

under this subdivision shall deliver it to a law enforcement agency within 24 hours of seizing it.

Sec. 10. EFFECTIVE DATE.

Sections 1 to 9 are effective August 1, 2000, and apply to violations occurring on or after that date.

Presented to the governor May 11, 2000

Signed by the governor May 15, 2000, 2:45 p.m.

CHAPTER 473—S.F.No. 1288

An act relating to natural resources; modifying separate selection criteria for moose and turkey licenses; exempting trappers from blaze orange requirements; modifying certain licenses issued without a fee; modifying provisions for Take a Kid Fishing weekend; modifying certain provisions for deer hunting licenses; modifying ammunition requirements for taking big game; providing for hunting licenses for persons with mental retardation; modifying provisions for designating experimental waters; modifying provisions for fishing contests; modifying requirements for transporting archery bows; modifying lighted fishing lure provisions; appropriating money for a state land inventory; amending Minnesota Statutes 1998, sections 97A.431, subdivision 4; 97A.435, subdivision 4; 97A.441, subdivision 7; 97A.445, subdivision 1; 97A.475, subdivision 2; 97B.015, by adding a subdivision; 97B.031, subdivision 1; 97B.051; 97B.071; 97B.301, by adding a subdivision; 97C.001, subdivision 1; 97C.081, subdivisions 2, 3, and by adding subdivisions; and 97C.335, as amended; proposing coding for new law in Minnesota Statutes, chapter 97B.

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

Section 1. Minnesota Statutes 1998, section 97A.431, subdivision 4, is amended to read:

Subd. 4. **SEPARATE SELECTION; ELIGIBILITY.** (a) The commissioner may conduct a separate selection for up to 20 percent of the moose licenses to be issued for an area. Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in the area, and their family members, are eligible for the separate selection under this paragraph. ~~Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses.~~

(b) The commissioner must conduct a separate selection for 20 percent of the moose licenses to be issued each year. Only individuals who have applied at least ten times for a moose license and who have never received a license are eligible for this separate selection.

(c) The commissioner may by rule establish criteria for:

(1) determining eligible family members under this subdivision. ~~paragraph (a);~~
and

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(2) verifying that an individual has made at least ten unsuccessful applications for the purposes of paragraph (b).

(d) A person who is unsuccessful in a separate selection under this subdivision must be included in the selection for the remaining licenses.

Sec. 2. Minnesota Statutes 1998, section 97A.435, subdivision 4, is amended to read:

Subd. 4. **SEPARATE SELECTION OF ELIGIBLE LICENSEES.** (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons ~~that~~ who are owners or tenants of and that who live on at least 40 acres of agricultural or grazing land in the area, and their family members, are eligible applicants for turkey licenses for the separate selection. The qualifying agricultural or grazing land may be noncontiguous. Persons that who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons that who obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

Sec. 3. Minnesota Statutes 1998, section 97A.441, subdivision 7, is amended to read:

Subd. 7. **OWNERS OR TENANTS OF AGRICULTURAL LAND.** (a) The commissioner may issue, without an additional a fee, a license to take additional an antlerless deer with firearms under section ~~97B.301, subdivision 4,~~ to a person who is an owner or tenant and lives is living and actively farming on at least ten 80 acres of agricultural land, as defined in section 97B.001, in an area where the commissioner has made these licenses available. Landowners and tenants applying for a license under this subdivision must receive preference over other applicants for the licenses deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with coowners or cotenants, only one coowner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to the land owned or leased by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) ~~Persons~~ A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clause (4).

Sec. 4. Minnesota Statutes 1998, section 97A.445, subdivision 1, is amended to read:

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

Subdivision 1. **ANGLING; TAKE A KID FISHING WEEKEND.** A resident over age 18 may take fish by angling without a license during one Saturday and Sunday three-day consecutive period of the angling season designated by rule of the commissioner if accompanied by a child who is under age 16. The commissioner shall publicize the Saturday and Sunday three-day period as "Take a Kid Fishing Weekend."

