

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2570

| (SENATE AUTHORS: HAWJ and Hoffman) | | |
|------------------------------------|------|--|
| DATE | D-PG | OFFICIAL STATUS |
| 03/06/2023 | 1349 | Introduction and first reading Referred to Environment, Climate, and Legacy |
| 03/13/2023 | 1703 | Author added Hoffman |
| 03/14/2023 | | Comm report: To pass as amended Second reading |

1.1

A bill for an act

1.2

relating to natural resources; modifying provisions for snowmobile registration;

1.3

establishing accounts; modifying provisions for state parks and state trails;

1.4

modifying eligibility for Minnesota Naturalist Corps; modifying timber provisions;

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modifying requirements for water permit applications; modifying requirements

1.6

for resident licenses; modifying walk-in access program; modifying use of

1.7

motorized vehicles in wildlife management areas; authorizing permits to take wild

1.8

animals under federal incidental take permit; modifying hunting and fishing

1.9

provisions; modifying elk management provisions; providing for nonlethal control

1.10

of deer and elk causing damage; modifying wanton waste provisions; clarifying

1.11

dates for certain open seasons; requiring rulemaking; appropriating money;

1.12

amending Minnesota Statutes 2022, sections 84.82, subdivision 2, by adding a

1.13

subdivision; 84.821, subdivision 2; 84.86, subdivision 1; 84.992, subdivisions 2,

1.14

5; 85.015, subdivision 10; 85.052, subdivision 6; 90.181, subdivision 2; 97A.031;

1.15

97A.126; 97A.137, subdivision 3; 97A.401, subdivision 1, by adding a subdivision;

1.16

97A.405, subdivision 5; 97B.071; 97B.301, subdivisions 2, 6; 97B.318, subdivision

1.17

1; 97B.516; 97B.668; 97C.041; 97C.315, subdivision 1; 97C.345, subdivision 1;

1.18

97C.371, subdivisions 1, 2, 4; 97C.395, subdivision 1; 97C.601, subdivision 1;

1.19

97C.836; 103G.301, subdivisions 6, 7; proposing coding for new law in Minnesota

1.20

Statutes, chapters 11A; 97C; repealing Minnesota Statutes 2022, section 97C.055;

1.21

Minnesota Rules, parts 6100.5000, subparts 3, 4, 5; 6100.5700, subpart 4.

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

1.23

Section 1. [11A.236] ACCOUNT TO INVEST FINANCIAL ASSURANCE MONEY

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FROM PERMITS TO MINE.

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Subdivision 1. Establishment; appropriation. (a) The State Board of Investment, when

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requested by the commissioner of natural resources, may invest money collected by the

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commissioner as part of financial assurance provided under a permit to mine issued under

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chapter 93. The State Board of Investment may establish one or more accounts into which

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money may be deposited for the purposes of this section, subject to the policies and

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procedures of the State Board of Investment. Use of any money in the account is restricted

to the financial assurance purposes identified in sections 93.46 to 93.51 and rules adopted thereunder and as authorized under any trust fund agreement or other conditions established under a permit to mine.

(b) Money in an account established under paragraph (a) is appropriated to the commissioner for the purposes for which the account is established under this section.

Subd. 2. **Account maintenance and investment.** (a) The commissioner of natural resources may deposit money in the appropriate account and may withdraw money from the appropriate account for the financial assurance purposes identified in sections 93.46 to 93.51 and rules adopted thereunder and as authorized under any trust fund agreement or other conditions established under the permit to mine for which the financial assurance is provided, subject to the policies and procedures of the State Board of Investment.

(b) Investment strategies related to an account established under this section must be determined jointly by the commissioner of natural resources and the executive director of the State Board of Investment. The authorized investments for an account are the investments authorized under section 11A.24 that are made available for investment by the State Board of Investment.

(c) Investment transactions must be at a time and in a manner determined by the executive director of the State Board of Investment. Decisions to withdraw money from the account must be determined by the commissioner of natural resources, subject to the policies and procedures of the State Board of Investment. Investment earnings must be credited to the appropriate account for financial assurance under the identified permit to mine.

(d) An account may be terminated by the commissioner of natural resources at any time, so long as the termination is in accordance with applicable statutes and rules and any trust fund agreement or other conditions established under the permit to mine, subject to the policies and procedures of the State Board of Investment.

Sec. 2. Minnesota Statutes 2022, section 84.82, subdivision 2, is amended to read:

Subd. 2. Application, issuance, issuing fee. (a) Application for registration or reregistration shall be made to the commissioner or an authorized deputy registrar of motor vehicles in a format prescribed by the commissioner and shall state the legal name and address of every owner of the snowmobile.

