

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1945

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DATE	D-PG	OFFICIAL STATUS
02/20/2012	3852	Introduction and first reading Referred to Environment and Natural Resources
03/08/2012		Comm report: To pass as amended and re-refer to State Government Innovation and Veterans

- 1.1

A bill for an act
- 1.2

relating to natural resources; providing for taking wolf; modifying predator
- 1.3

control program; appropriating money; amending Minnesota Statutes 2010,
- 1.4

sections 97A.015, subdivision 53; 97A.451, subdivision 3; 97A.473, subdivisions
- 1.5

3, 5, 5a; 97A.475, subdivisions 2, 3, 20; 97B.031, subdivisions 1, 2; 97B.035,
- 1.6

subdivision 1a; 97B.601, subdivisions 3a, 4; 97B.603; 97B.605; 97B.671,
- 1.7

subdivision 4; 97B.901; Minnesota Statutes 2011 Supplement, sections 97A.075,
- 1.8

by adding a subdivision; 97B.075; 97B.645, subdivision 9; proposing coding for
- 1.9

new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2010,
- 1.10

sections 97A.331, subdivision 7; 97B.645, subdivision 2.
- 1.11

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.12

Section 1. Minnesota Statutes 2010, section 97A.015, subdivision 53, is amended to
- 1.13

read:
- 1.14

Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild
- 1.15

animals that are not protected wild animals including weasel, coyote (~~brush-wolf~~), gopher,
- 1.16

porcupine, striped skunk, and unprotected birds.
- 1.17

Sec. 2. Minnesota Statutes 2011 Supplement, section 97A.075, is amended by adding a
- 1.18

subdivision to read:
- 1.19

Subd. 7. **Wolf licenses.** (a) For purposes of this subdivision, "wolf license" means a
- 1.20

license or permit issued under section 97A.475, subdivision 2, clause (16); 3, paragraph
- 1.21

(a), clause (13); or 20, paragraph (b).
- 1.22

(b) Revenue from wolf licenses must be credited to the wolf management and
- 1.23

monitoring account and is appropriated to the commissioner only for wolf management,
- 1.24

research, damage control, enforcement, and education.
- 1.25

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

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

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

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

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

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

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

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

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

Sec. 4. Minnesota Statutes 2010, section 97A.473, subdivision 3, is amended to read:

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

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

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

(2) age 4 to age 15, \$290;

(3) age 16 to age 50, \$363; and

(4) age 51 and over, \$213.

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

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

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

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

Sec. 6. Minnesota Statutes 2010, section 97A.473, subdivision 5a, is amended to read:

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

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

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

Sec. 7. Minnesota Statutes 2010, section 97A.475, subdivision 2, is amended to read:

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

- (1) for persons age 18 or over and under age 65 to take small game, \$12.50;
- (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
- (3) for persons age 18 or over to take turkey, \$23;
- (4) for persons under age 18 to take turkey, \$12;

- 4.1 (5) for persons age 18 or over to take deer with firearms during the regular firearms
4.2 season, \$26;
- 4.3 (6) for persons age 18 or over to take deer by archery, \$26;
- 4.4 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
4.5 season, \$26;
- 4.6 (8) to take moose, for a party of not more than six persons, \$310;
- 4.7 (9) to take bear, \$38;
- 4.8 (10) to take elk, for a party of not more than two persons, \$250;
- 4.9 (11) to take Canada geese during a special season, \$4;
- 4.10 (12) to take prairie chickens, \$20;
- 4.11 (13) for persons under age 18 to take deer with firearms during the regular firearms
4.12 season, \$13;
- 4.13 (14) for persons under age 18 to take deer by archery, \$13; ~~and~~
- 4.14 (15) for persons under age 18 to take deer by muzzleloader during the muzzleloader
4.15 season, \$13; and
- 4.16 (16) to take wolf, \$30.

4.17 Sec. 8. Minnesota Statutes 2010, section 97A.475, subdivision 3, is amended to read:

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

- 4.20 (1) for persons age 18 or over to take small game, \$73;
- 4.21 (2) for persons age 18 or over to take deer with firearms during the regular firearms
4.22 season, \$135;
- 4.23 (3) for persons age 18 or over to take deer by archery, \$135;
- 4.24 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
4.25 season, \$135;
- 4.26 (5) to take bear, \$195;
- 4.27 (6) for persons age 18 and older to take turkey, \$78;
- 4.28 (7) for persons under age 18 to take turkey, \$12;
- 4.29 (8) to take raccoon or bobcat, \$155;
- 4.30 (9) to take Canada geese during a special season, \$4;
- 4.31 (10) for persons under age 18 to take deer with firearms during the regular firearms
4.32 season in any open season option or time period, \$13;
- 4.33 (11) for persons under age 18 to take deer by archery, \$13; ~~and~~
- 4.34 (12) for persons under age 18 to take deer during the muzzleloader season, \$13; and
- 4.35 (13) to take wolf, \$230.

