

the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington shall obtain the capability to offer CLASS services in those counties by January 1, 1995, unless the commission approves an extension to a date certain.

Sec. 6. **REPEALER.**

Minnesota Statutes 1992, section 237.59, subdivision 7, is repealed.

Presented to the governor May 15, 1993

Signed by the governor May 19, 1993, 8:30 a.m.

CHAPTER 269—H.F.No. 1114

An act relating to game and fish; funding for wildlife habitat; defining terms; possession of firearms in deer zones; stamp design; financing waterfowl development; shipment of wild animals taken in Canada; training of hunting dogs; transportation of firearms by disabled hunters; clothing requirements; firearms permits for disabled; taking of deer; nonresident fish house license fees; seasons for taking raccoon, muskrat, mink, otter, and beaver; seasons for and tagging of fur-bearing animals; ice fishing contests in conjunction with raffles; rough fish taking by nonresidents; importation of minnows; taking, possession, transportation, sale, and purchase of mussels; use of certain appropriated funds; amending Minnesota Statutes 1992, sections 86B.305, subdivisions 1 and 2; 97A.015, subdivision 49, and by adding a subdivision; 97A.045, subdivision 7; 97A.531; 97B.005, subdivisions 2 and 3; 97B.041; 97B.045; 97B.071; 97B.111; 97B.211, subdivision 1; 97B.301, subdivision 4, and by adding a subdivision; 97B.311; 97B.621, subdivision 1; 97B.901; 97B.911; 97B.915; 97B.921; 97B.925; 97C.081, by adding a subdivision; 97C.375; 97C.515, by adding a subdivision; 97C.701, subdivision 1, and by adding a subdivision; 97C.705, subdivision 1; and 97C.711; proposing coding for new law in Minnesota Statutes, chapters 84; and 97A; repealing Minnesota Statutes 1992, sections 97A.541; and 97C.701, subdivisions 2, 3, 4, and 5.

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

Section 1. **[84.0845] ADVANCE OF MATCHING FUNDS.**

The commissioner may advance funds appropriated for fish and wildlife programs to government agencies, the National Fish and Wildlife Foundation, federally recognized Indian tribes and bands, and private, nonprofit organizations for the purposes of securing nonstate matching funds for projects involving acquisition and improvement of fish and wildlife habitat and related research and management. The commissioner shall execute agreements for contracts with the matching parties under section 16B.06 prior to advancing any state funds. The agreement or contract shall contain provisions for return of the state's share and the matching funds within a period of time specified by the commissioner. The state's funds and the nonstate matching funds must be deposited in a separate account and expended solely for the purposes set forth in the agreement or contract. The commissioner shall enter into agreements or contracts only with

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the National Fish and Wildlife Foundation and federal and nonprofit authorities deemed by the commissioner to be dedicated to the purposes of the project.

Sec. 2. Minnesota Statutes 1992, section 86B.305, subdivision 1, is amended to read:

Subdivision 1. **UNDER AGE 13.** Except in case of an emergency, a person under age 13 may not operate or be allowed to operate a watercraft propelled by a motor with a factory rating of more than ~~24~~ 30 horsepower unless there is present in the watercraft, in addition to the operator, the operator's parent or legal guardian or at least one person of the age 18 or older.

Sec. 3. Minnesota Statutes 1992, section 86B.305, subdivision 2, is amended to read:

Subd. 2. **AGE 13 TO 17; PERMIT REQUIRED.** Except as provided in this subdivision, a person age 13 or older and younger than age 18 may not operate a motorboat powered by a motor over ~~24~~ 30 horsepower without possessing a valid watercraft operator's permit from this state or from the operator's state of residence unless there is a person age 18 or older in the motorboat.

Sec. 4. Minnesota Statutes 1992, section 97A.015, is amended by adding a subdivision to read:

Subd. 26a. IN-THE-ROUND. "In-the-round" means fish with heads, tails, fins, skins, and scales intact.

Sec. 5. Minnesota Statutes 1992, section 97A.015, subdivision 49, is amended to read:

Subd. 49. **UNDRESSED BIRD.** "Undressed bird" means:

(1) a bird, excluding migratory waterfowl, pheasant, Hungarian partridge, or grouse, with feet and feathered head intact; ~~or~~

(2) a migratory waterfowl with a fully feathered wing and head attached; ~~or~~

(3) a pheasant, Hungarian partridge, or grouse with one leg and foot or the fully feathered head or wing intact.

