

jointly file with the Public Utilities Commission a new alternative form of regulation plan for the telephone company under Minnesota Statutes, sections 237.73 to 237.775, the new plan shall be effective 60 days after the date of filing.

Sec. 5. EFFECTIVE DATE.

Section 1 is effective August 1, 2004. Sections 2 and 4 are effective the day following final enactment.

Presented to the governor May 15, 2004

Signed by the governor May 19, 2004, 10:00 a.m.

CHAPTER 215—H.F.No. 2368

An act relating to game and fish; modifying hunting provisions and fees; modifying restriction on importation of cervidae carcasses; modifying restrictions on the transport of game birds; clarifying validity of firearms safety certificates issued to youth; modifying turtle license requirements; modifying waterfowl refuge provisions; providing for suspension of game and fish license and permit privileges under certain conditions; modifying shooting hours for migratory game birds; authorizing a season on mourning doves; prohibiting taking albino deer; modifying certain hearing provisions; modifying certain tagging requirements; modifying fish house provisions; providing for a live bait retailers license; providing for trapping by certain nonresidents; modifying certain game license provisions; requiring public education efforts regarding lead tackle; authorizing grants; authorizing a special permit for use of a scope when hunting with a muzzleloader; providing for a quality deer management pilot zone; requiring reports; providing criminal penalties; amending Minnesota Statutes 2002, sections 97A.015, subdivision 24; 97A.085, subdivisions 2, 3, 4; 97A.095, subdivisions 1, 2, 4; 97A.420, subdivision 4; 97A.421, by adding a subdivision; 97A.435, subdivision 4, by adding a subdivision; 97A.475, subdivision 20, by adding a subdivision; 97A.545, subdivision 5; 97B.015, subdivision 5; 97B.031, by adding a subdivision; 97B.075; 97B.301, subdivisions 6, 7; 97B.601, subdivision 3, by adding a subdivision; 97B.721; 97B.901; 97C.355, subdivision 7; 97C.605, subdivision 2; Minnesota Statutes 2003 Supplement, sections 97A.475, subdivisions 2, 3; 97A.505, subdivision 8; 97B.311; 97C.605, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 97C; repealing Minnesota Statutes 2002, section 97B.731, subdivision 2.

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

Section 1. Minnesota Statutes 2002, section 97A.015, subdivision 24, is amended to read:

Subd. 24. **GAME BIRDS.** "Game birds" means migratory waterfowl, pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray partridge, bob-white quail, turkeys, coots, gallinules, sora and Virginia rails, mourning dove, American woodcock, and common snipe.

Sec. 2. Minnesota Statutes 2002, section 97A.085, subdivision 2, is amended to read:

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Subd. 2. **ESTABLISHMENT BY COMMISSIONER.** The commissioner may designate a contiguous area of at least 640 acres as a game refuge if more than 50 percent of the area is in public ownership. The game refuge must be a contiguous area of at least 640 acres unless it borders or includes a marsh, or other body of water or watercourse suitable for wildlife habitat.

Sec. 3. Minnesota Statutes 2002, section 97A.085, subdivision 3, is amended to read:

Subd. 3. **ESTABLISHMENT BY PETITION OF LAND HOLDERS.** The commissioner may designate a land area or portion of a land area described in a petition as a game refuge. The petition must be signed by the owner, the lessee, or the person in possession of each tract in the area. A certificate of the auditor of the county where the lands are located must accompany the petition stating that the persons named in the petition are the owners, lessees, or persons in possession of all of the land described according to the county records. The game refuge must be a contiguous area of at least 640 acres unless it borders or includes a marsh, or other body of water or watercourse suitable for wildlife habitat.

Sec. 4. Minnesota Statutes 2002, section 97A.085, subdivision 4, is amended to read:

Subd. 4. **ESTABLISHMENT BY PETITION OF COUNTY RESIDENTS.** The commissioner may designate as a game refuge public waters or a contiguous area of at least 640 acres, described in a petition, signed by 50 or more residents of the county where the public waters or area is located. The game refuge must be a contiguous area of at least 640 acres unless it borders or includes a marsh, or other body of water or watercourse suitable for wildlife habitat. The game refuge may be designated only if the commissioner finds that protected wild animals are depleted and are in danger of extermination; or that it will best serve the public interest.

