telecommunications
6.33 technology project from the game and fish fund, as established in section 97A.055, must
6.34 be made to the commissioner. Any assets acquired with or expenditures made from the
6.35 game and fish fund must remain under control of the commissioner.

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

7.2 Sec. 8. Minnesota Statutes 2014, section 97A.211, subdivision 1, is amended to read:

7.3 Subdivision 1. **Notice to appear in court.** (a) A person must be given notice to
7.4 appear in court for a misdemeanor violation of the game and fish laws; chapter 84, 84D,
7.5 103E, or 103G; sections 103F.201 to 103F.221; or section 103F.601 or 609.68 if:

7.6 (1) the person is arrested and is released from custody prior to appearing before a
7.7 court; or

7.8 (2) the person is subject to a lawful arrest and is not arrested because it reasonably
7.9 appears to the enforcement officer that arrest is unnecessary to prevent further criminal
7.10 conduct and that there is a substantial likelihood that the person will respond to a notice.

7.11 (b) The enforcement officer shall prepare, ~~in quadruplicate,~~ a written or electronic
7.12 notice to appear in court as provided by Rules of Criminal Procedure and section 169.99.

7.13 The notice must be in the form and has the effect of a summons and complaint. The notice
7.14 must contain the name and address of the person charged, and the offense, and. The notice
7.15 must contain the time and the place to appear in court. ~~The court must have jurisdiction~~
7.16 ~~within the county where the offense is alleged to have been committed~~ or must direct the
7.17 defendant to contact the court or violations bureau to schedule an appearance.

7.18 Sec. 9. Minnesota Statutes 2014, section 97A.211, subdivision 2, is amended to read:

7.19 Subd. 2. **Release after arrest.** A person arrested for a misdemeanor violation of
7.20 the game and fish laws; chapter 84, 84D, 103E, or 103G; sections 103F.201 to 103F.221;
7.21 or section 103F.601 or 609.68 may obtain release by ~~signing the written notice prepared~~
7.22 ~~by the arresting officer~~ promising to appear in court. The officer shall deliver a copy
7.23 ~~marked "SUMMONS"~~ notice to the person arrested. The officer must then release the
7.24 person from custody.

7.25 Sec. 10. Minnesota Statutes 2014, section 97A.255, subdivision 4, is amended to read:

7.26 Subd. 4. **Each violation a separate offense; prosecution of aggregated offenses.**

7.27 (a) Except as allowed in paragraph (b), each wild animal unlawfully taken, bought,
7.28 sold, transported, or possessed is a separate offense. If acquitted, a person may not be
7.29 prosecuted for a similar offense involving another animal in the same incident.

7.30 (b) In any prosecution that involves two or more offenses committed by the same
7.31 person within six months in two or more counties, the accused may be prosecuted in any
7.32 county in which one of the offenses was committed for all of the offenses in aggregate.

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

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

8.2 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

8.3 (a) A person who takes, possesses, or transports wild animals over the legal limit, in
8.4 closed season, or without a valid license, in violation of the game and fish laws when the
8.5 restitution value of the wild animals is over \$1,000 is guilty of a gross overlimit violation.
8.6 A violation under this section is a gross misdemeanor.

8.7 (b) If a wild animal involved in the violation under this section is listed as a threatened
8.8 or endangered wild animal, the penalty in paragraph (a) does not apply unless more than
8.9 one animal is taken, possessed, or transported in violation of the game and fish laws.

8.10 Sec. 12. Minnesota Statutes 2014, section 97A.420, subdivision 1, is amended to read:

8.11 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the
8.12 license of a person who unlawfully takes, transports, or possesses wild animals when the
8.13 restitution value of the wild animals exceeds \$500. Except as provided in subdivisions
8.14 2, 4, and 5, the person may not use or obtain any license to take the same type of wild
8.15 animals involved, including a duplicate license, until an action is taken under subdivision
8.16 6. If the license seized under this paragraph was for a big game animal, the license seizure
8.17 applies to all licenses to take big game issued to the individual. If the license seized under
8.18 this paragraph was for small game animals, the license seizure applies to all licenses to
8.19 take small game issued to the individual.

8.20 (b) In addition to the license seizure under paragraph (a), if the restitution value of
8.21 the wild animals unlawfully taken, possessed, or transported is ~~\$5,000~~ \$1,000 or more, all
8.22 other game and fish licenses held by the person shall be immediately seized. Except as
8.23 provided in subdivision 2, 4, or 5, the person may not obtain any game or fish license or
8.24 permit, including a duplicate license, until an action is taken under subdivision 6.

