

SESSION LAWS

of the

STATE OF MINNESOTA

ENACTED BY THE SEVENTY-NINTH LEGISLATURE

AT THE 1995 FIRST SPECIAL SESSION

MAY 23 TO MAY 25, 1995

CHAPTER 1—S.F.No. 1

An act relating to natural resources; establishing hunting heritage week; migratory waterfowl; providing procedures for seizure and confiscation of property; clarifying terms of short-term angling licenses; removing certain requirements relating to fish taken in Canada; modifying reporting requirements; modifying hours for taking certain animals; modifying provisions relating to trapping; providing for posting of waters to prohibit fishing or motorboat operation; adjusting opening and closing dates of various seasons for taking fish; expanding the requirement to possess a trout and salmon stamp; modifying northern pike length limits; changing the date by which fish houses and dark houses must be removed from the ice in certain areas; authorizing the use of floating turtle traps; removing time limits on sale of fish by commercial licensees; requiring a plan for a firearms safety program; authorizing certain stocking activities; snowmobile licensing exemptions; fishing contest regulation; ecologically harmful species; collector snowmobiles; all-terrain vehicle weight; reciprocity in game and fish violations; enforcement officer powers; disabled hunter permits; information from licensees; big game hunting hours; checking traps; fish house identification; snowmobile transit permits; amending Minnesota Statutes 1994, sections 18.317; 84.796; 84.81, by adding a subdivision; 84.82, subdivision 6, and by adding a subdivision; 84.92, subdivision 8; 84.968, subdivision 1; 84.9691; 84.9692, subdivisions 1, 2, and by adding a subdivision; 86B.401, subdivision 11; 97A.015, subdivisions 12, 28, and 52; 97A.045, by adding a subdivi-

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sion; 97A.205; 97A.221; 97A.401, subdivision 3; 97A.451, subdivision 3; 97A.475, subdivisions 6 and 7; 97A.531, by adding a subdivision; 97B.055, subdivision 3; 97B.061; 97B.075; 97B.731, subdivision 1; 97B.931; 97C.025; 97C.081, subdivision 3; 97C.305, subdivision 1; 97C.321, subdivision 2; 97C.345, subdivisions 1, 2, and 3; 97C.355, subdivisions 2 and 7; 97C.371, subdivision 4; 97C.395, subdivision 1; 97C.605, subdivision 3; and 97C.821; Laws 1994, chapter 623, article 1, section 45; proposing coding for new law in Minnesota Statutes, chapters 10; 18; and 97A; repealing Minnesota Statutes 1994, sections 97A.531, subdivisions 2, 3, 4, 5, and 6; 97B.301, subdivision 5; and 97C.505, subdivision 4.

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

Section 1. **[10.51] HUNTING HERITAGE WEEK.**

The week beginning the third Monday in September is an official week of observance to commemorate the state's valued heritage of hunting game animals. During this week, all residents of the state are urged to:

(1) reflect on hunting as an expression of our culture and heritage;

(2) acknowledge that it is our community of sportsmen, sportswomen, and hunters who have made the greatest contributions to the establishment of current game animal populations; and

(3) celebrate this culture and heritage in all lawful ways.

Sec. 2. **[18.316] DEFINITIONS.**

Subdivision 1. APPLICABILITY. The definitions in this section apply to this section and section 18.317.

Subd. 2. ECOLOGICALLY HARMFUL EXOTIC SPECIES. "Ecologically harmful exotic species" has the meaning given in section 84.967.

Subd. 3. UNDESIRABLE EXOTIC SPECIES. "Undesirable exotic species" means ecologically harmful exotic species that have been determined by the commissioner of natural resources to pose a substantial threat to native species in this state.

Subd. 4. WATERCRAFT. "Watercraft" means any contrivance used or designed for navigation on water and includes seaplanes.

Subd. 5. WATER MILFOIL. "Water milfoil" means Eurasian water milfoil, *myriophyllum spicatum*.

Subd. 6. WATERS OF THE STATE. "Waters of the state" has the meaning given in section 103G.005, subdivision 17.

Subd. 7. ZEBRA MUSSELS. "Zebra mussels" means a species of the genus *Dreissena*.

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Sec. 3. Minnesota Statutes 1994, section 18.317, is amended to read:

18.317 UNDESIRABLE EXOTIC ~~AQUATIC PLANTS OR WILD ANIMALS~~ SPECIES.

Subdivision 1. **TRANSPORTATION PROHIBITED.** Except as provided in subdivision 2, a person may not transport ~~Eurasian or Northern~~ water milfoil, ~~myriophyllum spicatum or exalbesceens~~; zebra mussels, or undesirable exotic ~~aquatic plants or wild animals identified by the commissioner of natural resources~~ species on a road or highway, as defined in section 160.02, subdivision 7, or on forest roads.