(b) A person who purchases a snowmobile from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary 21-day registration permit to each purchaser who applies to the dealer for registration. The

temporary permit must contain the dealer's identification number and phone number. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number or a commissioner or deputy registrar temporary 21-day permit. The registration number must be printed on a registration decal issued by the commissioner or a deputy registrar. Once issued, the registration ~~number~~ decal must be affixed to the snowmobile in a clearly visible and permanent manner for enforcement purposes ~~as the commissioner of natural resources shall prescribe~~ according to subdivision 3b. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the temporary 21-day permit period. The registration is not valid unless signed by at least one owner.

(d) Each deputy registrar of motor vehicles acting pursuant to section 168.33 shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements.

(e) In addition to other fees prescribed by law, an issuing fee of \$4.50 is charged for each snowmobile registration renewal, duplicate or replacement registration card, and replacement decal, and an issuing fee of \$7 is charged for each snowmobile registration and registration transfer issued by:

(1) a registrar or a deputy registrar and must be deposited in the manner provided in section 168.33, subdivision 2; or

(2) the commissioner and must be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 3. Minnesota Statutes 2022, section 84.82, is amended by adding a subdivision to read:

Subd. 3b. Display of registration decal. (a) A person must not operate or transport a snowmobile in the state or allow another to operate the person's snowmobile in the state unless the snowmobile has its unexpired registration decal affixed to each side of the snowmobile and the decals are legible.

4.1 (b) The registration decal must be affixed:

4.2 (1) for snowmobiles made after June 30, 1972, in the areas provided by the manufacturer
4.3 under section 84.821, subdivision 2; and

4.4 (2) for all other snowmobiles, on each side of the cowling on the upper half of the
4.5 snowmobile.

4.6 (c) When any previously affixed registration decal is destroyed or lost, a duplicate must
4.7 be affixed in the same manner as provided in paragraph (b).

4.8 Sec. 4. Minnesota Statutes 2022, section 84.821, subdivision 2, is amended to read:

4.9 Subd. 2. **Area for registration number.** All snowmobiles made after June 30, 1972,
4.10 and sold in Minnesota, shall be designed and made to provide an area on which to affix the
4.11 registration number decal. ~~This area shall be at a location and of dimensions prescribed by~~
4.12 ~~rule of the commissioner.~~ A clear area must be provided on each side of the cowling with
4.13 a minimum size of 3-1/2 square inches and at least 12 inches from the ground when the
4.14 machine is resting on a hard surface.

4.15 Sec. 5. Minnesota Statutes 2022, section 84.86, subdivision 1, is amended to read:

4.16 Subdivision 1. **Required rules, fees, and reports.** (a) With a view of achieving maximum
4.17 use of snowmobiles consistent with protection of the environment the commissioner of
4.18 natural resources shall adopt rules in the manner provided by chapter 14, for the following
4.19 purposes:

4.20 (1) registration of snowmobiles ~~and display of registration numbers;~~

4.21 (2) use of snowmobiles insofar as game and fish resources are affected;

4.22 (3) use of snowmobiles on public lands and waters, or on grant-in-aid trails;

4.23 (4) uniform signs to be used by the state, counties, and cities, which are necessary or
4.24 desirable to control, direct, or regulate the operation and use of snowmobiles;

4.25 (5) specifications relating to snowmobile mufflers; and

4.26 (6) a comprehensive snowmobile information and safety education and training program;
4.27 ~~including that includes~~ but is not limited to ~~the preparation and dissemination of preparing~~
4.28 and disseminating snowmobile information and safety advice to the public, ~~the training of~~
4.29 snowmobile operators, and ~~the issuance of~~ issuing snowmobile safety certificates to
4.30 snowmobile operators who successfully complete the snowmobile safety education and
4.31 training course.

(b) For the purpose of administering ~~such~~ the program under paragraph (a), clause (6), and to defray expenses of training and certifying snowmobile operators, the commissioner shall collect a fee from each person who receives the youth or adult training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate snowmobile safety certificate. The commissioner shall establish both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails and enforcement account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for ~~the administration of such~~ administering the programs. In addition to the fee established by the commissioner, instructors may charge each person any fee paid by the instructor for the person's online training course and up to the established fee amount for class materials and expenses. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under ~~this paragraph (a), clause (6)~~. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

~~(7)~~ (c) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$500 or more, shall forward a written report of the accident to the commissioner on ~~such~~ a form as prescribed by the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 6. Minnesota Statutes 2022, section 84.992, subdivision 2, is amended to read:

Subd. 2. **Program.** The commissioner of natural resources shall develop and implement a program for the Minnesota Naturalist Corps that supports state parks and trails in providing interpretation of the natural and cultural features of state parks and trails in order to enhance

visitors' awareness, understanding, and appreciation of those features and encourages the wise and sustainable use of the environment.