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

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

8.28 Subd. 2a. **License revocation after conviction.** (a) A person may not obtain a
8.29 license to take a wild animal and is prohibited from taking wild animals for a period
8.30 of ten years after the date of conviction of a violation when the restitution value of the
8.31 wild animals is \$2,000 or more.

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

9.1 (1) a violation when the restitution value of the wild animals is ~~\$5,000~~ \$1,000 or
 9.2 more, but less than \$2,000; or

9.3 (2) a violation when the restitution value of the wild animals exceeds \$500 and
 9.4 the violation occurs within ten years of one or more previous license revocations under
 9.5 this ~~subdivision~~ paragraph.

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

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

9.13 (e) If a wild animal involved in the conviction is listed as a threatened or endangered
 9.14 wild animal, the revocations specified under this subdivision do not apply unless more
 9.15 than one animal is taken, possessed, or transported in violation of the game and fish laws.

9.16 ~~(d)~~ (f) The court may not stay or reduce the imposition of license revocation
 9.17 provisions under this subdivision.

9.18 Sec. 14. Minnesota Statutes 2014, section 97A.435, subdivision 4, is amended to read:

9.19 Subd. 4. **Separate selection of eligible licensees.** (a) The commissioner may
 9.20 conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any
 9.21 area. Only persons who are owners or tenants of and who live on at least 40 acres of land
 9.22 in the permit area, and their family members who live on the qualifying land, are eligible
 9.23 applicants for turkey licenses for the separate selection. The qualifying land may be
 9.24 noncontiguous. Persons who are unsuccessful in a separate selection must be included in
 9.25 the selection for the remaining licenses. Persons who obtain a license in a separate selection
 9.26 must allow public turkey hunting on their land during that turkey season. A license issued
 9.27 under this subdivision is restricted to the permit area where the qualifying land is located.

9.28 (b) The commissioner may by rule establish criteria for determining eligible family
 9.29 members under this subdivision.

9.30 Sec. 15. Minnesota Statutes 2014, section 97A.465, is amended by adding a
 9.31 subdivision to read:

9.32 Subd. 7. **Residents of veterans homes.** (a) A resident from a Minnesota veterans
 9.33 home may obtain a firearm or muzzleloader deer license during the season and take
 9.34 antlerless deer without a permit in all areas of the state open during the respective regular

10.1 firearms or muzzleloader deer seasons in any permit area. This subdivision does not
 10.2 authorize the taking of an antlerless deer by another member of a party under section
 10.3 97B.301, subdivision 3, in an area closed to taking antlerless deer or where the number of
 10.4 antlerless deer that may be taken is limited by a quota on the number of permits.

10.5 (b) A person may assist a Minnesota veterans home resident during the firearms or
 10.6 muzzleloader deer season without having a deer hunting license, but the person may
 10.7 not shoot a deer.

10.8 Sec. 16. **[97A.56] FERAL SWINE.**

10.9 Subdivision 1. **Definition.** For purposes of this section, "feral swine" means a
 10.10 member of the genus and species *Sus scrofa* that lives in the wild.

10.11 Subd. 2. **Prohibited actions; penalty.** (a) A person may not possess or release
 10.12 feral swine or swine that were feral during any part of the swines' lifetime or allow feral
 10.13 swine to run at large.

10.14 (b) A person may not hunt or trap feral swine, except as authorized by the
 10.15 commissioner for feral swine control or eradication.

10.16 (c) A person who violates this subdivision is guilty of a misdemeanor.

10.17 Subd. 3. **Authorized removal of feral swine.** A person authorized under game and
 10.18 fish laws to take feral swine is not liable to the owner for the value of the animals.

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

10.20 Sec. 17. Minnesota Statutes 2014, section 97B.031, subdivision 5, is amended to read:

10.21 Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law
 10.22 to the contrary, the commissioner may issue a special permit, without a fee, to use a
 10.23 muzzleloader with a scope to take deer during the muzzleloader season to a person who is
 10.24 under age 60, who obtains the required licenses, and who has a visual impairment. The
 10.25 scope may not have magnification capabilities.

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

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

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

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

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

11.13 (g) A permit is not required under this subdivision to use an electronic range finder
11.14 according to section 97B.081, subdivision 3, paragraph (c).

11.15 Sec. 18. Minnesota Statutes 2014, section 97B.031, is amended by adding a
11.16 subdivision to read:

11.17 Subd. 6. Scopes; age 60 or over. A person age 60 or over may use a muzzleloader
11.18 with a scope to take deer during the muzzleloader season. The scope may have
11.19 magnification capabilities.