Subd. 1a. **PLACEMENT PROHIBITED.** A person may not ~~intentionally~~ place undesirable exotic ~~aquatic plants or wild animals~~, as defined in section ~~84.967~~, species in public waters within the state.

Subd. 2. **EXCEPTION.** Except as otherwise prohibited by law, a person may transport ~~Eurasian or Northern~~ water milfoil; ~~myriophyllum spicatum or exalbesceens~~; or other undesirable exotic ~~aquatic plants or wild animals identified by the commissioner of natural resources~~ species for disposal as part of a harvest or control activity conducted under a permit or as specified by the commissioner.

Subd. 3. **LAUNCHING OF WATERCRAFT WITH ~~EURASIAN OR NORTHERN WATER MILFOIL OR OTHER HARMFUL~~ UNDESIRABLE SPECIES PROHIBITED.** (a) A person may not place a trailer or launch a watercraft into waters of the state if the trailer or watercraft has attached to it ~~Eurasian or Northern~~ water milfoil, zebra mussels, or other undesirable exotic ~~aquatic plants or wild animals identified by the commissioner of natural resources~~ species. A conservation officer or other licensed peace officer may order the removal of ~~Eurasian or Northern~~ water milfoil, zebra mussels, or other undesirable exotic ~~aquatic plants or wild animals identified by the commissioner of natural resources~~ species from a trailer or watercraft before being the trailer or watercraft is placed or launched into waters of the state.

(b) ~~For purposes of this section, the meaning of watercraft includes a float plane and "waters of the state" has the meaning given in section 103G.005, subdivision 17.~~

(e) A commercial harvester shall clean aquatic plant harvesting equipment of all aquatic vegetation at a suitable location before launching the equipment in another body of water.

Subd. 3a. **INSPECTION OF WATERCRAFT AND EQUIPMENT.** Watercraft and associated equipment, including weed harvesters, that are removed from any waters of the state that the commissioner of natural resources identifies as being contaminated with Eurasian water milfoil, zebra mussels, or other undesirable exotic aquatic plants or wild animals identified by the com-

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missioner of natural resources, shall be randomly inspected between May 1 and October 15 for a minimum of 10,000 hours by personnel authorized by the commissioner of natural resources. Beginning in calendar year 1994, a minimum of 20,000 hours of random inspections must be conducted per year.

Subd. 4. **ENFORCEMENT.** This section may be enforced by conservation officers under sections 97A.205, 97A.211, and 97A.221, subdivision 1, paragraph (a), clause (1), and by other licensed peace officers.

Subd. 5. **PENALTY.** A person who violates subdivision 1, 1a, 3, or 3a is guilty of a misdemeanor. A person who refuses to obey the order of a peace officer or conservation officer to remove ~~Eurasian or Northern~~ water milfoil, zebra mussels, or other undesirable exotic ~~aquatic plants or wild animals~~ species from a trailer or watercraft is guilty of a misdemeanor.

Sec. 4. Minnesota Statutes 1994, section 84.796, is amended to read:

84.796 **PENALTIES.**

(a) A person who violates a provision of section 84.788, 84.789, 84.792, 84.793, or 84.795 is guilty of a misdemeanor.

(b) A person who violates a provision of a rule adopted under section 84.79 is guilty of a petty misdemeanor.

Sec. 5. Minnesota Statutes 1994, section 84.81, is amended by adding a subdivision to read:

Subd. 12. COLLECTOR SNOWMOBILE. "Collector snowmobile" means a snowmobile that is 25 years old or older, was originally produced as a separate identifiable make by a manufacturer, and is owned and operated solely as a collectors item.

Sec. 6. Minnesota Statutes 1994, section 84.82, subdivision 6, is amended to read:

Subd. 6. **EXEMPTIONS.** ~~No Registration hereunder shall be~~ is not required under this section for the following described snowmobiles:

(a) ~~snowmobiles~~ (1) a snowmobile owned and used by the United States, another state, or a political subdivision thereof;

(b) ~~snowmobiles~~ (2) a snowmobile registered in a country other than the United States temporarily used within this state;

(c) ~~snowmobiles~~ (3) a snowmobile that is covered by a valid license of another state and ~~which have~~ has not been within this state for more than 30 consecutive days;

(d) ~~snowmobiles~~ (4) a snowmobile used exclusively in organized track racing events;

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(e) ~~snowmobiles~~ (5) a snowmobile in transit by a manufacturer, distributor, or dealer; or

(6) a snowmobile at least 15 years old in transit by an individual for use only on land owned or leased by the individual.

