

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1943**

(SENATE AUTHORS: INGEBRIGTSEN, Robling, Gazelka and Pederson)

DATE	D-PG	OFFICIAL STATUS
02/20/2012	3851	Introduction and first reading Referred to Environment and Natural Resources
02/23/2012	3943	Author added Pederson
03/12/2012	4283a	Comm report: To pass as amended and re-refer to Finance
03/23/2012	4800a	Comm report: To pass as amended
	4920	Second reading See SF1830, Art.2

A bill for an act

1.1 relating to natural resources; modifying game and fish laws; appropriating money;
1.2 amending Minnesota Statutes 2010, sections 84.027, subdivision 14; 97A.015,
1.3 subdivisions 3a, 53; 97A.065, subdivision 6; 97A.085, by adding a subdivision;
1.4 97A.137, subdivision 5; 97A.421, subdivision 3; 97A.441, subdivision 7;
1.5 97A.451, subdivisions 3, 4, by adding a subdivision; 97A.473, subdivisions 3, 5,
1.6 5a; 97A.475, subdivisions 2, 3, 20; 97A.482; 97B.001, subdivision 7; 97B.020;
1.7 97B.031, subdivisions 1, 2; 97B.035, subdivision 1a; 97B.055, subdivision 1;
1.8 97B.071; 97B.085, subdivision 3; 97B.303; 97B.328; 97B.601, subdivisions
1.9 3a, 4; 97B.603; 97B.605; 97B.671, subdivisions 3, 4; 97B.711, subdivision 1;
1.10 97B.805, subdivision 1; 97B.901; 97C.395, subdivision 1; Minnesota Statutes
1.11 2011 Supplement, sections 84D.03, subdivision 3; 97A.075, subdivision 1, by
1.12 adding a subdivision; 97B.031, subdivision 5; 97B.075; 97B.645, subdivision
1.13 9; 97B.667; proposing coding for new law in Minnesota Statutes, chapter
1.14 97B; repealing Minnesota Statutes 2010, sections 97A.045, subdivisions 8,
1.15 13; 97A.065, subdivision 1; 97A.095, subdivision 3; 97A.331, subdivision 7;
1.16 97A.485, subdivision 12; 97A.552; 97B.645, subdivision 2; 97C.031.

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

1.19 Section 1. Minnesota Statutes 2010, section 84.027, subdivision 14, is amended to read:

1.20 Subd. 14. **Mission; efficiency.** It is part of the department's mission that within the
1.21 department's resources the commissioner shall endeavor to:

1.22 (1) prevent the waste or unnecessary spending of public money;

1.23 (2) use innovative fiscal and human resource practices to manage the state's
1.24 resources and operate the department as efficiently as possible;

1.25 (3) coordinate the department's activities wherever appropriate with the activities
1.26 of other governmental agencies;

1.27 (4) use technology where appropriate to increase agency productivity, improve
1.28 customer service, increase public access to information about government, and increase
1.29 public participation in the business of government;

2.1 (5) utilize constructive and cooperative labor-management practices to the extent
2.2 otherwise required by chapters 43A and 179A;

2.3 (6) report to the legislature on the performance of agency operations and the
2.4 accomplishment of agency goals in the agency's biennial budget according to section
2.5 16A.10, subdivision 1; ~~and~~

2.6 (7) recommend to the legislature appropriate changes in law necessary to carry out
2.7 the mission and improve the performance of the department; and

2.8 (8) plan and implement activities designed to recruit new outdoor recreation
2.9 participants and retain existing participants. This includes but is not limited to anglers,
2.10 hunters, trappers, and campers.

2.11 Sec. 2. Minnesota Statutes 2011 Supplement, section 84D.03, subdivision 3, is
2.12 amended to read:

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

2.16 (b) In waters that are designated as infested waters, except those designated because
2.17 they contain prohibited invasive species of fish or certifiable diseases of fish, as defined
2.18 under section 17.4982, subdivision 6, taking wild animals may be permitted for:

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

2.21 (2) bait purposes for noncommercial personal use in waters that contain Eurasian
2.22 water milfoil, when the infested waters are designated solely because they contain
2.23 Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow
2.24 traps not exceeding 16 inches in diameter and 32 inches in length; and

2.25 (3) harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and
2.26 suckers for bait from streams or rivers designated as infested waters, by hook and line for
2.27 noncommercial personal use. Other provisions that apply to this clause are:

2.28 (i) fish taken under this clause must be used on the same body of water where caught
2.29 and while still on that water body;

2.30 (ii) fish taken under this clause may not be transported live from/off the water body;

2.31 (iii) fish harvested under this clause may only be used in accordance with this section;

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

2.33 (v) fish taken under this clause must meet all other size restrictions and requirements
2.34 as established in rules; and

3.1 (vi) all species listed under this clause shall be included in the person's daily limit as
3.2 established in rules, if applicable.

3.3 (c) Equipment authorized for minnow harvest in a designated infested water by
3.4 permit issued under paragraph (b) may not be transported to, or used in, any waters other
3.5 than waters specified in the permit.

3.6 Sec. 3. Minnesota Statutes 2010, section 97A.015, subdivision 3a, is amended to read:

3.7 Subd. 3a. **Bonus permit.** "Bonus permit" means a license to take and tag deer by
3.8 archery or firearms, in addition to deer authorized to be taken under regular firearms or
3.9 archery licenses, or a license issued under section 97A.441, subdivision 7.

3.10 Sec. 4. Minnesota Statutes 2010, section 97A.015, subdivision 53, is amended to read:

3.11 Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild
3.12 animals that are not protected wild animals including weasel, coyote (~~brush wolf~~), gopher,
3.13 porcupine, striped skunk, and unprotected birds.