Sec. 5. Minnesota Statutes 2002, section 97A.095, subdivision 1, is amended to read:

Subdivision 1. **MIGRATORY WATERFOWL REFUGES SANCTUARY.** The commissioner ~~shall~~ may designate by rule any part of a state game refuge or any part of a public water that is designated for management purposes under section 97A.101, subdivision 2, as a migratory waterfowl refuge sanctuary if there is presented to the commissioner a petition signed by ten resident licensed hunters describing an area that is primarily a migratory waterfowl refuge. The commissioner shall post the area as a migratory waterfowl refuge sanctuary. A person may not enter a posted migratory waterfowl refuge sanctuary during the open migratory waterfowl season unless accompanied by or under a permit issued by a conservation officer or game refuge wildlife manager. Upon a request from a private landowner within a migratory waterfowl refuge sanctuary, an annual permit must be issued to provide access to the property during the waterfowl season. The permit shall include conditions that allow no activity which would disturb waterfowl using the refuge during the waterfowl season.

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Sec. 6. Minnesota Statutes 2002, section 97A.095, subdivision 2, is amended to read:

Subd. 2. **WATERFOWL FEEDING AND RESTING AREAS.** The commissioner may, by rule, designate any part of a lake as a migratory feeding or and resting area. Before designation, the commissioner must receive a petition signed by at least ten local resident licensed hunters describing the area of a lake that is a substantial feeding or resting area for migratory waterfowl, and find that the statements in the petition are correct, and that adequate, free public access to the lake exists near the designated area. The commissioner shall post the area as a migratory waterfowl feeding and resting area. Except as authorized in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl feeding and resting area, during a period when hunting of migratory waterfowl is allowed, with watercraft or aircraft propelled by a motor, other than an electric motor of less than 30 pounds thrust. The commissioner may, by rule, further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

Sec. 7. Minnesota Statutes 2002, section 97A.095, subdivision 4, is amended to read:

Subd. 4. **SWAN LAKE MIGRATORY WATERFOWL REFUGE SANCTUARY.** The land described in Laws 1999, chapter 81, section 2, is designated Swan Lake Migratory Waterfowl Refuge Sanctuary under subdivision 1.

Sec. 8. Minnesota Statutes 2002, section 97A.420, subdivision 4, is amended to read:

Subd. 4. **HEARING.** (a) A hearing under subdivision 3 must be before a district court judge in the county where the incident occurred giving rise to the license seizure. The hearing must be to the court and may be conducted at the same time as hearings upon pretrial motions in a related criminal prosecution. The commissioner must be represented by the county attorney.

(b) The hearing must be held at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review.

(c) The scope of the hearing must be limited to the issue of whether there is probable cause to believe that the person ~~violated section 97A.338~~ had unlawfully taken, possessed, or transported wild animals with a restitution value over \$500.

(d) The court shall order that the license seizure be either sustained or rescinded. Within 14 days following the hearing, the court shall forward a copy of the order to the commissioner.

(e) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the Rules of Civil Appellate Procedure.

Sec. 9. Minnesota Statutes 2002, section 97A.421, is amended by adding a subdivision to read:

Subd. 4a. **SUSPENSION FOR FAILURE TO APPEAR IN COURT OR TO PAY A FINE OR SURCHARGE.** When a court reports to the commissioner that a

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person (1) has failed to appear in court under the summons issued for a violation of the game and fish laws or (2) has been convicted of violating a provision of the game and fish laws, has been sentenced to the payment of a fine or had a surcharge levied against them, and refused or failed to comply with that sentence or to pay the fine or surcharge, the commissioner shall suspend the game and fish license and permit privileges of the person until notified by the court that the person has appeared in court under clause (1) or that any fine or surcharge due the court has been paid under clause (2).

Sec. 10. Minnesota Statutes 2002, 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 who are owners or tenants of and 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 who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season. A 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.

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

Sec. 11. Minnesota Statutes 2002, section 97A.435, is amended by adding a subdivision to read:

Subd. 5. **SPRING SEASON.** (a) A person who has not applied for a turkey license through the lottery or applied for a license and was unsuccessful in the lottery, may purchase a turkey hunting license to hunt by archery for the spring turkey season during a combined seventh and eighth time period. A turkey hunting license under this subdivision is separate from the normal lottery process and is effective for hunting only in a wild turkey permit area in the state where 50 or more licenses are issued during an established time period.

(b) Turkey lottery preference points shall not be reduced for a person purchasing a license under this subdivision.

(c) A person may take only one bearded turkey in a spring turkey season regardless of whether the hunter purchased a license through the lottery system or as provided in this subdivision.

Sec. 12. Minnesota Statutes 2003 Supplement, section 97A.475, subdivision 2, is amended to read:

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

- (1) for persons age 18 or over and under age 65 to take small game, \$12.50;

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(2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

(3) to take turkey, \$18;

(4) for persons age ~~16~~ 18 or over to take deer with firearms, \$26;

(5) for persons age ~~16~~ 18 or over to take deer by archery, \$26;

(6) to take moose, for a party of not more than six persons, \$310;

(7) to take bear, \$38;

(8) to take elk, for a party of not more than two persons, \$250;

(9) to take antlered deer in more than one zone, \$52;

(10) to take Canada geese during a special season, \$4;

(11) to take two deer throughout the state in any open deer season, except as restricted under section 97B.305, \$78;

(12) to take prairie chickens, \$20;

(13) for persons at least age 12 and under age ~~16~~ 18 to take deer with firearms, \$13; and

(14) for persons at least age 12 and under age ~~16~~ 18 to take deer by archery, \$13.