Sec. 5. Minnesota Statutes 1998, section 97A.475, subdivision 2, is amended to read:

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

- (1) for persons under age 65 to take small game, \$10;
- (2) for persons age 65 or over, \$5;
- (3) to take turkey, \$16;
- (4) to take deer with firearms, \$22;
- (5) to take deer by archery, \$22;
- (6) to take moose, for a party of not more than six persons, \$275;
- (7) to take bear, \$33;
- (8) to take elk, for a party of not more than two persons, \$220;
- (9) to take antlered deer in more than one zone, \$44; and
- (10) to take Canada geese during a special season, \$3; and

(11) to take an antlered buck throughout the state in any open deer season, except as restricted under section 97B.305, \$66.

Sec. 6. Minnesota Statutes 1998, section 97B.015, is amended by adding a subdivision to read:

Subd. 6. **PROVISIONAL CERTIFICATE FOR PERSONS WITH MENTAL RETARDATION OR A RELATED CONDITION.** Upon the recommendation of a course instructor, the commissioner may issue a provisional firearms safety certificate to a person who satisfactorily completes the classroom portion of the firearms safety course but is unable to pass the written or an alternate format exam portion of the course because of mental retardation or a related condition as defined in section 97B.1055, subdivision 1. The certificate is valid only when used according to section 97B.1055.

Sec. 7. Minnesota Statutes 1998, section 97B.031, subdivision 1, is amended to read:

Subdivision 1. **FIREARMS AND AMMUNITION THAT MAY BE USED TO TAKE BIG GAME.** (a) A person may take big game with a firearm only if:

- (1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;
- (2) the firearm is loaded only with single projectile ammunition;

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(3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;

(4) the ammunition has a case length of at least 1.285 inches;

(5) the muzzle-loader used is incapable of being loaded at the breech;

(6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and

(7) the rifled muzzle-loader used is a caliber of at least .40 inches.

(b) A person may not take big game with a .30 caliber M-1 carbine cartridge.

(c) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length and may take big game with a .45 Winchester Magnum cartridge.

Sec. 8. Minnesota Statutes 1998, section 97B.051, is amended to read:

97B.051 TRANSPORTATION OF ARCHERY BOWS.

Except as specified under section 97B.055, subdivision 2, a person may not transport an archery bow in a motor vehicle unless the bow is:

(1) unstrung;

(2) completely contained in a case; or

(3) in the closed trunk or rear-most enclosed portion of a motor vehicle that is not accessible from the passenger compartment.

Sec. 9. Minnesota Statutes 1998, section 97B.071, is amended to read:

97B.071 BLAZE ORANGE REQUIREMENTS.

(a) Except as provided in rules adopted under paragraph (c), a person may not hunt or trap during the open season where deer may be taken by firearms under applicable laws and ordinances, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is 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 or to trappers on waters of this state.

(b) Except as provided in rules adopted under paragraph (c), and in addition to the requirement in paragraph (a), a person may not take small game other than turkey, migratory birds, raccoons, and predators, except when hunting with nontoxic shot or while trapping, unless a visible portion of at least one article of the person's clothing above the waist is blaze orange. This paragraph does not apply to a person hunting by falconry.

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

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

Sec. 10. [97B.1055] HUNTING BY PERSONS WITH MENTAL RETARDATION OR A RELATED CONDITION.

Subdivision 1. DEFINITIONS. For purposes of this section and section 97B.015, subdivision 6, "person with mental retardation or a related condition" means a person who has been diagnosed as having substantial limitations in present functioning, manifested as significantly subaverage intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior, and who manifests these conditions before the person's 22nd birthday. A person with a related condition means a person who meets the diagnostic definition under section 252.27, subdivision 1a.

Subd. 2. OBTAINING A LICENSE. (a) Notwithstanding section 97B.020, a person with mental retardation or a related condition may obtain a firearms hunting license with a provisional firearms safety certificate issued under section 97B.015, subdivision 6.