3.14 Sec. 5. Minnesota Statutes 2010, section 97A.065, subdivision 6, is amended to read:

3.15 Subd. 6. **Deer license donations and surcharges.** ~~(a)~~ The surcharges and donations
3.16 collected under section 97A.475, subdivision 3, paragraph (b), and subdivision 3a,
3.17 shall be deposited in an account in the special revenue fund and are appropriated to
3.18 the commissioner for deer management, including for grants or payments to agencies,
3.19 organizations, or individuals for assisting with the cost of processing deer taken for
3.20 population management purposes for venison donation programs. None of the additional
3.21 license fees shall be transferred to any other agency for administration of programs other
3.22 than venison donation. If any money transferred by the commissioner is not used for a
3.23 venison donation program, it shall be returned to the commissioner.

3.24 ~~(b) By February 10, 2010, the commissioner shall report to the legislature on the~~
3.25 ~~participation in and the effectiveness of the venison donation program.~~

3.26 Sec. 6. Minnesota Statutes 2011 Supplement, section 97A.075, subdivision 1, is
3.27 amended to read:

3.28 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this
3.29 subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2,
3.30 clauses (5), (6), (7), (13), (14), and (15), and 3, clauses (2), (3), (4), (10), (11), and (12),
3.31 and licenses issued under section 97B.301, subdivision 4.

S.F. No. 1943, 1st Engrossment - 87th Legislative Session (2011-2012) [S1943-1]

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

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

4.11 (d) Fifty cents from each deer license is credited to the emergency deer feeding and
4.12 wild cervidae health management account and is appropriated for emergency deer feeding
4.13 and wild cervidae health management. Money appropriated for emergency deer feeding
4.14 and wild cervidae health management is available until expended. ~~The commissioner must
4.15 inform the legislative chairs of the natural resources finance committees every two years
4.16 on how the money for emergency deer feeding and wild cervidae health management
4.17 has been spent.~~

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

4.22 Sec. 7. Minnesota Statutes 2011 Supplement, section 97A.075, is amended by adding a
4.23 subdivision to read:

4.24 Subd. 7. **Wolf licenses.** (a) For purposes of this subdivision, "wolf license" means a
4.25 license or permit issued under section 97A.475, subdivision 2, clause (16); 3, paragraph
4.26 (a), clause (13); or 20, paragraph (b).

4.27 (b) Revenue from wolf licenses must be credited to the wolf management and
4.28 monitoring account and is appropriated to the commissioner only for wolf management,
4.29 research, damage control, enforcement, and education.

4.30 Sec. 8. Minnesota Statutes 2010, section 97A.085, is amended by adding a subdivision
4.31 to read:

4.32 Subd. 9. **Vacating refuges open to hunting.** Notwithstanding subdivision 8, the
4.33 commissioner may vacate a state game refuge by publishing a notice in the State Register

5.1 if the refuge has been open to trapping and hunting small game including waterfowl, deer
5.2 or bear by archery, and deer or bear by firearms for at least five years.

5.3 Sec. 9. Minnesota Statutes 2010, section 97A.137, subdivision 5, is amended to read:

5.4 Subd. 5. **Portable stands.** Prior to the Saturday on or nearest September 16, a
5.5 portable stand may be left overnight in a wildlife management area by a person with a
5.6 valid bear license who is hunting within 100 yards of a bear bait site that is legally tagged
5.7 and registered as prescribed under section 97B.425. Any person leaving a portable stand
5.8 overnight under this subdivision must affix a tag with: (1) the person's name and address;
5.9 (2) the licensee's driver's license number; or (3) the "MDNR#" license identification
5.10 number issued to the licensee. The tag must be affixed to the stand in ~~such~~ a manner that
5.11 it can be read from the ground.

5.12 Sec. 10. Minnesota Statutes 2010, section 97A.421, subdivision 3, is amended to read:

5.13 Subd. 3. **Issuance of a big game license after conviction.** (a) A person may not
5.14 obtain any big game license or take big game under a lifetime license, issued under section
5.15 97A.473, for three years after the person is convicted of:

- 5.16 (1) a gross misdemeanor violation under the game and fish laws relating to big game;
5.17 (2) doing an act without a required big game license; or
5.18 (3) the second violation within three years under the game and fish laws relating to
5.19 big game.

5.20 (b) A person may not obtain any deer license or take deer under a lifetime license
5.21 issued under section 97A.473 for one year after the person is convicted of hunting deer
5.22 with the aid or use of bait under section 97B.328.

5.23 (c) The revocation period under paragraphs (a) and (b) doubles if the conviction
5.24 is for a deer that is a trophy deer scoring higher than 170 using the scoring method
5.25 established for wildlife restitution values adopted under section 97A.345.

5.26 Sec. 11. Minnesota Statutes 2010, section 97A.441, subdivision 7, is amended to read:

5.27 Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may
5.28 issue, without a fee, a license to take an antlerless deer to a resident who is an owner or
5.29 tenant, or a nonresident who is an owner, of at least 80 acres of agricultural land, as
5.30 defined in section 97B.001, in deer permit areas that ~~have deer archery licenses to take~~
5.31 ~~additional deer under section 97B.301, subdivision 4~~ allow the taking of antlerless deer
5.32 without making a lottery application. A person may receive only one license per year
5.33 under this subdivision. For properties with co-owners or cotenants, only one co-owner

6.1 or cotenant may receive a license under this subdivision per year. The license issued
6.2 under this subdivision is restricted to land leased for agricultural purposes or owned by
6.3 the holder of the license within the permit area where the qualifying land is located. The
6.4 holder of the license may transfer the license to the holder's spouse or dependent. Deer
6.5 taken under this subdivision do not count towards the total bag limit for the permit area.
6.6 Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder
6.7 of the license may purchase ~~an~~ additional ~~license~~ licenses or permits for taking deer and
6.8 may take ~~an~~ additional deer under ~~that license~~ those licenses or permits, provided the
6.9 holder adheres to the bag limits established for that permit area.

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

6.14 Sec. 12. Minnesota Statutes 2010, section 97A.451, subdivision 3, is amended to read:

6.15 Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 must
6.16 obtain a small game license in order to take small game by firearms or bow and arrow
6.17 without paying the applicable fees under section 97A.475, subdivisions 2, 4, and 5, if
6.18 the resident is:

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

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

6.22 (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied
6.23 by a parent or guardian who possesses a small game license that was not obtained using an
6.24 apprentice hunter validation; or

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

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

6.32 (c) A resident under age 12 may apply for a turkey license and may take a turkey
6.33 without a firearms safety certificate if the resident is accompanied by an adult parent or
6.34 guardian who has a firearms safety certificate.