Sec. 7. Minnesota Statutes 2022, section 84.992, subdivision 5, is amended to read:

Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist Corps if the person:

~~(1) is a permanent resident of the state;~~

~~(2) is a participant in an approved college internship program in a field related to natural resources, cultural history, interpretation, or conservation; and~~

~~(3) has completed at least one year of postsecondary education.~~

Sec. 8. Minnesota Statutes 2022, section 85.015, subdivision 10, is amended to read:

Subd. 10. **Luce Line Trail, Hennepin, McLeod, and Meeker Counties.** (a) The trail shall originate at Gleason Lake in Plymouth Village, Hennepin County, ~~and shall follow the route of the Chicago Northwestern Railroad, and include a connection to Greenleaf Lake State Recreation Area.~~

(b) The trail shall be developed for multiuse wherever feasible. The department shall cooperate in maintaining its integrity for modes of use consistent with local ordinances.

(c) In establishing, developing, maintaining, and operating the trail, the commissioner shall cooperate with local units of government and private individuals and groups. Before acquiring any parcel of land for the trail, the commissioner of natural resources shall develop a management program for the parcel and conduct a public hearing on the proposed management program in the vicinity of the parcel to be acquired. The management program of the commissioner shall include but not be limited to the following:

(1) fencing of portions of the trail where necessary to protect adjoining landowners; and

(2) ~~the maintenance of~~ maintaining the trail in a ~~litter-free~~ litter-free condition to the extent practicable.

(d) The commissioner shall not acquire any of the right-of-way of the Chicago Northwestern Railway Company until the abandonment of the line described in this subdivision has been approved by the Surface Transportation Board or the former Interstate Commerce Commission. Compensation, in addition to the value of the land, shall include improvements made by the railroad, including but not limited to, bridges, trestles, public road crossings, or any portion thereof, it being the desire of the railroad that such

improvements be included in the conveyance. The fair market value of the land and improvements shall be recommended by two independent appraisers mutually agreed upon by the parties. The fair market value thus recommended shall be reviewed by a review appraiser agreed to by the parties, and the fair market value thus determined, and supported by appraisals, may be the purchase price. The commissioner may exchange lands with landowners abutting the right-of-way described in this section to eliminate diagonally shaped separate fields.

Sec. 9. Minnesota Statutes 2022, section 85.052, subdivision 6, is amended to read:

Subd. 6. **State park reservation system.** (a) The commissioner may, by written order, develop reasonable reservation policies for ~~campsites and other~~ using camping, lodging, and day-use facilities and for tours, educational programs, seminars, events, and rentals.

The policies are exempt from the rulemaking provisions under chapter 14, and section 14.386 does not apply.

(b) The revenue collected from the state park reservation fee established under subdivision 5, including interest earned, ~~shall~~ must be deposited in the state park account in the natural resources fund and is annually appropriated to the commissioner for the cost of operating the state park reservation and point-of-sale system.

Sec. 10. Minnesota Statutes 2022, section 90.181, subdivision 2, is amended to read:

Subd. 2. **Deferred payments.** (a) If the amount of the statement is not paid or the payment is not postmarked within 30 days of the statement date thereof, it shall bear, the amount bears interest at the rate determined pursuant to section 16A.124, except that the purchaser ~~shall not be~~ is not required to pay interest that totals \$1 or less. If the amount is not paid within 60 days, the commissioner shall place the account in the hands of the commissioner of revenue according to chapter 16D, who shall proceed to collect the ~~same~~ amount due. When deemed in the best interests of the state, the commissioner shall take possession of the timber for which an amount is due wherever it may be found and sell the ~~same~~ timber informally or at public auction after giving reasonable notice.

(b) The proceeds of the sale ~~shall~~ must be applied, first, to the payment of the expenses of seizure and sale; and, second, to the payment of the amount due for the timber, with interest; ~~and~~. The surplus, if any, ~~shall belong~~ belongs to the state; ~~and~~. In case a sufficient amount is not realized to pay these amounts in full, the balance ~~shall~~ must be collected by the attorney general. ~~Neither~~ Payment of the amount, ~~nor the~~ recovery of judgment ~~therefor~~

8.1 for the amount, nor satisfaction of the judgment, ~~nor the~~ or seizure and sale of timber, ~~shall~~
8.2 does not:

8.3 (1) release the sureties on any security deposit given pursuant to this chapter, ~~or;~~

8.4 (2) preclude the state from afterwards claiming that the timber was cut or removed
8.5 contrary to law and recovering damages for the trespass thereby committed; or

8.6 (3) preclude the state from prosecuting the offender criminally.