(b) Any person accompanying or assisting a person with mental retardation or a related condition under this section must possess a valid firearms safety certificate issued by the commissioner.

Subd. 3. ASSISTANCE REQUIRED. A person who obtains a firearms hunting license under subdivision 2 must be accompanied and assisted by a parent, guardian, or other adult person designated by a parent or guardian when hunting. A person who is not hunting but is solely accompanying and assisting a person with mental retardation or a related condition need not obtain a hunting license.

Subd. 4. PROHIBITED ACTIVITIES. (a) This section does not entitle a person to possess a firearm if the person is otherwise prohibited from possessing a firearm under state or federal law or a court order.

(b) No person shall knowingly authorize or permit a person, who by reason of mental retardation or a related condition is incapable of safely possessing a firearm, to possess a firearm to hunt in the state or on any boundary water of the state.

Sec. 11. Minnesota Statutes 1998, section 97B.301, is amended by adding a subdivision to read:

Subd. 7. ALL SEASON BUCK LICENSE. A resident may obtain an all season buck license to take one buck by firearm or archery during any season statewide. A person obtaining an all season buck license does not qualify for hunting under subdivision 3 or 4.

Sec. 12. Minnesota Statutes 1998, section 97C.001, subdivision 1, is amended to read:

Subdivision 1. DEFINITION; DESIGNATION. (a) Experimental waters are lakes and streams where special regulations are used and evaluated to meet a specific fisheries objective.

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(b) The commissioner may designate any waters of the state having free access to the public as experimental waters. The designated experimental waters may not exceed ~~400~~ 200 lakes and ~~25~~ 50 streams at one time. For all experimental waters, the commissioner shall develop an evaluation plan and specify a termination date. On the termination date, the commissioner shall vacate or extend the experimental waters designation, or designate the experimental waters as special management waters under section 97C.005. The commissioner shall by rule establish methods and criteria for public initiation of experimental waters designation and for public participation in the evaluation of the waters designated.

(c) Designation of experimental waters under this section is not subject to chapter 14.

Sec. 13, Minnesota Statutes 1998, section 97C.081, subdivision 2, is amended to read:

Subd. 2. **CONTESTS WITHOUT A PERMIT.** A person may conduct a fishing contest with entry fees of \$10, or less, per person and total prizes valued at \$2,000, or less, without a permit from the commissioner, provided:

(1) the following criteria are met:

(i) there are 30 participants or less for open water contests and 150 participants or less for ice fishing contests;

(ii) the entry fee is \$25 per person or less;

(iii) the total prize value is \$25,000 or less; and

(iv) the contest is not limited to trout species only;

(2) the following criteria are met:

(i) the contest is not limited to specifically named waters; and

(ii) the contest is not limited to trout species only; or

(3) all the contest participants are age 18 years or under.

Sec. 14, Minnesota Statutes 1998, section 97C.081, subdivision 3, is amended to read:

Subd. 3. **CONTESTS AUTHORIZED BY COMMISSIONER REQUIRING A PERMIT.** 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. (a) A person must have a permit from the commissioner to conduct a fishing contest that does not meet the criteria in subdivision 2. Permits shall be issued without a fee.

(b) 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

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(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. 15. Minnesota Statutes 1998, section 97C.081, is amended by adding a subdivision to read:

Subd. 6. PERMIT APPLICATION PROCESS. (a) Beginning September 1 each year, the commissioner shall accept permit applications for fishing contests to be held in the following year.

(b) If the number of permit applications received by the commissioner from September 1 through the last Friday in October exceeds the limits specified in subdivisions 7 and 8, the commissioner shall notify the affected applicants that their requested locations and time period are subject to a drawing. After notification, the commissioner shall allow the affected applicants a minimum of seven days to change the location or time period requested on their applications, provided that the change is not to a location or time period for which applications are already at or above the limits specified in subdivisions 7 and 8.