Sec. 6. Minnesota Statutes 1992, section 97A.045, subdivision 7, is amended to read:

Subd. 7. **DUTY TO ENCOURAGE STAMP DESIGN AND PURCHASES.** (a) The commissioner shall encourage the purchase of:

(1) Minnesota migratory waterfowl stamps by nonhunters interested in the migratory waterfowl preservation and habitat development;

(2) pheasant stamps by persons interested in pheasant habitat improvement; and

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(3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement.

(b) The commissioner shall make rules governing contests for selecting a design for each stamp.

Sec. 7. [97A.127] FINANCING WATERFOWL DEVELOPMENT.

The commissioner may use funds appropriated for fish and wildlife programs for the purpose of developing, preserving, restoring, and maintaining waterfowl breeding grounds in Canada under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. The commissioner may execute agreements and contracts if the commissioner determines that use of the funds will benefit the migration of waterfowl into the state.

Sec. 8. Minnesota Statutes 1992, section 97A.531, is amended to read:

97A.531 SHIPMENT OF WILD ANIMALS TAKEN IN CANADA.

Subdivision 1. SHIPPING COUPONS. A person may ship, within or out of the state, wild animals lawfully taken and possessed in Canada and that have lawfully entered the state. The shipment must have the shipping coupons required for a shipment originating in the province where the animals were taken.

Subd. 2. CONDITION OF FISH. Fish that are lawfully taken and possessed in Canada ~~may~~ must be brought into the state ~~for filleting and packing and in-the-round. A violation of this subdivision is a misdemeanor, and in addition to any criminal penalty imposed, fish brought into or transported within the state contrary to this subdivision must be confiscated, and a penalty of \$10 for each fish must be imposed.~~

Subd. 3. TRANSPORTATION. Fish lawfully taken in Canada may be transported within the state or out of the state by a nonresident, and by a resident possessing a Minnesota angling license.

Subd. 4. NOTICE. Any advertisement of fishing resorts or facilities in Canada in printed or broadcast form originating or distributed within the state must contain a summary of the requirement of subdivision 2, and penalty for non-compliance.

Subd. 5. CONDITIONS SUSPENDED. The commissioner of natural resources may suspend the requirements of subdivisions 2, 3, and 4 whenever Canadian laws or regulations imposing certain fees known as DAVT, or the "daily angling validation tag" are repealed, rescinded, or modified.

Sec. 9. Minnesota Statutes 1992, section 97B.005, subdivision 2, is amended to read:

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Subd. 2. **RESTRICTION ON AMMUNITION WHILE TRAINING.** A person ~~that is~~ training a dog afield and carrying a firearm may only have blank cartridges and shells in personal possession when the season is not open for any game bird, except as provided in subdivision 3.

Sec. 10. Minnesota Statutes 1992, section 97B.005, subdivision 3, is amended to read:

Subd. 3. **PERMITS FOR ORGANIZATIONS AND INDIVIDUALS TO USE GAME BIRDS AND FIREARMS.** The commissioner may issue special permits, without a fee, to organizations and individuals to use firearms and live ammunition on domesticated birds or banded game birds from game farms for holding field trials and training retrieving hunting dogs.

Sec. 11. Minnesota Statutes 1992, section 97B.041, is amended to read:

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

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

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

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

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

(4) a handgun or rifle and only short, long, and long rifle cartridges that are caliber of .22 inches;

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

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

Sec. 12. Minnesota Statutes 1992, section 97B.045, is amended to read:

97B.045 TRANSPORTATION OF FIREARMS.

Subdivision 1. RESTRICTIONS. A person may not transport a firearm in a motor vehicle unless the firearm is:

(1) unloaded and in a gun case expressly made to contain a firearm, and the

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case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;

- (2) unloaded and in the closed trunk of a motor vehicle; or
- (3) a handgun carried in compliance with sections 624.714 and 624.715.