S.F. No. 1943, 1st Engrossment - 87th Legislative Session (2011-2012) [S1943-1]

7.1 (d) A resident under age 12 may apply for a prairie chicken license and may take a
7.2 prairie chicken without a firearms safety certificate if the resident is accompanied by an
7.3 adult parent or guardian who has a firearms safety certificate.

7.4 Sec. 13. Minnesota Statutes 2010, section 97A.451, subdivision 4, is amended to read:

7.5 Subd. 4. **Persons Residents under age 16; big game.** (a) A person resident age
7.6 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses
7.7 a firearms safety certificate. A person resident age 12 or 13 must be accompanied by a
7.8 parent or guardian to hunt big game.

7.9 (b) A person resident age 10 or 11 may take big game provided the person is under
7.10 the direct supervision of a parent or guardian where the parent or guardian is within
7.11 immediate reach. ~~Until March 1, 2009, a person age 10 or 11 may take big game under a~~
7.12 ~~parent or guardian's license. Beginning March 1, 2009, A person resident~~ age 10 or 11
7.13 must obtain a license ~~in order~~ to take big game and may obtain the license without paying
7.14 the fee required under section 97A.475, subdivision 2.

7.15 Sec. 14. Minnesota Statutes 2010, section 97A.451, is amended by adding a
7.16 subdivision to read:

7.17 Subd. 4a. **Nonresidents under age 16; big game.** (a) A nonresident age 12,
7.18 13, 14, or 15 may not obtain a license to take big game unless the person possesses a
7.19 firearms safety certificate. A nonresident age 12 or 13 must be accompanied by a parent or
7.20 guardian to hunt big game.

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

7.25 Sec. 15. Minnesota Statutes 2010, section 97A.473, subdivision 3, is amended to read:

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

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

7.33 (1) age 3 and under, \$217;

- 8.1 (2) age 4 to age 15, \$290;
- 8.2 (3) age 16 to age 50, \$363; and
- 8.3 (4) age 51 and over, \$213.

8.4 Sec. 16. Minnesota Statutes 2010, section 97A.473, subdivision 5, is amended to read:

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

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

- 8.13 (1) age 3 and under, \$357;
- 8.14 (2) age 4 to age 15, \$480;
- 8.15 (3) age 16 to age 50, \$613; and
- 8.16 (4) age 51 and over, \$413.

8.17 Sec. 17. Minnesota Statutes 2010, section 97A.473, subdivision 5a, is amended to read:

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

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

- 8.27 (1) age 3 and under, \$615;
- 8.28 (2) age 4 to age 15, \$800;
- 8.29 (3) age 16 to age 50, \$985; and
- 8.30 (4) age 51 and over, \$586.

8.31 Sec. 18. Minnesota Statutes 2010, section 97A.475, subdivision 2, is amended to read:

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

S.F. No. 1943, 1st Engrossment - 87th Legislative Session (2011-2012) [S1943-1]

- 9.1 (1) for persons age 18 or over and under age 65 to take small game, \$12.50;
- 9.2 (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
- 9.3 (3) for persons age 18 or over to take turkey, \$23;
- 9.4 (4) for persons under age 18 to take turkey, \$12;
- 9.5 (5) for persons age 18 or over to take deer with firearms during the regular firearms
- 9.6 season, \$26;
- 9.7 (6) for persons age 18 or over to take deer by archery, \$26;
- 9.8 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
- 9.9 season, \$26;
- 9.10 (8) to take moose, for a party of not more than six persons, \$310;
- 9.11 (9) to take bear, \$38;
- 9.12 (10) to take elk, for a party of not more than two persons, \$250;
- 9.13 (11) to take Canada geese during a special season, \$4;
- 9.14 (12) to take prairie chickens, \$20;
- 9.15 (13) for persons under age 18 to take deer with firearms during the regular firearms
- 9.16 season, \$13;
- 9.17 (14) for persons under age 18 to take deer by archery, \$13; ~~and~~
- 9.18 (15) for persons under age 18 to take deer by muzzleloader during the muzzleloader
- 9.19 season, \$13; and
- 9.20 (16) to take wolf, \$26.

9.21 Sec. 19. Minnesota Statutes 2010, section 97A.475, subdivision 3, is amended to read:

9.22 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued

9.23 to nonresidents, are:

- 9.24 (1) for persons age 18 or over to take small game, \$73;
- 9.25 (2) for persons age 18 or over to take deer with firearms during the regular firearms
- 9.26 season, \$135;
- 9.27 (3) for persons age 18 or over to take deer by archery, \$135;
- 9.28 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
- 9.29 season, \$135;
- 9.30 (5) to take bear, \$195;
- 9.31 (6) for persons age 18 and older to take turkey, \$78;
- 9.32 (7) for persons under age 18 to take turkey, \$12;
- 9.33 (8) to take raccoon or bobcat, \$155;
- 9.34 (9) to take Canada geese during a special season, \$4;

10.1 (10) for persons under age 18 to take deer with firearms during the regular firearms
10.2 season in any open season option or time period, \$13;

10.3 (11) for persons under age 18 to take deer by archery, \$13; ~~and~~

10.4 (12) for persons under age 18 to take deer during the muzzleloader season, \$13; and

10.5 (13) to take wolf, \$230.

10.6 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
10.7 paragraph (a), clauses (1) to (8). An additional commission may not be assessed on this
10.8 surcharge.

10.9 Sec. 20. Minnesota Statutes 2010, section 97A.475, subdivision 20, is amended to read:

10.10 Subd. 20. **Trapping license licenses.** (a) The fee for a license to trap fur-bearing
10.11 animals, other than wolves, is:

10.12 (1) for residents over age 13 and under age 18, \$6;

10.13 (2) for residents age 18 or over and under age 65, \$20;

10.14 (3) for residents age 65 or over, \$10; and

10.15 (4) for nonresidents, \$73.