Sec. 7. Minnesota Statutes 1994, section 84.82, is amended by adding a subdivision to read:

Subd. 7a. COLLECTOR SNOWMOBILES. The commissioner may issue a special permit to a person or organization to operate or transport a collector snowmobile without registration in parades or organized group outings, such as races, rallies, and other promotional events and for up to ten days each year for personal transportation. The commissioner may impose a reasonable restriction on a permittee and may revoke, amend, suspend, or modify a permit for cause.

Sec. 8. Minnesota Statutes 1994, section 84.92, subdivision 8, is amended to read:

Subd. 8. **ALL-TERRAIN VEHICLE.** "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than ~~600~~ 800 pounds.

Sec. 9. Minnesota Statutes 1994, section 84.968, subdivision 1, is amended to read:

Subdivision 1. **MANAGEMENT PLAN.** (a) By January 1, 1993, a long-term statewide ecologically harmful exotic species management plan must be prepared by the commissioner of natural resources and address the following:

(1) coordinated detection and prevention of accidental introductions;

(2) coordinated dissemination of information about ecologically harmful exotic species among resource management agencies and organizations;

(3) a coordinated public awareness campaign regarding ecologically harmful exotic animals and aquatic plants;

(4) a process; ~~where none exists, for the commissioner to designate identify and classify list appropriate or certain~~ ecologically harmful exotic species ~~into the following categories: as~~

(i) ~~undesirable wild animals that must not be sold, propagated, possessed, or transported; and~~

(ii) ~~undesirable aquatic exotic plants~~ exotic species that must not be sold, propagated, possessed, or transported except under permit;

(5) coordination of control and eradication of ecologically harmful exotic species on public lands and public waters; and

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(6) development of a list of exotic wild animal species intended for nonagricultural purposes, or propagation for release by state agencies or the private sector.

(b) The plan prepared under paragraph (a) must include containment strategies that include:

(1) participation by lake associations, local citizen groups, and local units of government in the development and implementation of lake management plans;

(2) a reasonable and workable inspection requirement for boats and equipment participating in organized events on waters of the state;

(3) allowing access points infested with ecologically harmful exotic species to be closed, for not more than a total of seven days during an open water season, for control or eradication purposes, and requiring posting of signs stating the reason for closing the access;

(4) provisions for reasonable weed-free maintenance of public accesses to infested waters; and

(5) notice to travelers of the penalties for violation of laws relating to ecologically harmful exotic species.

Sec. 10. Minnesota Statutes 1994, section 84.9691, is amended to read:

84.9691 RULEMAKING AND PERMITS.

Subdivision 1. RULES. (a) The commissioner of natural resources may adopt emergency and permanent rules restricting the introduction, propagation, use, possession, and spread of ecologically harmful exotic species in the state, as outlined in section 84.967. ~~The emergency rulemaking authority granted in this paragraph expires July 1, 1994.~~

(b) The commissioner shall adopt rules to identify bodies of water with limited infestation of Eurasian water milfoil. The areas that are infested, and where control is planned, shall be marked and prohibited for use.

(c) A violation of a rule adopted under this section is a misdemeanor.

Subd. 2. PERMITS. The commissioner may issue permits regulating the propagation, possession, taking, or transportation of undesirable exotic species for disposal, research, education, or control purposes. The commissioner may place conditions on the permit and may deny, modify, suspend, or revoke a permit.

Sec. 11. Minnesota Statutes 1994, section 84.9692, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY TO ISSUE.** After appropriate training, con-

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servation officers, peace officers, and other staff designated by the commissioner may issue warnings or citations to persons who:

(1) unlawfully transport ecologically harmful water milfoil or undesirable exotic species on a public road;

(2) place a trailer or launch a watercraft with ecologically harmful undesirable exotic species attached into waters of the state;

(3) operate a watercraft in a marked Eurasian water milfoil limited infestation area; or

(4) damage, remove, or sink a buoy marking a Eurasian water milfoil infestation area.

Sec. 12. Minnesota Statutes 1994, section 84.9692, is amended by adding a subdivision to read:

Subd. 1a. DEFINITIONS. For the purposes of this section, "undesirable exotic species," "water milfoil," "watercraft," "waters of the state," and "zebra mussels" have the meanings given them in section 18.317.