Subd. 2. EXCEPTION FOR DISABLED PERSONS. The restrictions in subdivision 1 do not apply to a disabled person if:

- (1) the person possesses a permit under section 97B.055, subdivision 3;
- (2) the person is participating in a hunt sponsored by a nonprofit organization under a permit from the commissioner or is hunting on property owned or leased by the person; and
- (3) the firearm is not loaded in the chamber until the vehicle is stationary, or is a hinge action firearm with the action open until the vehicle is stationary.

Sec. 13. Minnesota Statutes 1992, section 97B.071, is amended to read:

97B.071 RED OR BLAZE ORANGE REQUIREMENTS.

A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is bright red or blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location.

Sec. 14. Minnesota Statutes 1992, section 97B.111, is amended to read:

97B.111 SPECIAL FIREARM HUNTING SEASONS FOR PHYSICALLY DISABLED.

Subdivision 1. ESTABLISHMENT; REQUIREMENTS. The commissioner may establish criteria, special seasons, and limits for persons who have a physical disability to take big game and small game with firearms and by archery in designated areas. A person hunting under this section who has a physical disability must have a verified statement of the disability by a licensed physician and must be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under subdivision 2. A license is not required for a person to assist a physically disabled person hunting during a special season under this section.

Subd. 2. PERMIT FOR ORGANIZATION. (a) The commissioner may issue a special permit without a fee to a nonprofit organization to provide an assisted hunting opportunity to physically disabled hunters. The assisted hunting opportunity may take place:

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(1) in areas designated by the commissioner under subdivision 1; or

(2) on private property or a licensed shooting preserve.

(b) The sponsoring organization shall provide a physically capable person to assist each disabled hunter with safety-related aspects of hunting.

(c) The commissioner may impose reasonable permit conditions.

Sec. 15. Minnesota Statutes 1992, section 97B.211, subdivision 1, is amended to read:

Subdivision 1. **POSSESSION OF FIREARMS PROHIBITED.** (a) Except as provided in paragraph (b), a person may not take big game by archery while in possession of a firearm.

(b) A person may take bear by archery while in possession of a handgun specified in section 97B.031, subdivision 1.

Sec. 16. Minnesota Statutes 1992, section 97B.301, subdivision 4, is amended to read:

Subd. 4. **TAKING ~~TWO MORE THAN ONE~~ DEER.** The commissioner may, by rule, allow a person to take ~~two more than one~~ deer. The commissioner shall prescribe the conditions for taking the ~~second~~ additional deer including:

(1) taking by firearm or archery;

(2) obtaining ~~an~~ additional ~~license~~ licenses; and

(3) payment of a fee not more than the fee for a firearms deer license; and

(4) the total number of deer that an individual may take.

Sec. 17. Minnesota Statutes 1992, section 97B.301, is amended by adding a subdivision to read:

Subd. 6. RESIDENTS UNDER AGE 16 MAY TAKE DEER OF EITHER SEX. (a) A resident under the age of 16 may take a deer of either sex. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

(b) This subdivision is repealed effective December 31, 1994.

Sec. 18. Minnesota Statutes 1992, section 97B.311, is amended to read:

97B.311 DEER SEASONS AND RESTRICTIONS.

(a) The commissioner may, by rule, prescribe restrictions and designate areas where deer may be taken. The commissioner may, by rule, prescribe the open seasons for deer within the following periods:

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(1) taking with firearms, other than muzzle-loading firearms, between November 1 and December 15;

(2) taking with muzzle-loading firearms between September 1 and December 31; and

(3) taking by archery between September 1 and December 31.

(b) Notwithstanding paragraph (a), the commissioner may establish special seasons within designated areas between September 1 and January 15.

Sec. 19. Minnesota Statutes 1992, section 97B.621, subdivision 1, is amended to read:

Subdivision 1. **SEASON.** The statewide open season for raccoon may be prescribed set by the commissioner ~~between October 15 and December 31.~~

Sec. 20. Minnesota Statutes 1992, section 97B.901, is amended to read:

97B.901 COMMISSIONER MAY REQUIRE TAGS ON FUR-BEARING ANIMALS.

The commissioner may, by rule, require persons taking, possessing, and transporting fur-bearing animals to tag the animals where they are taken. 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.

Sec. 21. Minnesota Statutes 1992, section 97B.911, is amended to read:

97B.911 MUSKRAT SEASONS.