10.16 (b) The fee for a license to trap wolves is \$26, to be issued to residents only.

10.17 Sec. 21. Minnesota Statutes 2010, section 97A.482, is amended to read:

10.18 **97A.482 LICENSE APPLICATIONS; COLLECTION OF SOCIAL**
10.19 **SECURITY NUMBERS.**

10.20 (a) All applicants for individual noncommercial game and fish licenses under this
10.21 chapter and chapters 97B and 97C must include the applicant's Social Security number
10.22 on the license application. If an applicant does not have a Social Security number, the
10.23 applicant must certify that the applicant does not have a Social Security number.

10.24 (b) The Social Security numbers collected by the commissioner on game and fish
10.25 license applications are private data under section 13.355, subdivision 1, and must be
10.26 provided by the commissioner to the commissioner of human services for child support
10.27 enforcement purposes. Title IV-D of the Social Security Act, United States Code, title 42,
10.28 section 666(a)(13), requires the collection of Social Security numbers on game and fish
10.29 license applications for child support enforcement purposes.

10.30 ~~(c) The commissioners of human services and natural resources shall request a~~
10.31 ~~waiver from the secretary of health and human services to exclude any applicant under the~~
10.32 ~~age of 16 from the requirement under this section and under cross-country ski licensing~~
10.33 ~~sections to provide the applicant's Social Security number. If a waiver is granted, this~~

11.1 ~~section will be so amended effective January 1, 2006, or upon the effective date of the~~
11.2 ~~waiver, whichever is later.~~

11.3 Sec. 22. Minnesota Statutes 2010, section 97B.001, subdivision 7, is amended to read:

11.4 Subd. 7. **Taking with firearms in certain areas.** (a) A person may not take a wild
11.5 animal with a firearm within 500 feet of a building occupied by a human or livestock
11.6 without the written permission of the owner, occupant, or lessee:

11.7 (1) on another person's private land; or

11.8 (2) on a public right-of-way.

11.9 (b) ~~A No person may not take a wild animal with~~ shoot a firearm ~~without the~~
11.10 ~~permission of the owner, occupant, or lessee,~~ within 500 feet of a stockade or corral
11.11 containing livestock without the permission of the owner, occupant, or lessee.

11.12 (c) A person may not take a wild animal on any land where the person is prohibited
11.13 from entering by this section.

11.14 Sec. 23. Minnesota Statutes 2010, section 97B.020, is amended to read:

11.15 **97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.**

11.16 (a) Except as provided in this section and section 97A.451, subdivision 3a, a person
11.17 born after December 31, 1979, may not obtain an annual license to take wild animals by
11.18 firearms unless the person has:

11.19 (1) a firearms safety certificate or equivalent certificate;

11.20 (2) a driver's license or identification card with a valid firearms safety qualification
11.21 indicator issued under section 171.07, subdivision 13;

11.22 (3) a previous hunting license with a valid firearms safety qualification indicator;

11.23 (4) an apprentice hunter validation issued under section 97B.022; or

11.24 (5) other evidence indicating that the person has completed in this state or in another
11.25 state a hunter safety course recognized by the department under a reciprocity agreement or
11.26 certified by the department as substantially similar.

11.27 (b) A person who ~~is on active duty and has~~ successfully completed basic training
11.28 in the United States armed forces, reserve component, or National Guard may obtain a
11.29 hunting license or approval authorizing hunting regardless of whether the person is issued
11.30 a firearms safety certificate.

11.31 (c) A person born after December 31, 1979, may not use a lifetime license to take
11.32 wild animals by firearms, unless the person meets the requirements for obtaining an annual
11.33 license under paragraph (a) or (b).

S.F. No. 1943, 1st Engrossment - 87th Legislative Session (2011-2012) [S1943-1]

12.1 Sec. 24. Minnesota Statutes 2010, section 97B.031, subdivision 1, is amended to read:

12.2 Subdivision 1. **Firearms and ammunition that may be used to take big game**
12.3 **and wolves.** A person may take big game and wolves with a firearm only if:

12.4 (1) the rifle, shotgun, and handgun used is a caliber of at least .22 inches and with
12.5 centerfire ignition;

12.6 (2) the firearm is loaded only with single projectile ammunition;

12.7 (3) a projectile used is a caliber of at least .22 inches and has a soft point or is
12.8 an expanding bullet type;

12.9 (4) the muzzleloader used is incapable of being loaded at the breech;

12.10 (5) the smooth-bore muzzleloader used is a caliber of at least .45 inches; and

12.11 (6) the rifled muzzleloader used is a caliber of at least .40 inches.

12.12 Sec. 25. Minnesota Statutes 2010, section 97B.031, subdivision 2, is amended to read:

12.13 Subd. 2. **Handguns for small game.** A person may take small game with a handgun
12.14 of any caliber in a manner prescribed by the commissioner, except that wolves may only
12.15 be taken by hunting with the calibers specified in subdivision 1.

12.16 Sec. 26. Minnesota Statutes 2011 Supplement, section 97B.031, subdivision 5, is
12.17 amended to read:

12.18 Subd. 5. ~~Scopes; visually impaired hunters on muzzleloaders.~~ (a)

12.19 ~~Notwithstanding any other law to the contrary, the commissioner may issue a special~~
12.20 ~~permit, without a fee, to~~ A person may use a muzzleloader with a scope to take deer
12.21 ~~during the muzzleloader season to a person who obtains the required licenses and who has~~
12.22 ~~a visual impairment. The scope may not have magnification capabilities.~~

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

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

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

S.F. No. 1943, 1st Engrossment - 87th Legislative Session (2011-2012) [S1943-1]

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

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

13.8 Sec. 27. Minnesota Statutes 2010, section 97B.035, subdivision 1a, is amended to read:

13.9 Subd. 1a. **Minimum draw weight.** A bow used to take big game ~~or~~ turkey, or
13.10 wolves must have a pull that meets or exceeds 30 pounds at or before full draw.