8.7 Sec. 11. Minnesota Statutes 2022, section 97A.031, is amended to read:

8.8 **97A.031 WANTON WASTE.**

8.9 (a) Unless expressly allowed, a person may not wantonly waste or destroy a usable part
8.10 of a protected wild animal.

8.11 (b) This section does not apply to common carp.

8.12 Sec. 12. Minnesota Statutes 2022, section 97A.126, is amended to read:

8.13 **97A.126 WALK-IN ACCESS PROGRAM.**

8.14 Subdivision 1. **Establishment.** A walk-in access program is established to provide public
8.15 access to wildlife habitat on private land for hunting, bird-watching, nature photography,
8.16 and similar compatible uses, excluding trapping, as provided under this section. The
8.17 commissioner may enter into agreements with other units of government and landowners
8.18 to provide private land hunting access.

8.19 Subd. 2. **Use of enrolled lands.** (a) From September 1 to May 31, a person must have
8.20 a walk-in access ~~hunter~~ validation in possession to hunt, photograph, and watch wildlife on
8.21 private lands, including agricultural lands, that are posted as being enrolled in the walk-in
8.22 access program.

8.23 (b) Hunting, bird-watching, nature photography, and similar compatible uses on private
8.24 lands that are posted as enrolled in the walk-in access program is allowed from one-half
8.25 hour before sunrise to one-half hour after sunset.

8.26 (c) ~~Hunter~~ Access on private lands that are posted as enrolled in the walk-in access
8.27 program is restricted to nonmotorized use, except by ~~hunters~~ persons with disabilities
8.28 operating motor vehicles on established trails or field roads who possess a valid permit to
8.29 shoot from a stationary vehicle under section 97B.055, subdivision 3.

8.30 (d) The general provisions for use of wildlife management areas adopted under sections
8.31 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats,

firearms and target shooting, hunting stands, abandonment of trash and property, destruction or removal of property, introduction of plants or animals, and animal trespass, apply to ~~hunters on~~ use of lands enrolled in the walk-in access program.

(e) Any use of enrolled lands other than ~~hunting according to~~ use authorized under this section is prohibited, including:

(1) harvesting bait, including minnows, leeches, and other live bait;

(2) training dogs or using dogs for activities other than hunting; and

(3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind, or other structure, unless constructed or maintained by the landowner.

Subd. 3. **Walk-in-access ~~hunter~~ validation; fee.** The fee for a walk-in-access ~~hunter~~ validation is \$3.

Sec. 13. Minnesota Statutes 2022, section 97A.137, subdivision 3, is amended to read:

Subd. 3. **Use of motorized vehicles by ~~disabled hunters~~ people with disabilities.** The commissioner may ~~issue~~ provide an accommodation by issuing a special permit, without a fee, authorizing a ~~hunter~~ person with a ~~permanent physical~~ disability to use a ~~snowmobile, highway-licensed vehicle, all-terrain vehicle, an other power-driven mobility device, as defined under Code of Federal Regulations, title 28, section 35.104, or a motor boat in~~ wildlife management areas. To qualify for a permit under this subdivision, the ~~disabled~~ person must ~~possess;~~ provide credible assurance to the commissioner that the device or motor boat is used because of a disability.

~~(1) the required hunting licenses; and~~

~~(2) a permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.~~

Sec. 14. Minnesota Statutes 2022, section 97A.401, subdivision 1, is amended to read:

Subdivision 1. **Commissioner's authority.** The commissioner may issue special permits for the activities in this section. A special permit may be issued in the form of a general permit to a governmental subdivision or to the general public to conduct one or more activities under subdivisions 2 to ~~8~~ 9.

10.1 Sec. 15. Minnesota Statutes 2022, section 97A.401, is amended by adding a subdivision
10.2 to read:

10.3 Subd. 9. **Taking wild animals with federal incidental take permit.** The commissioner
10.4 must prescribe conditions for and may issue a permit to a person for taking wild animals
10.5 during activities covered under a federal incidental take permit issued under section
10.6 10(a)(1)(B) of the federal Endangered Species Act, including to a landowner for taking wild
10.7 animals during activities covered by a certificate of inclusion issued by the commissioner
10.8 under Code of Federal Regulations, title 50, section 13.25(e).

10.9 Sec. 16. Minnesota Statutes 2022, section 97A.405, subdivision 5, is amended to read:

10.10 Subd. 5. **Resident licenses.** (a) To obtain a resident license, a resident an individual 21
10.11 years of age or older must be a resident and:

10.12 (1) possess a current Minnesota driver's license or a valid application receipt for a driver's
10.13 license that is at least 60 days past the issuance date;

10.14 (2) possess a current identification card issued by the commissioner of public safety or
10.15 a valid application receipt for an identification card that is at least 60 days past the issuance
10.16 date; or

10.17 (3) present evidence showing proof of residency in cases when clause (1) or (2) would
10.18 violate the Religious Freedom Restoration Act of 1993, Public Law 103-141; or

10.19 (4) possess a Tribal identification card as provided in paragraph (b).