Sec. 13. Minnesota Statutes 1994, section 84.9692, subdivision 2, is amended to read:

Subd. 2. **PENALTY AMOUNT.** A citation issued under this section may impose up to the following penalty amounts:

(1) \$50 for transporting visible Eurasian water milfoil on a public road in each of the following locations:

(i) ~~the exterior of the watercraft below the gunwales including the propulsion system;~~

(ii) any surface of a watercraft trailer;

(iii) any surface of a watercraft interior of the gunwales;

(iv) any water container including live wells, minnow buckets, or coolers which hold water; or

(v) any other area where visible Eurasian water milfoil is found not previously described in items (i) to (iv);

(2) ~~\$150~~ \$100 for transporting visible zebra mussels on a public road;

(3) ~~\$300 for transporting,~~ live ruffe, or live rusty crayfish on a public road;

(4) ~~(3) for attempting to launch place or launching into noninfested waters placing a watercraft, trailer, or plant harvesting equipment with visible Eurasian~~

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~~water milfoil or adult zebra mussels attached into waters of the state not identified by the commissioner as infested with zebra mussels, \$500 for a first offense and \$1,000 for a second or subsequent offense;~~

~~(5) (4) \$100 for operating a watercraft in a marked Eurasian water milfoil limited infestation area other than as provided by law;~~

~~(6) (5) \$150 \$100 for intentionally damaging, moving, removing, or sinking a milfoil buoy; or~~

~~(7) (6) \$150 \$200 for launching or attempting to launch into infested waters attempting to place or placing a watercraft, trailer, or plant harvesting equipment with visible Eurasian water milfoil or visible zebra mussels attached into waters of the state.~~

Sec. 14. Minnesota Statutes 1994, section 86B.401, subdivision 11, is amended to read:

Subd. 11. **SUSPENSION FOR NOT REMOVING WATER MILFOIL OR OTHER UNDESIRABLE EXOTIC SPECIES.** (a) The commissioner, after notice and an opportunity for hearing, may suspend for a period of not more than one year the license of a watercraft if the owner or person in control of the watercraft or its trailer refuses to comply with an inspection order of a conservation officer or other licensed peace officer or an order to remove ~~Eurasian or Northern water milfoil, myriophyllum spicatum or exalbesens;~~ zebra mussels, or ~~other undesirable exotic aquatic plant and wild animal species identified by the commissioner~~ from the watercraft or its trailer as provided in section 18.317, subdivision 3.

(b) For the purposes of this subdivision, "undesirable exotic species," "water milfoil," and "zebra mussels" have the meanings given in section 18.317.

Sec. 15. Minnesota Statutes 1994, section 97A.015, subdivision 12, is amended to read:

Subd. 12. **CONTRABAND.** "Contraband" means:

(1) a wild animal taken, bought, sold, transported, or possessed in violation of the game and fish laws, and all instrumentalities and devices used in taking wild animals in violation of the game and fish laws that are subject to confiscation; and

(2) wild rice and other aquatic vegetation harvested, bought, sold, transported, or possessed in violation of chapter 84.

Sec. 16. Minnesota Statutes 1994, section 97A.015, subdivision 28, is amended to read:

Subd. 28. **MIGRATORY WATERFOWL.** "Migratory waterfowl" means brant, ducks, geese, tundra swans, trumpeter swans, and whooper swans.

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Sec. 17. Minnesota Statutes 1994, section 97A.015, subdivision 52, is amended to read:

Subd. 52. **UNPROTECTED BIRDS.** "Unprotected birds" means English sparrow, blackbird, starling, magpie, cormorant, common pigeon, chukar partridge, quail other than bob-white quail, mute swan, and great horned owl.

Sec. 18. Minnesota Statutes 1994, section 97A.045, is amended by adding a subdivision to read:

Subd. 10. RECIPROCAL AGREEMENTS ON VIOLATIONS. The commissioner, with the approval of the attorney general, may enter into reciprocal agreements with game and fish authorities in other states and the United States government to provide for:

(1) revocation of the appropriate Minnesota game and fish licenses of Minnesota residents for violations of game and fish laws committed in signatory jurisdictions which result in license revocation in that jurisdiction;

(2) reporting convictions and license revocations of residents of signatory states for violations of game and fish laws of Minnesota to game and fish authorities in the nonresidents state of residence; and

(3) release upon signature without posting of bail for residents of signatory states accused of game and fish law violations in this state, providing for recovery, in the resident jurisdiction, of fines levied if the citation is not answered in this state.

As used in this subdivision, "conviction" includes a plea of guilty or a forfeiture of bail.

Sec. 19. Minnesota Statutes 1994, section 97A.205, is amended to read:

97A.205 ENFORCEMENT OFFICER POWERS.