The commissioner may establish open seasons and restrictions for taking muskrat ~~between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of muskrat.~~

Sec. 22. Minnesota Statutes 1992, section 97B.915, is amended to read:

97B.915 MINK SEASONS.

The commissioner may establish open seasons and restrictions for taking mink ~~between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of mink.~~

Sec. 23. Minnesota Statutes 1992, section 97B.921, is amended to read:

97B.921 OTTER SEASONS.

The commissioner may establish open seasons and restrictions for taking

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otter between October 25 and April 30. Otter may be taken only by trapping and the taking is subject to restrictions prescribed by the commissioner.

Sec. 24. Minnesota Statutes 1992, section 97B.925, is amended to read:

97B.925 BEAVER SEASONS.

The commissioner may establish open seasons and restrictions for taking beaver between October 25 and April 30. Beaver may be taken only by trapping and the taking is subject to restrictions prescribed by the commissioner.

Sec. 25. Minnesota Statutes 1992, section 97C.081, is amended by adding a subdivision to read:

Subd. 5. ICE FISHING CONTEST IN CONJUNCTION WITH RAFFLE. An organization that is permitted under this section and licensed by the lawful gambling control board to conduct raffles may conduct a raffle in conjunction with an ice fishing contest. The organization may sell a combined ticket for a single price for the ice fishing contest and raffle, provided that the combined ticket states in at least 8-point type the amount of the price that applies to the ice fishing contest and the amount that applies to the raffle. All other provisions of sections 349.11 to 349.23 apply to the raffle.

Sec. 26. Minnesota Statutes 1992, section 97C.375, is amended to read:

97C.375 TAKING ROUGH FISH BY SPEARING OR ARCHERY.

A resident or nonresident may take rough fish by spearing or archery during the times, in waters, and in the manner prescribed by the commissioner.

Sec. 27. Minnesota Statutes 1992, section 97C.515, is amended by adding a subdivision to read:

Subd. 5. SPECIAL PERMITS. (a) The commissioner may issue a special permit, without a fee, to allow a person with a private fish hatchery license to import minnows from other states for export. A permit under this subdivision is not required for importation authorized under subdivision 4.

(b) An applicant for a permit under this subdivision shall submit to the commissioner sufficient information to identify potential threats to native plant and animal species and an evaluation of the feasibility of the proposal. The permit may include reasonable restrictions on importation, transportation, possession, containment, and disposal of minnows to ensure that native species are protected. The permit may have a term of up to two years and may be modified, suspended, or revoked by the commissioner for cause, including violation of a condition of the permit.

Sec. 28. Minnesota Statutes 1992, section 97C.701, subdivision 1, is amended to read:

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Subdivision 1. **COMMISSIONER'S AUTHORITY.** The commissioner may by rule set size limits and prescribe conditions for the taking, possession, transportation, sale, and purchase of mussels.

Sec. 29. Minnesota Statutes 1992, section 97C.701, is amended by adding a subdivision to read:

Subd. 1a. HAND-PICKING REQUIRED. A person may only harvest mussels by hand-picking.

Sec. 30. Minnesota Statutes 1992, section 97C.705, subdivision 1, is amended to read:

Subdivision 1. **OPEN SEASON SEASONS.** (a) The open season for taking mussels is from May 16 to the last day of February.

(b) The commissioner may by rule restrict the open season for taking mussels for commercial purposes.

Sec. 31. Minnesota Statutes 1992, section 97C.711, is amended to read:

97C.711 **MUSSEL SIZE LIMITS UNDERSIZED MUSSELS.**

~~A person may not take mussels less than 1-3/4 inches in the greatest dimension, except pigtoes.~~ A person must return undersized mussels to the water without injury.

Sec. 32. **REPEALER.**

Minnesota Statutes 1992, sections 97A.541; and 97C.701, subdivisions 2, 3, 4, and 5, are repealed.

Sec. 33. **EFFECTIVE DATE.**

Sections 2 and 3 are effective June 1, 1993. Section 8 is effective March 1, 1994.

Presented to the governor May 15, 1993

Signed by the governor May 19, 1993, 8:22 a.m.

CHAPTER 270—S.F.No. 236

An act relating to unemployment compensation; requiring the development of an interim policy and a report on the issue of employees forced to leave employment due to domestic abuse; requiring a study on issues of employees separated from employment due to problems with child care and domestic abuse.

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