11.20 Sec. 19. Minnesota Statutes 2014, section 97B.041, is amended to read:

11.21 **97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED**
11.22 **IN DEER ZONES.**

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

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

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

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

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

12.1 (5) handguns possessed by a person authorized to carry a handgun under sections
12.2 624.714 and 624.715 for the purpose authorized; and

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

12.4 (b) This section does not apply during an open firearms season in an area where deer
12.5 may be taken only by muzzleloader, except that muzzle-loading firearms lawful for the
12.6 taking of deer may be possessed only by persons with a valid license to take deer by
12.7 muzzleloader during the muzzleloader season. While muzzleloader hunting, a person with
12.8 a valid license to take deer by muzzleloader may not possess a firearm other than:

12.9 (1) a muzzleloader that is legal for taking deer under section 97B.031, subdivision
12.10 1; and

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

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

12.14 Sec. 20. Minnesota Statutes 2014, section 97B.081, subdivision 3, is amended to read:

12.15 Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to:

12.16 (1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons
12.17 according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

12.18 (2) hunt fox or coyote from January 1 to March 15 while using a handheld artificial
12.19 light, provided that the person is:

12.20 (i) on foot;

12.21 (ii) using a shotgun;

12.22 (iii) not within a public road right-of-way;

12.23 (iv) using a handheld or electronic calling device; and

12.24 (v) not within 200 feet of a motor vehicle; or

12.25 (3) cast the rays of a handheld artificial light to retrieve wounded or dead big game
12.26 animals, provided that the person is:

12.27 (i) on foot; and

12.28 (ii) not in possession of a firearm or bow.

12.29 (b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight,
12.30 headlight, or other artificial light to:

12.31 (1) carry out any agricultural, safety, emergency response, normal vehicle operation,
12.32 or occupation-related activities that do not involve taking wild animals; or

12.33 (2) carry out outdoor recreation as defined in section 97B.001 that is not related to
12.34 spotting, locating, or taking a wild animal.

13.1 (c) Except as otherwise provided by the game and fish laws, it is not a violation of
13.2 this section for a person to use an electronic range finder device from one-half hour before
13.3 sunrise until one-half hour after sunset while lawfully hunting wild animals.

13.4 (d) It is not a violation of this section for a licensed bear hunter to cast the rays of a
13.5 handheld artificial light to track or retrieve a wounded or dead bear while possessing a
13.6 firearm, provided that the person:

13.7 (1) has their valid bear hunting license in their possession;

13.8 (2) is on foot; and

13.9 (3) is following the blood trail of a bear that was shot during legal shooting hours.

13.10 Sec. 21. Minnesota Statutes 2014, section 97B.085, subdivision 2, is amended to read:

13.11 Subd. 2. **Taking unprotected wild animals; permit required.** A person may not
13.12 use radio equipment to take unprotected wild animals without a permit. The commissioner
13.13 may issue a permit to take unprotected animals with radio equipment. The commissioner
13.14 shall cancel the permit upon receiving a valid complaint of misconduct regarding the
13.15 permittee's hunting activities.

13.16 Sec. 22. Minnesota Statutes 2014, section 97B.301, is amended by adding a
13.17 subdivision to read:

13.18 Subd. 9. Residents age 80 or over may take deer of either sex. A resident age 80
13.19 or over may take a deer of either sex. This subdivision does not authorize the taking of an
13.20 antlerless deer by another member of a party under subdivision 3.

13.21 Sec. 23. **[97B.427] FEEDING BEARS.**

13.22 (a) Except as provided in sections 97B.425 and 97B.426, a person may not place,
13.23 deposit, or allow the placement of feed to attract bears.

13.24 (b) If a bear is feeding on food placed by a person for storage, disposal, feeding
13.25 wildlife other than as provided in paragraph (d), clause (1), or other purpose not
13.26 specifically exempt in paragraph (d), all food that is accessible to the bear must be
13.27 immediately removed when the person becomes aware or is notified that a bear is feeding
13.28 at the site. Feed accessible by bears and subsequently removed may not be replaced at the
13.29 same site for a minimum of 30 days after removal.

13.30 (c) Feeding bear by hand or other physical contact is prohibited.