An enforcement officer is authorized to:

(1) execute and serve court issued warrants and processes relating to wild animals, wild rice, public waters, water pollution, conservation, and use of water, in the same manner as a constable or sheriff;

(2) enter any land to carry out the duties and functions of the division;

(3) make investigations of violations of the game and fish laws;

(4) take an affidavit, if it aids an investigation;

(5) arrest, without a warrant, a person who is detected in the actual violation of the game and fish laws, a provision of chapters 84, 84A, 85, 86A, 88 to 97C, 103E, 103F, 103G, sections 86B.001 to 86B.815, 89.51 to 89.61; or 609.66, subdivision 1, clauses (1), (2), (5), and (7); and 609.68; and

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(6) take an arrested person before a court in the county where the offense was committed and make a complaint.

Nothing in this section grants an enforcement officer any greater powers than other licensed peace officers.

Sec. 20. Minnesota Statutes 1994, section 97A.221, is amended to read:

97A.221 **SEIZURE AND CONFISCATION OF PROPERTY.**

Subdivision 1. **PROPERTY SUBJECT TO SEIZURE AND CONFISCATION.** (a) An enforcement officer may ~~confiscate~~ seize:

(1) wild animals, wild rice, and other aquatic vegetation taken, bought, sold, transported, or possessed in violation of the game and fish laws or chapter 84; and

(2) firearms, bows and arrows, nets, boats, lines, poles, fishing rods and tackle, lights, lanterns, snares, traps, spears, dark houses, fish houses, and wild rice harvesting equipment that are used with the owner's knowledge to unlawfully take or transport wild animals, wild rice, or other aquatic vegetation and that have a value under \$1,000 are subject to this section.

(b) An item described in paragraph (a), clause (2), that has a value of \$1,000 or more is subject to the provisions of section 97A.225.

~~(b)~~ (c) An enforcement officer must ~~confiscate~~ seize nets and equipment unlawfully possessed within ten miles of Lake of the Woods or Rainy Lake.

~~(e) Confiscated property may be disposed of, retained for use by the division, or sold at the highest price obtainable as prescribed by the commissioner.~~

Subd. 2. **CONFISCATION SEIZURE OF COMMINGLED SHIPMENTS.** A whole shipment or parcel is contraband if two or more wild animals are shipped or possessed in the same container, vehicle, or room, or in any way commingled, and any of the animals are contraband. ~~Confiscation~~ Seizure of any part of a shipment includes the entire shipment.

Subd. 3. PROCEDURE FOR CONFISCATION OF PROPERTY SEIZED. The enforcement officer must hold the seized property. The property held may be confiscated when:

(1) the person from whom the property was seized is convicted; or

(2) the property seized is contraband consisting of a wild animal, wild rice, or other aquatic vegetation.

Subd. 4. DISPOSAL OF CONFISCATED PROPERTY. Confiscated property may be disposed of or retained for use by the commissioner, or sold at the highest price obtainable as prescribed by the commissioner. Upon acquittal or

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dismissal of the charged violation for which the property was seized, all property, other than contraband consisting of a wild animal, wild rice, or other aquatic vegetation, must be returned to the person from whom the property was seized.

Sec. 21. Minnesota Statutes 1994, section 97A.401, subdivision 3, is amended to read:

Subd. 3. **TAKING, POSSESSING, AND TRANSPORTING WILD ANIMALS FOR CERTAIN PURPOSES.** (a) Except as provided in paragraph (b), special permits may be issued without a fee to take, possess, and transport wild animals as pets and for scientific, educational, rehabilitative, and exhibition purposes. The commissioner shall prescribe the conditions for taking, possessing, transporting, and disposing of the wild animals.

(b) A special permit may not be issued to take or possess wild or native deer for exhibition or propagation.

(c) The commissioner shall establish criteria for issuing special permits for persons to possess wild and native deer as pets.

Sec. 22. Minnesota Statutes 1994, section 97A.451, subdivision 3, is amended to read:

Subd. 3. **PERSONS UNDER AGE 16; SMALL GAME.** (a) A person under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the person is a resident:

(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; or

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

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident ~~over age 13~~ 13 years of age or older must have a trapping license. A resident under age ~~14~~ 13 may trap without a trapping license.

Sec. 23. Minnesota Statutes 1994, section 97A.475, subdivision 6, is amended to read:

Subd. 6. **RESIDENT FISHING.** Fees for the following licenses, to be issued to residents only, are:

(1) to take fish by angling, for persons under age 65, \$13;

(2) to take fish by angling, for persons age 65 and over, \$4.50;

(3) to take fish by angling, for a combined license for a married couple, \$17.50;

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(4) to take fish by spearing from a dark house, \$13; and

(5) to take fish by angling for a 24-hour period of 24 hours from the time of issuance selected by the licensee, \$7.50.