13.11 Sec. 28. Minnesota Statutes 2010, section 97B.055, subdivision 1, is amended to read:

13.12 Subdivision 1. **Restrictions related to highways.** (a) A person may not discharge
13.13 a firearm ~~or an arrow from a bow~~ containing No. 4 buckshot or larger diameter shot or
13.14 single projectile ammunition on, over, ~~or~~ across, or within the right-of-way of an improved
13.15 public highway at a big game animal. A person may not discharge ~~a firearm or an arrow~~
13.16 from a bow and arrow on, over, across, or within the right-of-way of an improved public
13.17 highway at a big game animal. The commissioner may by rule extend the application of
13.18 this subdivision to the taking of migratory waterfowl in designated locations.

13.19 (b) A person may not discharge a firearm or an arrow from a bow on, over, across, or
13.20 within the right-of-way of an improved public highway at a decoy of a big game animal
13.21 that has been set out by a licensed peace officer.

13.22 Sec. 29. Minnesota Statutes 2010, section 97B.071, is amended to read:

13.23 **97B.071 BLAZE ORANGE REQUIREMENTS.**

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

13.31 (b) Except as provided in rules adopted under paragraph (c), and in addition to
13.32 the requirement in paragraph (a), a person may not take small game other than turkey,
13.33 migratory birds, raccoons, and predators, except while trapping, unless a visible portion of

S.F. No. 1943, 1st Engrossment - 87th Legislative Session (2011-2012) [S1943-1]

14.1 at least one article of the person's clothing above the waist is blaze orange. This paragraph
14.2 does not apply to a person when in a stationary location while hunting deer by archery
14.3 or when hunting small game by falconry.

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

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

14.9 Sec. 30. Minnesota Statutes 2011 Supplement, section 97B.075, is amended to read:

14.10 **97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

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

14.14 (b) Big game and wolves may be taken from one-half hour before sunrise until
14.15 one-half hour after sunset.

14.16 (c) Except as otherwise prescribed by the commissioner on or before the Saturday
14.17 nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset
14.18 during the entire season prescribed by the commissioner.

14.19 Sec. 31. Minnesota Statutes 2010, section 97B.085, subdivision 3, is amended to read:

14.20 Subd. 3. **Communication excepted.** This section does not prohibit the use of:

14.21 (1) ~~one-way~~ radio communication between a handler and a dog; ~~or~~

14.22 (2) a remote-controlled animal noise caller for taking crows, fur-bearing animals,
14.23 and unprotected animals; or

14.24 (3) a remote-controlled motorized decoy used for taking migratory waterfowl under
14.25 section 97B.811, subdivision 4a, or doves.

14.26 Sec. 32. **[97B.1115] USE OF MECHANICAL OR ELECTRONIC ASSISTANCE**
14.27 **TO HOLD AND DISCHARGE FIREARMS OR BOWS BY PHYSICALLY**
14.28 **DISABLED.**

14.29 Notwithstanding sections 97B.035, subdivision 1, 97B.321, and 97B.701,
14.30 subdivision 2, the commissioner may authorize a physically disabled hunter who has
14.31 a verified statement of the disability from a licensed physician or a certified nurse
14.32 practitioner or certified physician assistant acting under the direction of a licensed

15.1 physician to use a swivel or otherwise mounted gun or bow or any electronic or mechanical
15.2 device to discharge a gun or bow as long as the participant is physically present at the site.

15.3 Sec. 33. Minnesota Statutes 2010, section 97B.303, is amended to read:

15.4 **97B.303 VENISON DONATIONS.**

15.5 An individual who legally takes a deer may donate the deer, for distribution to
15.6 charitable food assistance programs, to a meat processor that is licensed under chapter
15.7 28A. An individual donating a deer must supply the processor with the tag number under
15.8 which the deer was taken. Hunter-harvested venison donated under this section is not
15.9 subject to chapter 31 and must be clearly marked as hunter-harvested venison.

15.10 Sec. 34. Minnesota Statutes 2010, section 97B.328, is amended to read:

15.11 **97B.328 BAITING PROHIBITED.**

15.12 Subdivision 1. **Hunting with aid of bait ~~or feed~~ prohibited.** A person may not
15.13 ~~hunt take~~ take deer:

15.14 ~~(1) with the aid or use of bait or feed; or,~~

15.15 ~~(2) in the vicinity of bait or feed if the person knows or has reason to know that bait~~
15.16 ~~or feed is present.~~

15.17 Subd. 2. **Removal of bait.** An area is considered baited for ten days after the
15.18 complete removal of all bait ~~or feed~~.

15.19 Subd. 3. **Definition.** (a) For purposes of this section, "bait ~~or feed~~" includes grains,
15.20 fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer
15.21 and that has been placed by a person. "Baiting" means placing, exposing, depositing,
15.22 distributing, or scattering bait that is capable of attracting or enticing deer.

15.23 (b) Liquid scents, salt, and minerals are not bait ~~or feed~~ if they do not contain liquid
15.24 or solid food ingredients.

15.25 ~~Food that has not been placed by a person and resulting~~ (c) Agricultural crops
15.26 from normal or accepted farming, forest management, wildlife food plantings, orchard
15.27 management, or other similar land management activities ~~is~~ are not bait ~~or feed~~.

15.28 This exclusion does not apply to agricultural crops that have been re-introduced and
15.29 concentrated where a person is hunting.

15.30 Subd. 4. **Exception for bait or feed on adjacent land.** A person otherwise in
15.31 compliance with this section who is hunting on private or public property that is adjacent
15.32 to property where bait or ~~feed~~ food is present is not in violation of this section if the
15.33 person has not participated in, been involved with, or agreed to baiting or feeding wildlife
15.34 on the adjacent property.