13.31 (d) It is not a violation of this section when:

14.1 (1) feed is placed solely for the purpose of attracting and feeding wild birds and
 14.2 small mammals and placed in bird feeding devices and structures at a sufficient height
 14.3 or of a design to prevent access by bear;

14.4 (2) feed is present solely as a result of normal agricultural, forest management, or
 14.5 wildlife food planting practices;

14.6 (3) feed is placed for agricultural or livestock practices if livestock are present
 14.7 and actively consuming the feed on a daily basis or if the feed is stored consistent with
 14.8 normal agricultural practices; or

14.9 (4) a person is authorized to place food under a scientific, wildlife disease, or wildlife
 14.10 damage permit issued by the commissioner under section 97A.401.

14.11 (e) A person violating this section is guilty of a misdemeanor.

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

14.13 Sec. 24. Minnesota Statutes 2014, section 97B.668, is amended to read:

14.14 **97B.668 ~~CANADA GEESE~~ GAME BIRDS CAUSING DAMAGE.**

14.15 Notwithstanding sections 97B.091 and 97B.805, subdivisions 1 and 2, a person or
 14.16 agent of that person on lands and nonpublic waters owned or operated by the person
 14.17 may nonlethally scare, haze, chase, or harass ~~Canada geese~~ game birds that are causing
 14.18 property damage ~~from March 11 to August 31 at any time or place that a hunting season~~
 14.19 for the game birds is not open. This section does not apply to public waters as defined
 14.20 under section 103G.005, subdivision 15, ~~or.~~ This section does not apply to migratory
 14.21 waterfowl on nests and other federally protected game birds on nests, except geese on
 14.22 nests unless when a permit is obtained under section 97A.401.

14.23 Sec. 25. **97B.722] POSSESSION OF FIREARMS; HUNTING TURKEY.**

14.24 (a) While afield hunting turkeys, licensees may not have in possession or control
 14.25 any firearm or bow and arrow except those defined as legal for taking turkeys in rules
 14.26 adopted by the commissioner.

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

14.29 Sec. 26. Minnesota Statutes 2014, section 97B.903, is amended to read:

14.30 **97B.903 USE OF BODY-GRIPPING TRAPS.**

14.31 (a) A person may not set, place, or operate, except as a waterset, a body-gripping or
 14.32 conibear-type trap on public lands and waters that has a maximum jaw opening when set

15.1 greater than 6-1/2 inches and less than 7-1/2 inches measured from the inside edges of the
 15.2 body-gripping portions of the jaws, unless:

15.3 (1) the trap is in a baited or unbaited enclosure and the trap trigger is recessed seven
 15.4 inches or more from the top and frontmost portion of the open end of the enclosure;

15.5 (2) no bait, lure, or other attractant is placed within 20 feet of the trap; or

15.6 (3) the trap is elevated at least three feet above the surface of the ground or snowpack.

15.7 (b) A person may not set, place, or operate a body-gripping trap, except as a
 15.8 waterset, within 50 feet on each side of the center line of a public road or public trail. For
 15.9 the purposes of this paragraph:

15.10 (1) "public road" has the meaning given in section 160.02, subdivision 26, and that
 15.11 is constructed, improved, or maintained; and

15.12 (2) "public trail" means a trail that is constructed, improved, and maintained by a
 15.13 federal agency, state agency, or a political subdivision of the state.

15.14 Sec. 27. **[97B.927] TAKING FISHER, MARTEN, AND BOBCAT.**

15.15 The commissioner may by rule limit the number of persons that may take fisher,
 15.16 marten, and bobcat in an area, if it is necessary to prevent an overharvest or improve the
 15.17 distribution of hunters and trappers. The commissioner, if necessary, shall establish a
 15.18 method, including a drawing, to impartially select the hunters and trappers for an area.
 15.19 Preference must be given to persons who have previously applied in the general selection
 15.20 but have not been selected.

15.21 Sec. 28. **[97B.929] PLACING TRAPS OR SNARES ON PRIVATE LAND;**
 15.22 **WRITTEN PERMISSION REQUIRED.**

15.23 A person may not set or place a trap or snare on private property, other than property
 15.24 owned or occupied by the person, unless the person has the written permission of the
 15.25 owner, occupant, or lessee of the private property. This section includes, but is not limited
 15.26 to, written permission to access private property from waters of the state when the trap
 15.27 or snare is placed or staked in the water.

15.28 Sec. 29. Minnesota Statutes 2014, section 97B.931, subdivision 2, is amended to read:

15.29 Subd. 2. **Body-gripping traps.** A body-gripping, ~~conibear-type~~ trap need not must
 15.30 be tended ~~more frequently than~~ at least once every each third calendar day.