10.20 (b) For purposes of this subdivision, "Tribal identification card" means an unexpired
10.21 identification card as provided under section 171.072, paragraphs (b) and (c). The Tribal
10.22 identification card:

10.23 (1) must contain the enrolled Tribal member's Minnesota residence address; and

10.24 (2) may be used to obtain a resident license under paragraph (a) only if the Tribal member
10.25 does not have a current driver's license or state identification card in any state.

10.26 (c) A person must not have applied for, purchased, or accepted a resident hunting, fishing,
10.27 or trapping license issued by another state or foreign country within 60 days before applying
10.28 for a resident license under this section.

11.1 Sec. 17. Minnesota Statutes 2022, section 97B.071, is amended to read:

11.2 **97B.071 CLOTHING AND GROUND BLIND REQUIREMENTS; BLAZE**
11.3 **ORANGE OR BLAZE PINK.**

11.4 (a) Except as provided in rules adopted under paragraph ~~(e)~~ (d), a person may not hunt
11.5 or trap during the open season where deer may be taken by firearms under applicable laws
11.6 and ordinances, unless the visible portion of the person's cap and outer clothing above the
11.7 waist, excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze
11.8 pink includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within
11.9 each foot square. This section does not apply to migratory-waterfowl hunters on waters of
11.10 this state or in a stationary shooting location or to trappers on waters of this state.

11.11 (b) Except as provided in rules adopted under paragraph ~~(e)~~ (d), and in addition to the
11.12 requirement in paragraph (a), a person may not take small game other than turkey, migratory
11.13 birds, raccoons, and predators, except while trapping, unless a visible portion of at least one
11.14 article of the person's clothing above the waist is blaze orange or blaze pink. This paragraph
11.15 does not apply to a person when in a stationary location while hunting deer by archery or
11.16 when hunting small game by falconry.

11.17 (c) A person in a fabric or synthetic ground blind on public land must have:

11.18 (1) a blaze orange or blaze pink safety covering on the top of the blind that is visible for
11.19 360 degrees around the blind; or

11.20 (2) at least 144 square inches of blaze orange or blaze pink material on each side of the
11.21 blind.

11.22 ~~(e)~~ (d) The commissioner may, by rule, prescribe an alternative color in cases where
11.23 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public
11.24 Law 103-141.

11.25 ~~(d)~~ (e) A violation of paragraph (b) ~~shall~~ does not result in a penalty, but is punishable
11.26 only by a safety warning.

11.27 Sec. 18. Minnesota Statutes 2022, section 97B.301, subdivision 2, is amended to read:

11.28 Subd. 2. **Limit of one deer.** A person may obtain one regular firearms season deer
11.29 license, one muzzleloader season deer license, and one archery season deer license in the
11.30 same license year, but may not ~~tag~~ take more than one deer except as provided in subdivisions
11.31 3 and 4.

12.1 Sec. 19. Minnesota Statutes 2022, section 97B.301, subdivision 6, is amended to read:

12.2 Subd. 6. **Residents or nonresidents under age 18; taking either-sex deer.** A resident
12.3 or nonresident under the age of 18 may take a deer of either sex except in those antlerless
12.4 permit areas and seasons where no antlerless permits are offered. In antlerless permit areas
12.5 where no antlerless permits are offered, the commissioner may provide a limited number
12.6 of youth either sex permits to residents or nonresidents under age 18, under the procedures
12.7 provided in section 97B.305, and may give preference to residents or nonresidents under
12.8 the age of 18 that have not previously been selected. This subdivision does not authorize
12.9 the taking of ~~an antlerless~~ a deer by another member of a party under subdivision 3.

12.10 Sec. 20. Minnesota Statutes 2022, section 97B.318, subdivision 1, is amended to read:

12.11 Subdivision 1. **Shotgun use area.** During ~~the regular~~ any firearms season in the shotgun
12.12 use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading
12.13 long guns, and legal handguns may be used for taking deer. Legal shotguns include those
12.14 with rifled barrels. The shotgun use area is that portion of the state lying within the following
12.15 described boundary: Beginning on the west boundary of the state at the northern boundary
12.16 of Clay County; thence along the northern boundary of Clay County to State Trunk Highway
12.17 (STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94
12.18 (I-94); thence along I-94 to County State-Aid Highway (CSAH) 40, Douglas County; thence
12.19 along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas
12.20 County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to
12.21 CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to
12.22 CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd
12.23 County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH
12.24 27; thence along STH 27 to the Mississippi River; thence along the east bank of the
12.25 Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to
12.26 U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence
12.27 along the east, south, and west boundaries of the state to the point of beginning.