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

Sec. 9. Minnesota Statutes 2010, section 97A.475, subdivision 20, is amended to read:

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

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

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

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

(4) for nonresidents, \$73.

(b) The fee for a license to trap wolves is \$30, to be issued to residents only.

Sec. 10. Minnesota Statutes 2010, section 97B.031, subdivision 1, is amended to read:

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

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

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

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

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

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

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

Sec. 11. Minnesota Statutes 2010, section 97B.031, subdivision 2, is amended to read:

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

Sec. 12. Minnesota Statutes 2010, section 97B.035, subdivision 1a, is amended to read:

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

Sec. 13. Minnesota Statutes 2011 Supplement, section 97B.075, is amended to read:

97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

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

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

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

Sec. 14. Minnesota Statutes 2010, section 97B.601, subdivision 3a, is amended to read:

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

Sec. 15. Minnesota Statutes 2010, section 97B.601, subdivision 4, is amended to read:

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

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

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

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

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

Sec. 16. Minnesota Statutes 2010, section 97B.603, is amended to read:

97B.603 TAKING SMALL GAME AS A PARTY.

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

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

Sec. 17. Minnesota Statutes 2010, section 97B.605, is amended to read:

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

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

Sec. 18. Minnesota Statutes 2011 Supplement, section 97B.645, subdivision 9, is amended to read:

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

Sec. 19. **[97B.647] TAKING WOLVES.**

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

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

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

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

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

Subd. 6. **Application for license.** An application for a wolf hunting or trapping license must be made in a manner provided by the commissioner and accompanied by a

\$4 application fee. The \$4 application fee is appropriated according to section 84.027, subdivision 15, paragraph (c), to pay for costs associated with conducting the wolf license drawing and wolf management. A person may not make more than one application for each season as prescribed by the commissioner. If a person makes more than one application, the person is ineligible for a license for that season after determination by the commissioner, without a hearing.

Subd. 7. **Quotas.** The commissioner may by rule set an annual quota for the number of wolves that can be taken by hunting and trapping. The commissioner may establish a method to monitor harvest and close the season when the quota is reached. The commissioner shall reserve a portion of the annual quota for the trapping season.

Sec. 20. Minnesota Statutes 2010, section 97B.671, subdivision 4, is amended to read:

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

(b) After the ~~gray~~ wolf is delisted under the federal Endangered Species Act of 1973, in zone B, as defined under section 97B.645, subdivision 12, if the commissioner, after considering recommendations from an extension agent or conservation officer, has verified that livestock, domestic animals, or pets were destroyed by a ~~gray~~ wolf within the previous five years, and if the livestock, domestic animal, or pet owner requests ~~gray~~ wolf control, the commissioner shall open a predator control area for ~~gray~~ wolves.

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

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

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

(f) The commissioner may, in consultation with the commissioner of agriculture, develop a cooperative agreement for ~~gray~~ wolf control activities with the United States

Department of Agriculture. The cooperative agreement activities may include, but not be limited to, ~~gray~~ wolf control, training for state predator controllers, and control monitoring and record keeping.

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

Sec. 21. Minnesota Statutes 2010, section 97B.901, is amended to read:

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

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

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

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

Sec. 22. **RULEMAKING; RESTITUTION VALUE FOR WOLVES.**

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

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

Sec. 23. **RULEMAKING; USE OF SNARES.**

(a) The commissioner of natural resources shall amend Minnesota Rules, part 6234.0100, to include a subpart that prohibits the use of carcasses of domestic animals for taking wolves on public lands.

(b) The commissioner of natural resources shall amend Minnesota Rules, part 6234.2400, subpart 5, to provide that when taking wolves, snares may not be set in trails.

(c) The commissioner of natural resources shall amend Minnesota Rules, part 6234.2400, subpart 7, to provide that a snare set by a licensed wolf trapper to take a wolf may not be set so that the bottom of the loop is more than 18 inches above the first surface beneath the bottom of the set snare loop, and the top height in that subpart does not apply to snares set for wolves.

(d) The commissioner of natural resources shall amend Minnesota Rules, part 6234.2400, subpart 8, to provide that during the wolf season, licensed wolf trappers may use snares, provided:

(1) the diameter of a snare loop does not exceed 16 inches when fully open; and

(2) the cable includes stops affixed to the cable to ensure that the portion of the cable that makes up the noose loop may not be less than six inches when fully closed.

(e) The commissioner of natural resources shall amend Minnesota Rules, part 6234.2400, subpart 9, to provide that during the wolf season, licensed wolf trappers must use snare cable at least 7/64 inches in diameter.

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

Sec. 24. **2012 AND 2013 WOLF SEASONS.**

The commissioner of natural resources shall establish the first firearms wolf hunting season to open no later than the first day of the 2012 firearms deer hunting season. The commissioner shall establish the first wolf trapping season to begin January 1, 2013.

Sec. 25. **REVISOR'S INSTRUCTION.**

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

Sec. 26. **REPEALER.**

Minnesota Statutes 2010, sections 97A.331, subdivision 7; and 97B.645, subdivision 2, are repealed.