15.31 Sec. 30. Minnesota Statutes 2014, section 97C.005, subdivision 3, is amended to read:

16.1 Subd. 3. **Seasons, limits, and other rules.** (a) The commissioner may, in
 16.2 accordance with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under
 16.3 chapter 14, establish open seasons, limits, methods, and other requirements for taking fish
 16.4 on special management waters.

16.5 (b) The commissioner may, by written order published in the State Register, amend
 16.6 daily, possession, or size limits to make ~~midseason~~ adjustments based on available harvest,
 16.7 angling pressure, and population data to manage the fisheries in:

16.8 (1) the 1837 Ceded Territory in compliance with the court orders in Mille Lacs Band
 16.9 of Chippewa v. Minnesota, 119 S. Ct. 1187 (1999); or

16.10 (2) the state-managed waters of Upper Red Lake.

16.11 (c) The ~~midseason~~ adjustments in daily, possession, or size limits under paragraph
 16.12 (b) are not subject to the rulemaking provisions of chapter 14 and section 14.386 does
 16.13 not apply. Before the written order is effective, the commissioner shall attempt to notify
 16.14 persons or groups of persons affected by the written order by public announcement,
 16.15 posting, and other appropriate means as determined by the commissioner.

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

16.17 Sec. 31. Minnesota Statutes 2014, section 97C.301, is amended by adding a
 16.18 subdivision to read:

16.19 Subd. 4a. **Minnow dealers.** (a) A minnow dealer licensee and helpers listed on
 16.20 the minnow dealer's license must have an angling license in addition to the required
 16.21 minnow dealer's licenses.

16.22 (b) Employees of the minnow dealer who take or assist in taking minnows must
 16.23 have an angling license.

16.24 (c) This subdivision does not apply to persons specifically authorized in law to take
 16.25 fish by angling without an angling license.

16.26 **EFFECTIVE DATE.** This section is effective March 1, 2016.

16.27 Sec. 32. Minnesota Statutes 2014, section 97C.345, is amended by adding a
 16.28 subdivision to read:

16.29 Subd. 3a. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take
 16.30 gizzard shad for use as bait for angling:

16.31 (1) from July 1 to November 30; and

16.32 (2) from the Mississippi River downstream of St. Anthony Falls and the St.
 16.33 Croix River downstream of the dam at Taylors Falls, including portions described as

17.1 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart
17.2 1, items A and B, that are listed as infested waters as allowed under section 84D.03,
17.3 subdivision 3.

17.4 (b) Cast nets used under this subdivision must be monofilament and may not exceed
17.5 seven feet in diameter, and mesh size must be from three-eighths to five-eighths inch bar
17.6 measure.

17.7 (c) This subdivision expires December 1, 2017. The commissioner must report
17.8 to the chairs and ranking minority members of the house of representatives and senate
17.9 committees with jurisdiction over environment and natural resources by March 1, 2018,
17.10 on the number of permits issued, conservation impacts from the use of cast nets, and
17.11 recommendations for any necessary changes in statutes or rules.

17.12 Sec. 33. Minnesota Statutes 2014, section 97C.501, subdivision 2, is amended to read:

17.13 Subd. 2. **Minnow dealers.** (a) A person may not be a minnow dealer without a
17.14 minnow dealer license except as provided in subdivision 3.

17.15 (b) A minnow dealer must obtain a minnow dealer's vehicle license for each motor
17.16 vehicle used to transport minnows. The serial number, motor vehicle license number,
17.17 make, and model must be on the license. The license must be conspicuously displayed
17.18 in the vehicle.

17.19 (c) A minnow dealer may not transport minnows out of the state without an
17.20 exporting minnow dealer license. A minnow dealer must obtain an exporting minnow
17.21 dealer's vehicle license for each motor vehicle used to transport minnows out of the state.
17.22 The serial number, motor vehicle license number, make, and model must be on the license.
17.23 The license must be conspicuously displayed in the vehicle.

17.24 (d) A person with a minnow dealer's license may sell minnows at one retail outlet.
17.25 A minnow dealer must obtain a minnow retailer license for each additional retail outlet
17.26 operated. A minnow dealer operating a retail outlet under a minnow dealer's license must
17.27 list the following information for the retail outlet: name of the business; city; state; zip
17.28 code; and legal description or fire number. The retail outlet name and location may be
17.29 changed by making application to the commissioner.