16.1 Sec. 35. Minnesota Statutes 2010, section 97B.601, subdivision 3a, is amended to read:

16.2 Subd. 3a. **Nonresidents; trapping small game.** A nonresident may take small
16.3 game, except wolves, by trapping only on land owned by the nonresident, if the
16.4 nonresident possesses a trapping license for fur-bearing animals other than wolves and a
16.5 small game license.

16.6 Sec. 36. Minnesota Statutes 2010, section 97B.601, subdivision 4, is amended to read:

16.7 Subd. 4. **Exception to license requirements.** (a) A resident under age 16 may take
16.8 small game, other than wolves, without a small game license, and a resident under age
16.9 13 may trap small game and fur-bearing animals, other than wolves, without a trapping
16.10 license, as provided in section 97A.451, subdivision 3.

16.11 (b) A person may take small game, other than wolves, without a small game license
16.12 on land occupied by the person as a principal residence.

16.13 (c) An owner or occupant may take certain small game causing damage without a
16.14 small game or trapping license as provided in section 97B.655.

16.15 (d) A person may use dogs to pursue and tree raccoons under section 97B.621,
16.16 subdivision 2, during the closed season without a license.

16.17 (e) A person may take a wolf, turkey, or a prairie chicken without a small game
16.18 license.

16.19 Sec. 37. Minnesota Statutes 2010, section 97B.603, is amended to read:

16.20 **97B.603 TAKING SMALL GAME AS A PARTY.**

16.21 (a) While two or more persons are taking small game as a party and maintaining
16.22 unaided visual and vocal contact, a member of the party may take and possess more than
16.23 one limit of small game, but the total number of small game taken and possessed by
16.24 the party may not exceed the limit of the number of persons in the party that may take
16.25 and possess small game.

16.26 (b) This section does not apply to ~~the hunting of~~ wolves, migratory game birds, or
16.27 turkeys, except that a licensed turkey hunter may assist another licensed turkey hunter and
16.28 a licensed wolf hunter may assist another licensed wolf hunter for the same zone and time
16.29 period as long as the hunter does not shoot or tag a turkey or wolf for the other hunter.

16.30 Sec. 38. Minnesota Statutes 2010, section 97B.605, is amended to read:

16.31 **97B.605 COMMISSIONER MAY RESTRICT TAKING OF CERTAIN**
16.32 **SMALL GAME ANIMALS.**

17.1 The commissioner may prescribe restrictions on and designate areas where gray and
17.2 fox squirrels, cottontail and jack rabbits, snowshoe hare, raccoon, bobcat, red fox and gray
17.3 fox, fisher, pine marten, opossum, wolves, and badger may be taken and possessed.

17.4 Sec. 39. Minnesota Statutes 2011 Supplement, section 97B.645, subdivision 9, is
17.5 amended to read:

17.6 Subd. 9. **Open season.** There shall be no open season for ~~gray~~ wolves until after the
17.7 ~~gray~~ wolf is delisted under the federal Endangered Species Act of 1973. After that time,
17.8 the commissioner may prescribe open seasons and restrictions for taking ~~gray~~ wolves but
17.9 must provide opportunity for public comment.

17.10 Sec. 40. **[97B.647] TAKING WOLVES.**

17.11 Subdivision 1. **License required.** Except as provided under section 97B.645 or
17.12 97B.671, a person may not take a wolf without a wolf hunting or wolf trapping license.

17.13 Subd. 2. **Open seasons.** Wolves may be taken with legal firearms, with bow and
17.14 arrow, and by trapping. The commissioner may by rule prescribe the open seasons for
17.15 wolves.

17.16 Subd. 3. **Open areas.** The commissioner may by rule designate areas where wolves
17.17 may be taken.

17.18 Subd. 4. **Daily and possession limits.** The commissioner may establish by rule
17.19 the daily and possession limits for wolves.

17.20 Subd. 5. **Limit on number of hunters and trappers.** The commissioner may by
17.21 rule limit the number of persons that may hunt or trap wolves in an area, if it is necessary
17.22 to prevent an overharvest or improve the distribution of hunters and trappers. The
17.23 commissioner shall establish a method, including a drawing, to impartially select the
17.24 hunters and trappers for an area.

17.25 Subd. 6. **Application for license.** An application for a wolf hunting or trapping
17.26 license must be made in a manner provided by the commissioner and accompanied by
17.27 a \$4 application fee. The \$4 application fee is appropriated to pay for costs associated
17.28 with conducting the wolf license drawing and wolf management. A person may not make
17.29 more than one application for each season as prescribed by the commissioner. If a person
17.30 makes more than one application, the person is ineligible for a license for that season after
17.31 determination by the commissioner, without a hearing.

17.32 Subd. 7. **Quotas.** The commissioner may by rule set an annual quota for the
17.33 number of wolves that can be taken by hunting and trapping. The commissioner may

18.1 establish a method to monitor harvest and close the season when the quota is reached. The
18.2 commissioner shall reserve a portion of the annual quota for the trapping season.

18.3 Sec. 41. Minnesota Statutes 2011 Supplement, section 97B.667, is amended to read:

18.4 **97B.667 REMOVAL OF BEAVERS, BEAVER DAMS, AND LODGES BY**
18.5 **ROAD AUTHORITIES.**

18.6 When a drainage watercourse is impaired by a beaver dam and the water damages
18.7 or threatens to damage a public road, the road authority, as defined in section 160.02,
18.8 subdivision 25, may remove the impairment and any associated beaver lodge within 300
18.9 feet of the road. Notwithstanding any law to the contrary, the road authority may remove,
18.10 kill, or arrange to have removed or killed by any lawful means a beaver associated with
18.11 the lodge. ~~Before killing or arranging to kill a beaver under this section, the road authority~~
18.12 ~~must contact a conservation officer for a special beaver permit. The conservation officer~~
18.13 ~~must issue the permit for any beaver subject to this section.~~ A road authority that kills
18.14 or arranges to have killed a beaver under this section must notify a conservation officer
18.15 or ~~the officer's designee as specified in the permit~~ employee of the Wildlife Division
18.16 within ten days after the animal is killed. A road authority may, after consultation with
18.17 the Wildlife Division ~~and the Board of Water and Soil Resources,~~ implement a local
18.18 beaver control program designed to reduce the number of incidents of beaver interfering
18.19 with or damaging a public road. The local control program may include the offering of
18.20 a bounty for the lawful taking of beaver.