(c) After the applicants have been given at least seven days to change their applications, the commissioner shall conduct a drawing for all locations and time periods for which applications exceed limits. First preference in the drawings shall be given to applicants for established or traditional fishing contests, and second preference to applicants for contests that are not established as traditional fishing contests based on the number of times they have been unsuccessful in previous drawings. Except for applicants of established or traditional fishing contests, an applicant who is successful in a drawing loses all accumulated preference.

(d) The commissioner has until December 7 to approve or deny permit applications that are submitted by 4:30 p.m. on the last Friday in October. The commissioner may approve a permit application that is received after 4:30 p.m. on the last Friday in October if approving the application would not result in exceeding the limits in subdivisions 7 and 8.

Sec. 16. Minnesota Statutes 1998, section 97C.081, is amended by adding a subdivision to read:

Subd. 7. WEEKEND LIMITATIONS. (a) On all waters 55,000 acres or less, the commissioner may ensure that each of the state's waters has at least two weekends per month with no permitted fishing contests.

(b) Unless otherwise authorized by the commissioner, permitted fishing contests that are conducted for more than one day may not include more than one weekend day from Memorial Day weekend through Labor Day weekend.

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

(c) The commissioner may not approve permits for fishing contests on a weekend with a fishing season opener if the contest targets a species for which the season is opening.

Sec. 17. Minnesota Statutes 1998, section 97C.081, is amended by adding a subdivision to read:

Subd. 8. LIMITS ON NUMBER OF FISHING CONTESTS. (a) The number of permitted fishing contests allowed each month on a water body shall not exceed the following limits:

	<u>Maximum number of permitted fishing contests</u>	<u>Maximum number of large permitted fishing contests</u>	<u>Maximum number of permitted fishing contest days</u>
<u>Size/acres</u>			
<u>less than</u>			
<u>2,000</u>	<u>2</u>	<u>0</u>	<u>4</u>
<u>2,000-4,999</u>	<u>3</u>	<u>1</u>	<u>6</u>
<u>5,000-14,999</u>	<u>4</u>	<u>2</u>	<u>8</u>
<u>15,000-55,000</u>	<u>5</u>	<u>3</u>	<u>10</u>
<u>more than</u>			
<u>55,000</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>

(b) For boundary waters, the limits on the number of permitted fishing contests shall be determined based on the Minnesota acreage.

Sec. 18. Minnesota Statutes 1998, section 97C.081, is amended by adding a subdivision to read:

Subd. 9. PERMIT RESTRICTIONS. (a) The commissioner may require fishing contest permittees to limit pre-fishing to week days only as a condition of a fishing contest permit. The commissioner may require proof from permittees that pre-fishing restrictions on the permit are communicated to fishing contest participants and enforced.

(b) The commissioner may require permit restrictions on the hours that a permitted fishing contest is conducted, including, but not limited to, starting and ending times.

(c) The commissioner may require permit restrictions on the number of parking spaces that may be used on a state-owned public water access site. The commissioner may require proof from permittees that parking restrictions on the permit are communicated to fishing contest participants and enforced.

(d) To prevent undue loss of fish, the commissioner may require restrictions for off-site weigh-ins on a fishing contest permit or may deny permits requesting an off-site weigh-in.

New language is indicated by underline, deletions by strikeout.

(e) A person may not transfer a fishing contest permit to another person.

(f) Failure to comply with fishing contest permit restrictions may be considered grounds for denial of future permit applications.

Sec. 19. Minnesota Statutes 1998, section 97C.081, is amended by adding a subdivision to read:

Subd. 10. DEFINITIONS. For purposes of this section, the following terms have the meanings given:

(a) "Permitted fishing contest" means an open water fishing contest or ice fishing contest that requires a permit from the commissioner under subdivision 3.

(b) "Large permitted fishing contest" means an open water fishing contest with more than 50 boats or more than 100 participants that requires a permit from the commissioner under subdivision 3.