Sec. 24. Minnesota Statutes 1994, section 97A.475, subdivision 7, is amended to read:

Subd. 7. **NONRESIDENT FISHING.** Fees for the following licenses, to be issued to nonresidents, are:

(1) to take fish by angling, \$27.50;

(2) to take fish by angling limited to seven consecutive days selected by the licensee, \$19;

(3) to take fish by angling for ~~three consecutive days~~ a 72-hour period selected by the licensee, \$16;

(4) to take fish by angling for a combined license for a family, \$37.50;

(5) to take fish by angling for a 24-hour period of 24 hours from the time of issuance selected by the licensee, \$7.50; and

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$27.50.

Sec. 25. Minnesota Statutes 1994, section 97A.531, is amended by adding a subdivision to read:

Subd. 7. POSSESSION OF FISH ON LAKE OF THE WOODS. While in Minnesota, a person permitted to take and possess fish in Minnesota and licensed by the province of Ontario to take and possess fish may possess the daily limit of fish allowed by the Ontario border water conservation tag, if the fish taken in Ontario were taken on Ontario waters of Lake of the Woods north of Big Island.

Sec. 26. [97A.552] FISHING REGULATIONS; EXECUTIVE ORDER.

Subdivision 1. ORDER AUTHORIZED. (a) The governor may by executive order:

(1) require that fish that are lawfully taken by angling and possessed in Canada be brought into the state in-the-round;

(2) authorize fish lawfully taken by angling in Canada to be transported within the state or out of the state by a nonresident;

(3) require that a Minnesota resident transporting in Minnesota fish that have been taken by angling in Canada possess a Minnesota angling license; and

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(4) require that 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 clause (1) and penalty for noncompliance.

(b) An executive order issued under paragraph (a) is effective the day following the filing of a certified copy thereof in the office of the secretary of state, and remains in effect until rescinded by order of the governor.

Subd. 2. PENALTY FOR NONCOMPLIANCE. A violation of an executive order imposing the requirement in subdivision 1, paragraph (a), clause (1) is a misdemeanor, and in addition to any criminal penalty imposed, fish brought into or transported within the state contrary to that executive order must be confiscated, and a penalty of \$10 for each fish must be imposed.

Sec. 27. Minnesota Statutes 1994, section 97B.055, subdivision 3, is amended to read:

Subd. 3. HUNTING FROM VEHICLE BY DISABLED HUNTERS. The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a licensed hunter ~~that is temporarily or permanently physically unable to walk without crutches, braces, or other mechanical support, or who has a physical disability which substantially limits the person's ability to walk~~ who has a temporary or permanent physical disability. The physical disability ~~and the substantial inability to walk~~ must be established by medical evidence verified in writing by a licensed physician. A person with a temporary disability may be issued an annual permit and a person with a permanent disability may be issued a permanent permit. A person issued a special permit under this subdivision and hunting deer may take a deer of either sex.

Sec. 28. Minnesota Statutes 1994, section 97B.061, is amended to read:

97B.061 REPORTS AND RECORDS.

If requested by The commissioner, a may request a person who has taken game must to submit a report to the commissioner on a furnished form before March 15, stating the number and or kind of each game animal taken during the preceding license year. There is no penalty for failure to comply with a request from the commissioner under this section, and information submitted to the commissioner under this section may not be used as evidence in a prosecution under chapter 97A, 97B, or 97C.

Sec. 29. Minnesota Statutes 1994, section 97B.075, is amended to read:

97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

A person may not take protected wild animals, except raccoon and fox, with

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a firearm between the evening and morning times established by commissioner's rule, ~~or by archery from one-half hour after sunset until one-half hour before sunrise except big game may be taken from one-half hour before sunrise until one-half hour after sunset.~~

Sec. 30. Minnesota Statutes 1994, section 97B.731, subdivision 1, is amended to read:

Subdivision 1. **MIGRATORY GAME BIRDS.** (a) Migratory game birds may be taken and possessed. A person may not take, buy, sell, possess, transport, or ship migratory game birds in violation of federal law.

(b) The commissioner shall prescribe seasons and limits for migratory birds in accordance with federal law.

Sec. 31. Minnesota Statutes 1994, section 97B.931, is amended to read:

97B.931 TENDING TRAPS ~~RESTRICTED.~~

Subdivision 1. RESTRICTIONS. A person may not tend a trap set for wild animals between 10:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 10:00 p.m. a person on foot may use a portable artificial light to tend traps. While using a light in the field, the person may not possess or use a firearm other than a handgun of .22 caliber.

Subd. 2. BODY-GRIPPING TRAPS. A body-gripping, conibear-type trap need not be tended more frequently than once every third calendar day.