18.21 Sec. 42. Minnesota Statutes 2010, section 97B.671, subdivision 3, is amended to read:

18.22 Subd. 3. **Predator control payments.** The commissioner shall pay a predator
18.23 controller the amount the commissioner ~~prescribes~~ determines by written order published
18.24 in the State Register for each ~~predator~~ coyote and fox taken. ~~The commissioner shall pay~~
18.25 ~~at least \$25 but not more than \$60 for each coyote taken.~~ The commissioner may require
18.26 the predator controller to submit proof of the taking and a signed statement concerning
18.27 the predators taken. The fees are not subject to the rulemaking provisions of chapter 14,
18.28 and section 14.386 does not apply.

18.29 Sec. 43. Minnesota Statutes 2010, section 97B.671, subdivision 4, is amended to read:

18.30 Subd. 4. **Gray Wolf control.** (a) The commissioner shall provide a ~~gray~~ wolf control
18.31 training program for certified predator controllers participating in ~~gray~~ wolf control.

18.32 (b) After the ~~gray~~ wolf is delisted under the federal Endangered Species Act of
18.33 1973, in zone B, as defined under section 97B.645, subdivision 12, if the commissioner,

S.F. No. 1943, 1st Engrossment - 87th Legislative Session (2011-2012) [S1943-1]

19.1 after considering recommendations from an extension agent or conservation officer, has
19.2 verified that livestock, domestic animals, or pets were destroyed by a gray wolf within the
19.3 previous five years, and if the livestock, domestic animal, or pet owner requests gray wolf
19.4 control, the commissioner shall open a predator control area for gray wolves.

19.5 (c) After the gray wolf is delisted under the federal Endangered Species Act of
19.6 1973, in zone A, as defined under paragraph (g), if the commissioner, after considering
19.7 recommendations from an extension agent or conservation officer, verifies that livestock,
19.8 domestic animals, or pets were destroyed by a gray wolf, and if the livestock, domestic
19.9 animal, or pet owner requests gray wolf control, the commissioner shall open a predator
19.10 control area for gray wolves for up to 60 days.

19.11 (d) A predator control area opened for gray wolves may not exceed a one-mile
19.12 radius surrounding the damage site.

19.13 (e) The commissioner shall pay a certified gray wolf predator controller ~~\$150~~ the
19.14 amount the commissioner determines by written order published in the State Register for
19.15 each wolf taken. The certified gray wolf predator controller must dispose of unsalvageable
19.16 remains as directed by the commissioner. All salvageable gray wolf remains must be
19.17 surrendered to the commissioner. The fees are not subject to the rulemaking provisions of
19.18 chapter 14, and section 14.386 does not apply.

19.19 (f) The commissioner may, in consultation with the commissioner of agriculture,
19.20 develop a cooperative agreement for gray wolf control activities with the United States
19.21 Department of Agriculture. The cooperative agreement activities may include, but not be
19.22 limited to, gray wolf control, training for state predator controllers, and control monitoring
19.23 and record keeping.

19.24 (g) For the purposes of this subdivision, "zone A" means that portion of the state
19.25 lying outside of zone B, as defined under section 97B.645, subdivision 12.

19.26 Sec. 44. Minnesota Statutes 2010, section 97B.711, subdivision 1, is amended to read:

19.27 Subdivision 1. **Seasons for certain upland game birds.** (a) The commissioner
19.28 may, by rule, prescribe an open season in designated areas between September 16 and
19.29 January 3 for:

- 19.30 (1) pheasant;
- 19.31 (2) ruffed grouse;
- 19.32 (3) sharp tailed grouse;
- 19.33 (4) Canada spruce grouse;
- 19.34 (5) prairie chicken;
- 19.35 (6) gray partridge;

20.1 (7) bobwhite quail; and

20.2 (8) turkey.

20.3 (b) The commissioner may by rule prescribe an open season for turkey in the spring.

20.4 ~~(c) The commissioner shall allow a four-week fall season for turkey in the area~~

20.5 ~~designated as turkey permit area 601 as of the 2008 season. All applicable local and state~~

20.6 ~~regulations apply.~~

20.7 Sec. 45. Minnesota Statutes 2010, section 97B.805, subdivision 1, is amended to read:

20.8 Subdivision 1. **Hunter must be concealed.** (a) A person may not take migratory
20.9 waterfowl, coots, or rails in open water unless the person is:

20.10 (1) within a natural growth of vegetation sufficient to partially conceal the person or
20.11 boat;

20.12 (2) on a river or stream that is not more than 100 yards in width; ~~or~~

20.13 (3) pursuing or shooting wounded birds; or

20.14 (4) in areas specifically designated for such taking by the commissioner by rule.

20.15 (b) A person may not take migratory waterfowl, coots, or rails in public waters from
20.16 a permanent artificial blind or sink box.

20.17 Sec. 46. Minnesota Statutes 2010, section 97B.901, is amended to read:

20.18 **97B.901 REGISTRATION AND TAGGING OF FUR-BEARING ANIMALS.**

20.19 (a) The commissioner may, by rule, require persons taking, possessing, and
20.20 transporting fur-bearing animals to tag the animals. The commissioner shall prescribe
20.21 the manner of issuance and the type of tag, which must show the year of issuance. The
20.22 commissioner shall issue the tag, without a fee, upon request.

20.23 (b) The pelt of each bobcat, fisher, pine marten, ~~and~~ otter, and wolf must be
20.24 presented, by the person taking it, to a state wildlife manager designee for registration
20.25 before the pelt is sold and before the pelt is transported out of the state, but in no event
20.26 more than 48 hours after the season closes for the species.