(c) "Participant" means a person who is taking part in a fishing contest.

(d) "Permitted fishing contest day" means a day on a water body where a permitted fishing contest is held. Two permitted fishing contests that are held on the same water body on the same day count as two permitted fishing contest days.

(e) "Off-site weigh-in" means a weigh-in of fish from a fishing contest at a location that is not adjacent to the waters listed on the fishing contest permit.

(f) "Prefishing" means fishing by participants of a permitted fishing contest prior to the scheduled dates of the contest on waters listed on the fishing contest permit.

Sec. 20. Minnesota Statutes 1998, section 97C.335, as amended by Laws 2000, chapter 308, section 1, is amended to read:

97C.335 USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.

A person may not use artificial lights to lure or attract fish or to see fish in the water while spearing, except that an angler may use a lighted fishing lure while angling, a person may affix to the end of a fishing line a lighted artificial bait with hooks attached. Any battery that is used in lighted fishing lures cannot contain any intentionally introduced mercury.

Sec. 21. APPROPRIATIONS.

\$200,000 is appropriated from the state forest suspense account to the commissioner of natural resources for transfer to the University of Minnesota Duluth for the purpose of funding the inventory conducted pursuant to this section and is available until expended. Because the University of Minnesota is a land grant university, and because most of the state-owned land to be inventoried is granted land, the chancellor of the University of Minnesota Duluth is requested to direct the School of Business and Economics to conduct an inventory of state-owned land located within the Boundary Waters Canoe Area for the purpose of providing the legislature and state officers with more precise information as to the nature, extent, and value of the land. The inventory must include the following: (1) a list of the tracts of state-owned land within the area,

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together with the available legal description by government tract, insofar as possible; (2) the number of linear feet of shoreline in each tract, together with a general description of that shoreline, whether it is rocky, sandy, or swampy, or some other descriptive system that generally describes the shoreland; (3) the acreage of each tract; (4) a general description of the surface of each tract, including topography and the predominant vegetative cover for each tract and any known unique surface features, such as areas of virgin and other old growth timber; and (5) using available real estate market value information and accepted real estate valuation techniques, assign estimates of the value for each tract, exclusive of minerals and mineral interests, using each of the real estate valuation techniques adopted for the inventory. For the purposes of this section, "state-owned land" is defined as any class of state-owned land, whether it is granted land such as school, university, swampland, or internal improvement, or whether it is tax-forfeited, acquired, or state-owned land of any other classification. At the request of the university, the commissioner of natural resources shall promptly provide the university with all published maps, whether federal, state, or county, together with a descriptive list of state-owned land in the area, using available legal descriptions, forest inventories, and other factual information, published data, and photographs that are necessary for the university's inventory. From these maps, lists, data, and other information, the university is requested to prepare a report of its inventory. The legislature requests that the University of Minnesota submit the report to the legislature by January 15, 2002.

Sec. 22. EFFECTIVE DATE.

Section 20 is effective the day following final enactment.

Presented to the governor May 11, 2000

Signed by the governor May 15, 2000, 10:47 a.m.

CHAPTER 474—H.F.No. 3409

An act relating to human services; modifying provisions in continuing care services for persons with disabilities; amending Minnesota Statutes 1998, sections 62D.09, subdivision 8; 252.28, by adding a subdivision; and 256B.0625, subdivision 19a; Minnesota Statutes 1999 Supplement, sections 62Q.73, subdivision 2; 245.462, subdivision 4; 245.4871, subdivision 4; 256B.0625, subdivision 19c; 256B.0627, subdivisions 1, 5, 8, and 11; 256B.501, subdivision 8a; 256B.5011, subdivision 2; 256B.5013, subdivision 1, and by adding subdivisions; and 256B.77, subdivision 8.

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

Section 1. Minnesota Statutes 1998, section 62D.09, subdivision 8, is amended to read:

Subd. 8. Each health maintenance organization shall issue a membership card to its enrollees. The membership card must:

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