12.28 Sec. 21. Minnesota Statutes 2022, section 97B.516, is amended to read:

12.29 **97B.516 PLAN FOR ELK MANAGEMENT.**

12.30 ~~(a)~~ The commissioner of natural resources must adopt an elk management plan that:

12.31 (1) recognizes the value and uniqueness of elk;

(2) provides for integrated management of an elk population in harmony with the environment; and

(3) affords optimum recreational opportunities.

~~(b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd in Kittson, Roseau, Marshall, or Beltrami Counties in a manner that would increase the size of the herd, including adoption or implementation of an elk management plan designed to increase an elk herd, unless the commissioner of agriculture verifies that crop and fence damages paid under section 3.7371 and attributed to the herd have not increased for at least two years.~~

~~(c) At least 60 days prior to implementing a plan to increase an elk herd, the commissioners of natural resources and agriculture must hold a joint public meeting in the county where the elk herd to be increased is located. At the meeting, the commissioners must present evidence that crop and fence damages have not increased in the prior two years and must detail the practices that will be used to reduce elk conflicts with area landowners.~~

Sec. 22. Minnesota Statutes 2022, section 97B.668, is amended to read:

97B.668 ~~GAME BIRDS~~ ANIMALS CAUSING DAMAGE.

Subdivision 1. Game birds causing damage. Notwithstanding sections 97B.091 and 97B.805, subdivisions 1 and 2, a person or agent of that person on lands and nonpublic waters owned or operated by the person may nonlethally scare, haze, chase, or harass game birds that are causing property damage or to protect a disease risk at any time or place that a hunting season for the game birds is not open. This section does not apply to public waters as defined under section 103G.005, subdivision 15. This section does not apply to migratory waterfowl on nests and other federally protected game birds on nests, except ducks and geese on nests when a permit is obtained under section 97A.401.

Subd. 2. Deer and elk causing damage. (a) Notwithstanding section 97B.091, a property owner, the property owner's immediate family member, or an agent of the property owner may nonlethally scare, haze, chase, or harass deer or elk that are causing damage to agricultural crops that are propagated under generally accepted agricultural practices.

(b) Paragraph (a) applies only:

(1) in the immediate area of the crop damage; and

(2) during the closed season for taking deer or elk.

(c) Paragraph (a) does not allow:

- 14.1 (1) using poisons;
- 14.2 (2) using dogs;
- 14.3 (3) conduct that drives a deer or elk to the point of exhaustion;
- 14.4 (4) activities that require a permit under section 97A.401; or
- 14.5 (5) conduct that causes the death of or that is likely to cause the death of a deer or elk.
- 14.6 (d) A property owner or the owner's agent must report the death of a deer or elk to staff
- 14.7 in the Division of Fish and Wildlife within 24 hours of the death if the death resulted from
- 14.8 actions taken under paragraph (a).

14.9 Sec. 23. Minnesota Statutes 2022, section 97C.041, is amended to read:

14.10 **97C.041 COMMISSIONER MAY REMOVE ROUGH FISH AND CATFISH.**

14.11 The commissioner may take rough fish, ~~lake whitefish,~~ and rainbow smelt with seines,

14.12 nets, and other devices. ~~The commissioner may also take catfish with seines, nets, and other~~

14.13 ~~devices on the Minnesota-Wisconsin boundary waters.~~ The commissioner may hire or

14.14 contract persons, or issue permits, to take the fish. The commissioner shall prescribe the

14.15 manner of taking and disposal. The commissioner may award a contract under this section

14.16 without competitive bidding. Before establishing the contractor's compensation, the

14.17 commissioner must consider the qualifications of the contractor, including the contractor's

14.18 equipment, knowledge of the waters, and ability to perform the work.

14.19 Sec. 24. Minnesota Statutes 2022, section 97C.315, subdivision 1, is amended to read:

14.20 Subdivision 1. **Lines.** An angler may not use more than one line, except that:

- 14.21 (1) two lines may be used to take fish through the ice; ~~and~~
- 14.22 (2) the commissioner may, by rule, authorize the use of two lines in areas designated by
- 14.23 the commissioner in Lake Superior; and
- 14.24 (3) two lines may be used in the Minnesota River downstream of the Granite Falls Dam
- 14.25 and in the Mississippi River downstream of St. Anthony Falls.