17.30 (e) A minnow dealer may designate employees as helpers who are authorized to
17.31 take, buy, sell, and transport minnows on behalf of the minnow dealer. The employees
17.32 designated as helpers must be listed on the minnow dealer's license, and a copy of the
17.33 license designating the employee as a helper must be in the helper's possession when
17.34 acting on behalf of the minnow dealer. The minnow dealer may add and delete helpers
17.35 listed on the dealer's license within a license year by notifying the commissioner in writing

18.1 of the change to the license. Employees who are acting under the direction and control of
18.2 the minnow dealer but who are not designated as helpers may not buy or sell minnows on
18.3 behalf of the minnow dealer. This paragraph does not apply to employees selling minnows
18.4 at the retail outlet location under paragraph (d).

18.5 **EFFECTIVE DATE.** This section is effective March 1, 2016.

18.6 Sec. 34. **RULEMAKING; LIFTING SPEARING BANS AND NORTHERN PIKE**
18.7 **REGULATIONS.**

18.8 (a) The commissioner of natural resources shall amend Minnesota Rules, parts
18.9 6262.0575, subpart 9, and 6264.0400, subparts 70 and 72, to delete the language
18.10 prohibiting spearing.

18.11 (b) Notwithstanding Minnesota Statutes, section 97C.007, the commissioner of
18.12 natural resources shall amend Minnesota Rules, part 6264.0400, subpart 71, to delete the
18.13 language prohibiting spearing and modify the northern pike protected slot to 26 to 40 inches.

18.14 (c) The commissioner may use the good cause exemption under Minnesota Statutes,
18.15 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
18.16 Statutes, section 14.386, does not apply.

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

18.18 Sec. 35. **REFUNDS; YOUTH BEAR LICENSES.**

18.19 The commissioner of natural resources may issue refunds for youth bear licenses
18.20 that were purchased between August 1, 2013, and June 30, 2014, to individuals who were
18.21 10, 11, or 12 years old at the time of purchase.

18.22 Sec. 36. **PILOT PROGRAM; SERIES 300 DEER PERMIT AREAS.**

18.23 (a) In the Series 300 deer permit areas, the commissioner of natural resources shall
18.24 establish a pilot program to issue, without a fee, five licenses to take antlerless deer to a
18.25 resident who is an owner or tenant of agricultural land, as defined in Minnesota Statutes,
18.26 section 97B.001, when the resident has suffered crop damage from deer. The licenses
18.27 issued under this paragraph are restricted to the land of the owner or tenant and are in
18.28 addition to licenses issued under Minnesota Statutes, section 97A.441, subdivision 7. The
18.29 holder of the license may transfer the license to another person. The owner or tenant of the
18.30 land must record any licenses transferred under this paragraph, including the name and
18.31 license number of the transferee. Deer taken under this section do not count towards the
18.32 total bag limit for the permit area. Notwithstanding Minnesota Statutes, sections 97A.415,

19.1 subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase additional
19.2 licenses or permits for taking deer and may take additional deer under those licenses or
19.3 permits, provided the holder adheres to the bag limits established for that permit area.

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

19.8 (c) In Series 300 deer permit areas, the commissioner of natural resources shall
19.9 establish a pilot program to provide a Web site for farmers experiencing damage from deer
19.10 who are willing to open their farms to licensed deer hunters. The Web site must allow
19.11 hunters to contact the owner or tenant of the agricultural land online. Only licensed deer
19.12 hunters with advanced hunter education certification are eligible for the program.

19.13 (d) This section expires February 28, 2020.

19.14 **Sec. 37. REVISOR'S INSTRUCTION.**

19.15 The revisor of statutes shall eliminate the term "conibear" or "conibear-type"
19.16 wherever the term appears in Minnesota Statutes and Minnesota Rules and make
19.17 conforming grammatical changes.

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

19.19 **Sec. 38. REPEALER.**

19.20 (a) Minnesota Statutes 2014, section 97A.475, subdivision 25, is repealed.

19.21 (b) Minnesota Rules, part 6264.0400, subparts 27 and 28, are repealed.

19.22 **EFFECTIVE DATE.** Paragraph (b) is effective July 1, 2015.

APPENDIX
Repealed Minnesota Statutes: S1303-3

97A.475 LICENSE FEES.

No active language found for: 97A.475.25

APPENDIX
Repealed Minnesota Rule: S1303-3

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

Subp. 27. [Repealed, L 2015 1Sp4 art 5 s 34]

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

Subp. 28. [Repealed, L 2015 1Sp4 art 5 s 34]