Sec. 32. Minnesota Statutes 1994, section 97C.025, is amended to read:

97C.025 FISHING AND MOTORBOATS PROHIBITED IN CERTAIN AREAS.

(a) ~~Except as provided in paragraph (b), a person may not take fish from or drive motorboats over posted~~ The commissioner may prohibit fishing or the operation of motorboats by posting waters that:

(1) are designated as spawning beds or fish preserves; or

(2) are being used by the commissioner for fisheries research or management activities.

An area may be posted under this paragraph if necessary to prevent excessive depletion of fish or interference with fisheries research or management activities.

(b) Except as provided in paragraph (c), a person may not take fish or operate a motorboat if prohibited by posting under paragraph (a).

(c) An owner of riparian land adjacent to an area posted under paragraph (a) may operate a motorboat through the area by the shortest direct route at a speed of not more than five miles per hour.

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Sec. 33. Minnesota Statutes 1994, section 97C.081, subdivision 3, is amended to read:

Subd. 3. **CONTESTS AUTHORIZED BY COMMISSIONER.** The commissioner may, by rule or permit, allow fishing contests with entry fees over \$10 per person or total prizes valued at more than \$2,000.

If entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and if the applicant has either:

(1) not previously conducted a fishing contest requiring a permit under this subdivision; or

(2) ever failed to make required prize awards in a fishing contest conducted by the applicant, the commissioner may require the applicant to furnish the commissioner evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000. Permits must be issued without a fee and if the commissioner does not deny the permit within 14 days, excluding holidays, after receipt of an application, the permit is granted.

Sec. 34. Minnesota Statutes 1994, section 97C.305, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT.** Except as provided in subdivision 2, a person over age 16 and under age 65 required to possess an angling license must have a trout and salmon stamp in possession to:

(1) take fish by angling in:

(+) (i) a stream designated by the commissioner as a trout stream;

(+) (ii) a lake designated by the commissioner as a trout lake; or

(+) (iii) Lake Superior; or

(2) possess trout or salmon taken in the state by angling.

Sec. 35. Minnesota Statutes 1994, section 97C.321, subdivision 2, is amended to read:

Subd. 2. **ICE FISHING.** A person may use an unattended line to take fish through the ice if:

(1) the person is within sight of the line; or

(2) a tip-up is attached to the line and the person is within ~~80~~ 200 feet of the tip-up.

Sec. 36. Minnesota Statutes 1994, section 97C.345, subdivision 1, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **PERIOD WHEN USE PROHIBITED.** Except as specifically authorized, a person may not take fish from the third Monday in February ~~16~~ to April 30 with a spear, fish trap, net, dip net, seine, or other device capable of taking fish.

Sec. 37. Minnesota Statutes 1994, section 97C.345, subdivision 2, is amended to read:

Subd. 2. **POSSESSION.** (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, bows and arrows, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset ~~between from~~ May 1 and to the third Sunday in February ~~15~~.

Sec. 38. Minnesota Statutes 1994, section 97C.345, subdivision 3, is amended to read:

Subd. 3. **DIP NETS.** A person may possess and use a dip net between one hour before sunrise and one hour after sunset ~~between from~~ May 1 and to the third Sunday in February ~~15~~.

Sec. 39. Minnesota Statutes 1994, section 97C.355, subdivision 2, is amended to read:

Subd. 2. **LICENSE REQUIRED.** A person may not take fish from a dark house or fish house unless the house is licensed and has a ~~metal~~ durable license tag attached to the exterior as prescribed by the commissioner, except as provided in this subdivision. The commissioner must issue a ~~metal~~ durable tag that is at least two inches in diameter with a 3/16 inch hole in the center with a dark house or fish house license. The ~~metal~~ durable tag must be ~~stamped~~ marked with a number to correspond with the license and the year of issue. A dark house or fish house license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity.

Sec. 40. Minnesota Statutes 1994, section 97C.355, subdivision 7, is amended to read:

Subd. 7. **DATES AND TIMES HOUSES MAY REMAIN ON ICE.** (a) A fish house or dark house may not be on the ice between 12:00 a.m. and one hour before sunrise after the following dates:

(1) February 28, for state waters south of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and

New language is indicated by underline, deletions by ~~strikeout~~.

(2) March 15, for other state waters.

A fish house or dark house on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously posted on the shores of the waters as prescribed by the commissioner.

(b) A conservation officer must confiscate a fish house or dark house in violation of paragraph (a). The officer may remove, burn, or destroy the house. The officer shall seize the contents of the house and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.

Sec. 41. Minnesota Statutes 1994, section 97C.371, subdivision 4, is amended to read:

Subd. 4. **OPEN SEASON.** The open season for spearing through the ice is December 1 to the third Sunday in February +5.