14.26 Sec. 25. Minnesota Statutes 2022, section 97C.345, subdivision 1, is amended to read:

14.27 Subdivision 1. **When use prohibited.** Except as specifically authorized, a person may

14.28 not take fish with a spear from the third Monday in February to the Friday before the last

14.29 Saturday in April and may not take fish with a fish trap, net, dip net, seine, or other device

14.30 capable of taking fish from the third Monday in February ~~to~~ through April 30.

15.1 Sec. 26. **[97C.348] FELT-SOLED WADERS.**

15.2 Using felt-soled waders is prohibited in waters of the state. For purposes of this section
15.3 "felt-soled waders" means boots or shoes that have water-absorbing material affixed to the
15.4 soles or bottoms.

15.5 Sec. 27. Minnesota Statutes 2022, section 97C.371, subdivision 1, is amended to read:

15.6 Subdivision 1. **Species allowed.** Only rough fish, catfish, lake whitefish, cisco (tulibee),
15.7 and northern pike may be taken by spearing.

15.8 Sec. 28. Minnesota Statutes 2022, section 97C.371, subdivision 2, is amended to read:

15.9 Subd. 2. **Dark houses required for certain species.** Catfish, lake whitefish, cisco
15.10 (tulibee), and northern pike may be speared only from dark houses.

15.11 Sec. 29. Minnesota Statutes 2022, section 97C.371, subdivision 4, is amended to read:

15.12 Subd. 4. **Open season.** The open season for spearing through the ice is November 15
15.13 ~~to~~ through the last Sunday in February.

15.14 Sec. 30. Minnesota Statutes 2022, section 97C.395, subdivision 1, is amended to read:

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

15.17 (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth
15.18 bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend ~~to~~ through
15.19 the last Sunday in February;

15.20 (2) for lake trout, from January 1 ~~to~~ through October 31;

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

15.24 (4) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and
15.25 splake on all lakes located entirely within the Boundary Waters Canoe Area, from January
15.26 1 ~~to~~ through March 31;

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

16.1 (6) for salmon, as prescribed by the commissioner by rule.

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

16.4 Sec. 31. Minnesota Statutes 2022, section 97C.601, subdivision 1, is amended to read:

16.5 Subdivision 1. **Season.** The open season for frogs is May 16 ~~to~~ through March 31. The
16.6 commissioner may, by rule, establish closed seasons in specified areas.

16.7 Sec. 32. Minnesota Statutes 2022, section 97C.836, is amended to read:

16.8 **97C.836 LAKE SUPERIOR LAKE TROUT; EXPANDED ASSESSMENT**
16.9 **HARVEST.**

16.10 The commissioner shall provide for taking of lake trout by licensed commercial operators
16.11 in Lake Superior management zones MN-3 and MN-2 for expanded assessment and sale.
16.12 The commissioner shall authorize expanded assessment taking and sale of lake trout in Lake
16.13 Superior management zone MN-3 beginning annually in 2007 and zone MN-2 beginning
16.14 annually in 2010. Total assessment taking and sale may not exceed 3,000 lake trout in zone
16.15 MN-3 and 2,000 lake trout in zone MN-2 and may be reduced when necessary to protect
16.16 the lake trout population or to manage the effects of invasive species or fish disease. Taking
16.17 lake trout for expanded assessment and sale shall be allowed from June 1 ~~to~~ through
16.18 September 30, but may end earlier in the respective zones if the quotas are reached. The
16.19 quotas must be reassessed at the expiration of the current ten-year Fisheries Management
16.20 Plan for the Minnesota Waters of Lake Superior.

16.21 Sec. 33. Minnesota Statutes 2022, section 103G.301, subdivision 6, is amended to read:

16.22 Subd. 6. **Filing application.** An application for a permit must be filed with the
16.23 commissioner ~~and~~. If the proposed activity for which the permit is requested is within a
16.24 municipality, ~~or~~ is within or affects a watershed district or a soil and water conservation
16.25 district, or is within the boundaries of a reservation or Tribal community of a federally
16.26 recognized Indian Tribe in Minnesota, a copy of the application with maps, plans, and
16.27 specifications must be served on the mayor of the municipality, the secretary of the board
16.28 of managers of the watershed district, ~~and~~ the secretary of the board of supervisors of the
16.29 soil and water conservation district, or the Tribal chair of the federally recognized Indian
16.30 Tribe, as applicable. For purposes of this section, "federally recognized Indian Tribe" means
16.31 the Minnesota Tribal governments listed in section 10.65, subdivision 2.

17.1 Sec. 34. Minnesota Statutes 2022, section 103G.301, subdivision 7, is amended to read:

17.2 Subd. 7. **Recommendation of local units of government and federally recognized**

17.3 **Indian Tribes.** (a) If the proposed activity for which the permit is requested is within a

17.4 municipality, or is within or affects a watershed district or a soil and water conservation

17.5 district, the commissioner may obtain a written recommendation of the managers of the

17.6 district and the board of supervisors of the soil and water conservation district or the mayor

17.7 of the municipality before issuing or denying the permit.