20.27 (c) The whole carcass of each wolf, with the pelt removed, must be presented by the
20.28 person taking it to a state wildlife manager designee for registration before the pelt is sold
20.29 and before the pelt is transported out of the state, but in no event more than 48 hours after
20.30 the season closes. The commissioner may require that the entire carcass or samples from
20.31 the carcass be surrendered to the state wildlife manager designee.

20.32 Sec. 47. **97B.903] USE OF BODY-GRIPPING TRAPS.**

21.1 A person may not set, place, or operate, except as a water set, a body-gripping or
21.2 conibear-type trap on public lands and waters that has a maximum jaw opening when set
21.3 greater than six and one-half inches and less than seven and one-half inches measured
21.4 from the inside edges of the body-gripping portions of the jaws, unless:

21.5 (1) the trap is in a baited or unbaited enclosure with the opening no greater than 81
21.6 square inches and the trap trigger is recessed seven inches or more from the top of the
21.7 opening;

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

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

21.10 Sec. 48. Minnesota Statutes 2010, section 97C.395, subdivision 1, is amended to read:

21.11 Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by
21.12 angling are as follows:

21.13 (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and
21.14 smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend
21.15 to the last Sunday in February;

21.16 (2) for lake trout, from January 1 to October 31;

21.17 (3) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and
21.18 splake on all lakes located outside or partially within the Boundary Waters Canoe Area,
21.19 from January 15 to March 31;

21.20 (4) for the winter season for lake trout, brown trout, brook trout, rainbow trout,
21.21 and splake on all lakes located entirely within the Boundary Waters Canoe Area, from
21.22 January 1 to March 31;

21.23 (5) for brown trout, brook trout, rainbow trout, and splake, between January 1 to
21.24 October 31 as prescribed by the commissioner by rule except as provided in section
21.25 97C.415, subdivision 2;

21.26 ~~(6) for the winter season for brown trout, brook trout, rainbow trout, and splake on~~
21.27 ~~all lakes, from January 15 to March 31; and~~

21.28 ~~(7)~~ (6) for salmon, as prescribed by the commissioner by rule.

21.29 (b) The commissioner shall close the season in areas of the state where fish are
21.30 spawning and closing the season will protect the resource.

21.31 Sec. 49. **RULEMAKING; TROUT SEASONS.**

21.32 The commissioner of natural resources shall amend Minnesota Rules, part
21.33 6262.0200, to make brown trout, brook trout, rainbow trout, and splake in lakes inside and
21.34 outside the Boundary Waters Canoe Area consistent with this section. The commissioner

22.1 may use the good cause exemption under Minnesota Statutes, section 14.388, to adopt
22.2 rules under this section, and Minnesota Statutes, section 14.386, does not apply, except as
22.3 provided under Minnesota Statutes, section 14.388.

22.4 Sec. 50. **RULEMAKING; RESTITUTION VALUE FOR WOLVES.**

22.5 (a) The commissioner of natural resources shall amend the restitution value for
22.6 gray wolves in Minnesota Rules, part 6133.0075, to be \$500 and shall change the term
22.7 "gray wolves" to "wolves."

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

22.12 Sec. 51. **RULEMAKING; USE OF SNARES.**

22.13 (a) The commissioner of natural resources shall add a definition of a wolf snare to
22.14 Minnesota Rules, part 6234.0900, to read: "'Wolf snare' means any snare set that:

22.15 A. has a maximum loop diameter greater than ten inches, but less than or equal
22.16 to 18 inches;

22.17 B. has a cable diameter of at least 7/64 inches;

22.18 C. includes stops affixed to the cable to ensure that the portion of the snare that
22.19 makes up the noose loop may not be less than three inches in diameter when fully closed;

22.20 D. includes a breakaway device that would cause the snare loop to break when
22.21 pulled by a moose; and

22.22 E. includes a diverter wire that extends 27 inches in both directions, measured
22.23 perpendicular to and from the top of the snare loop. The diverter wires must be positioned
22.24 at an angle no more than 20 degrees from the horizontal plane of the top of the snare, and
22.25 the snare must be set within 20 yards of bait."

22.26 (b) The commissioner of natural resources shall amend Minnesota Rules, part
22.27 6234.2300, to include a subpart to read: "Wolves may be taken with snares or wolf snares
22.28 as defined in part 6234.0900."

22.29 (c) The commissioner of natural resources shall amend Minnesota Rules, part
22.30 6234.2400, subpart 7, to read: "A snare may not be set so that the top of the loop is more
22.31 than 20 inches above the first surface beneath the bottom of the set snare loop. During
22.32 the wolf season, licensed wolf trappers may use wolf snares but a wolf snare may not be
22.33 set so that the bottom of the loop is more than 18 inches above the first surface beneath
22.34 the bottom of the set snare loop."

23.1 (d) The commissioner of natural resources shall amend Minnesota Rules, part
23.2 6234.2400, subpart 5, to read: "Snares, including wolf snares, may not be set in deer,
23.3 elk, or moose trails."

23.4 (e) The commissioner of natural resources shall amend Minnesota Rules, part
23.5 6234.2400, to include a subpart to read: "Licensed wolf trappers shall set wolf snares for
23.6 wolves no closer than 500 feet to another wolf snare set by the same licensed wolf trapper."

23.7 (f) The commissioner may use the good cause exemption under Minnesota Statutes,
23.8 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
23.9 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,
23.10 section 14.388.

23.11 Sec. 52. **2012 FIREARMS WOLF SEASON.**

23.12 The commissioner of natural resources shall establish the first firearms wolf hunting
23.13 season to open no later than the first day of the 2012 firearms deer hunting season.

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

23.15 The revisor of statutes shall change the term "gray wolf" or "gray wolves" wherever
23.16 the terms appear in Minnesota Statutes and Minnesota Rules to "wolf" or "wolves."

23.17 Sec. 54. **REPEALER.**

23.18 Minnesota Statutes 2010, sections 97A.045, subdivisions 8 and 13; 97A.065,
23.19 subdivision 1; 97A.095, subdivision 3; 97A.331, subdivision 7; 97A.485, subdivision 12;
23.20 97A.552; 97B.645, subdivision 2; and 97C.031, are repealed.