Sec. 42. Minnesota Statutes 1994, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. **DATES FOR CERTAIN SPECIES.** (a) The open seasons to take fish by angling are as follows:

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

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

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

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

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

Sec. 43. Minnesota Statutes, 1994, section 97C.605, subdivision 3, is amended to read:

Subd. 3. **TAKING; METHODS PROHIBITED.** (a) Except as allowed in paragraph (b), a person may take turtles in any manner, except by use of:

(1) explosives, drugs, poisons, lime, and other harmful substances;

New language is indicated by underline, deletions by ~~strikeout~~.

(2) ~~turtle hooks or traps~~; or

(3) nets other than anglers' fish landing nets.

(b) A person with a turtle seller's license may take turtles ~~for sale as prescribed by the commissioner with a floating turtle trap that:~~

(1) has one or more openings above the water surface that measure at least ten inches by four inches; and

(2) has a mesh size of not less than one-half inch, bar measure.

The commissioner may prescribe additional regulations for taking turtles for sale.

Sec. 44. Minnesota Statutes 1994, section 97C.821, is amended to read:

97C.821 POSSESSION, SALE, AND TRANSPORTATION OF COMMERCIAL FISH.

Subject to the applicable provisions of the game and fish laws, fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold, and transported ~~during the open seasons provided for the fish, and for seven days after the season closes. Fish frozen or cured during the open season may be transported, bought, and sold~~ at any time. Commercial fishing licensees may transport their catch live to holding facilities, if the licensee has exclusive control of the facilities. Commercial fishing licensees may harvest fish from their holding facilities at any time with their licensed gear. The commissioner may prohibit the transport of live fish taken under a commercial fishing license from waters that contain exotic species.

Sec. 45. Laws 1994, chapter 623, article 1, section 45, is amended to read:

Sec. 45. ENFORCEMENT OF LAWS RELATED TO BUYING AND SELLING FISH; REPORT.

By January 15, ~~1995~~ 1996, the commissioner of natural resources shall report to the environment and natural resources committees of the legislature with recommendations for legislation to improve enforcement of Minnesota Statutes, section 97C.391, including record keeping requirements, enhanced remedies, and inspection authorities.

Sec. 46. FIREARMS SAFETY PROGRAM; PLAN.

The commissioner of natural resources shall develop a plan for the establishment of a firearms safety program directed at children that is value-neutral concerning firearms ownership, but that promotes awareness and understanding of the safe use and storage of firearms. The commissioner shall submit the plan and any necessary enabling legislation to the legislature by February 1, 1996.

Sec. 47. STOCKING OF LONG LAKE IN MORRISON COUNTY.

New language is indicated by underline, deletions by ~~strikeout~~.

The Long Lake Homeowners Association may annually stock up to 5,000 walleye fingerlings in Long Lake in Richardson township in Morrison county.

Sec. 48. **REPEALER.**

Minnesota Statutes 1994, section 97A.531, subdivisions 2, 3, 4, 5, and 6, are repealed. Any action of the commissioner of natural resources authorized by a repealed subdivision is void.

Minnesota Statutes 1994, sections 97B.301, subdivision 5; and 97C.505, subdivision 4, are repealed.

Sec. 49. **EFFECTIVE DATE.**

Sections 1 to 25 and 27 to 48 are effective the day following final enactment. Section 25 is repealed December 31, 1995. Section 26 is effective May 1, 1996.

Presented to the governor May 26, 1995

Signed by the governor June 1, 1995, 11:20 a.m.

CHAPTER 2—H.F.No. 1

An act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing sale of state bonds; requiring periodic reports on the status of authorized and outstanding state bonds; reducing 1995 appropriations; appropriating money; amending Minnesota Statutes 1994, sections 16A.672, by adding subdivisions; 16A.695, subdivisions 1, 2, 3, and by adding a subdivision; 16B.24, by adding a subdivision; 16B.335, subdivisions 1, 2, and 5; 124.431, subdivisions 2, 5, 6, 7, and 10; 124.494, subdivisions 2, 3, and 4; 136.62, subdivision 9, and by adding a subdivision; 136A.28, subdivision 7; and 446A.12, subdivision 1; Laws 1994, chapter 632, article 3, section 12; Laws 1994, chapter 643, sections 2, subdivision 15; 10, subdivision 10; 11, subdivisions 8 and 13; 19, subdivision 8; 21, subdivision 4; 23, subdivisions 7 and 28; and 26, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Laws 1991, chapter 265, article 5, section 23, as amended.

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

New language is indicated by underline, deletions by ~~strikeout~~.