17.8 (b) The managers, supervisors, or mayor must file a recommendation within 30 days

17.9 after receiving of a copy of the application for permit.

17.10 (c) If the proposed activity for which the permit is requested is within the boundaries of

17.11 a reservation or Tribal community of a federally recognized Indian Tribe in Minnesota, the

17.12 federally recognized Indian Tribe may:

17.13 (1) submit recommendations to the commissioner within 30 days of receiving the

17.14 application; or

17.15 (2) request Tribal consultation according to section 10.65 within 30 days of receiving

17.16 the application.

17.17 (d) If Tribal consultation is requested under paragraph (c), clause (2), a permit application

17.18 is not complete until after the consultation occurs or 90 days after the request for consultation

17.19 is made, whichever is sooner.

17.20 Sec. 35. **REQUIRED RULEMAKING.**

17.21 Subdivision 1. **Snowmobile registration.** (a) The commissioner of natural resources

17.22 must amend Minnesota Rules as follows:

17.23 (1) part 6100.5000, subpart 1, by striking the last sentence and inserting "The registration

17.24 number remains the same if renewed by July 1 following the expiration date."; and

17.25 (2) part 6100.5700, subpart 1, item C, by striking the reference to registration numbers.

17.26 (b) The commissioner may use the good-cause exemption under Minnesota Statutes,

17.27 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota

17.28 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section

17.29 14.388.

17.30 Subd. 2. **Walk-in access program.** The commissioner of natural resources must amend

17.31 Minnesota Rules, part 6230.0250, subpart 10, item A, subitem (2), to replace the word

17.32 "hunter" with "person." The commissioner may use the good cause exempt rulemaking

18.1 procedure under Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota
18.2 Statutes, section 14.386, does not apply.

18.3 Sec. 36. **REGISTRATION DECAL FORMAT TRANSITION.**

18.4 Separately displaying registration numbers is not required when a larger-format
18.5 registration decal as provided under section 2 is displayed according to section 3.
18.6 Snowmobiles displaying valid but older, smaller-format registration decals must display
18.7 the separate registration numbers. Persons may obtain duplicate registration decals in the
18.8 new, larger format, when available, without being required to display the separate registration
18.9 numbers.

18.10 Sec. 37. **REPEALER.**

18.11 (a) Minnesota Statutes 2022, section 97C.055, is repealed.

18.12 (b) Minnesota Rules, parts 6100.5000, subparts 3, 4, and 5; and 6100.5700, subpart 4,
18.13 are repealed.

APPENDIX
Repealed Minnesota Statutes: 23-00238

97C.055 REMOVING DEAD FISH.

The commissioner shall remove and dispose of dead fish that accumulate in or upon the shores of public waters in quantities that are a public nuisance or are detrimental to game fish.

6100.5000 SNOWMOBILE REGISTRATION AND DISPLAY OF NUMBERS.

Subp. 3. **Affixation of number.** The registration number of the snowmobile, shown on the registration certificate, shall be affixed to the snowmobile and maintained in a clear, legible manner. On all machines made after June 30, 1972, and sold in Minnesota, such registration number shall be affixed in the space provided therefor in accordance with part 6100.5700, subpart 4. On all other machines it shall be affixed on each side of the cowling on the upper half of the machine, as follows.

[Image Not Shown]

Subp. 4. **Description of decal or number; lost or destroyed number or decal.** All letters and numbers shall be of a color which will contrast with the surface to which applied, and shall be at least three inches high and three-eighths inch stroke. When any previously affixed registration number or decal is destroyed or lost, a duplicate shall be affixed in the manner shown above. The registration number shall remain the same if renewed by July 1 following the expiration date.

Subp. 5. **General prohibition.** No person shall operate or transport, and no person shall permit the operation of, a snowmobile within this state which does not have its registration number and unexpired decal affixed in the form and manner required by this part, unless the owner is exempted from the registration requirements of this state by Minnesota Statutes, section 84.82.

6100.5700 REQUIRED EQUIPMENT.

Subp. 4. **Snowmobile registration number affixation.** All snowmobiles made after June 30, 1972, and sold in Minnesota, shall be designed and made to provide an area on which to affix the snowmobile registration number at the following location and of the following dimensions:

A. A clear area shall be provided on each side of the cowling or pan with the minimum size of 3-1/2 inches vertical by 11 inches horizontal.

B. It shall be a minimum of 12 inches from the ground when the machine is resting on a hard surface.