Sec. 13. Minnesota Statutes 2003 Supplement, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **NONRESIDENT HUNTING.** Fees for the following licenses, to be issued to nonresidents, are:

(1) to take small game, \$73;

(2) to take deer with firearms, \$135;

(3) to take deer by archery, the greater of:

(i) an amount equal to the total amount of license fees and surcharges charged to a Minnesota resident to take deer by archery in the person's state or province of residence; or

(ii) \$135;

(4) to take bear, \$195;

(5) to take turkey, \$73;

(6) to take raccoon, bobcat, fox, coyote, or lynx, \$155;

(7) to take antlered deer in more than one zone, \$270; and

(8) to take Canada geese during a special season, \$4.

Sec. 14. Minnesota Statutes 2002, section 97A.475, subdivision 20, is amended to read:

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Subd. 20. **TRAPPING LICENSE.** The fee for a license to trap fur-bearing animals is:

- (1) for persons residents over age 13 and under age 18, \$6; and
- (2) for persons residents age 18 and older, \$20; and
- (3) for nonresidents, \$73.

Sec. 15. Minnesota Statutes 2002, section 97A.475, is amended by adding a subdivision to read:

Subd. 25a. LIVE BAIT RETAILER. The fee for a live bait retailer license is \$15.

Sec. 16. Minnesota Statutes 2003 Supplement, section 97A.505, subdivision 8, is amended to read:

Subd. 8. **IMPORTATION OF HUNTER-HARVESTED CERVIDAE.** Importation into Minnesota of hunter-harvested cervidae carcasses from known chronic wasting disease endemic areas, as determined by the Board of Animal Health, is prohibited except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue. Hunter-harvested cervidae carcasses taken from chronic wasting disease endemic areas outside of Minnesota may be transported on a direct route through the state by nonresidents.

Sec. 17. Minnesota Statutes 2002, section 97A.545, subdivision 5, is amended to read:

Subd. 5. **BIRDS MUST BE IN UNDRESSED CONDITION; EXCEPTIONS.**

(a) Except as provided in paragraph (b), a person may ship or otherwise transport game birds in an undressed condition only.

(b) Paragraph (a) does not apply if the birds being shipped or otherwise transported:

- (1) were taken on a shooting preserve and are marked or identified in accordance with section 97A.121, subdivision 5; or
- (2) were taken, dressed, and lawfully shipped or otherwise transported in another state; or
- (3) are migratory game birds that were lawfully tagged and packed by a federally permitted migratory bird preservation facility.

Sec. 18. Minnesota Statutes 2002, section 97B.015, subdivision 5, is amended to read:

Subd. 5. **FIREARMS SAFETY CERTIFICATE.** The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. ~~A certificate may not be issued to a person under age 12. A person that~~

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is must be at least age 11 ~~may~~ to take the firearms safety course and may receive a firearms safety certificate, but the certificate is not valid until the person is at least age 12. A firearms safety certificate issued to a person under age 12 by another state as provided in section 97B.020 is not valid in Minnesota until the person reaches age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

Sec. 19. Minnesota Statutes 2002, section 97B.031, is amended by adding a subdivision to read:

Subd. 5. SCOPES; VISUALLY IMPAIRED HUNTERS. (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who obtains the required licenses and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be established by medical evidence verified in writing by a licensed physician. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this subdivision.

(c) A permit issued under this subdivision may be valid for up to five years.

(d) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(e) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

Sec. 20. Minnesota Statutes 2002, section 97B.075, is amended to read:

97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

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

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

(c) Except as otherwise prescribed by the commissioner during the first eight days of the season before the Saturday nearest October 8, until January 1, 2001, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner. On the opening day of the duck season, shooting hours for migratory game birds, except woodcock, begin at 9:00 a.m.

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Sec. 21. Minnesota Statutes 2002, section 97B.301, subdivision 6, is amended to read:

Subd. 6. **RESIDENTS UNDER AGE 16 18 MAY TAKE DEER OF EITHER SEX.** A resident under the age of 16 18 may take a deer of either sex except in those antlerless permit areas and seasons where no antlerless permits are offered. In antlerless permit areas where no antlerless permits are offered, the commissioner may provide a limited number of youth either sex permits to residents under age 16 18, under the procedures provided in section 97B.305, and may give preference to residents under the age of 16 18 that have not previously been selected. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

Sec. 22. Minnesota Statutes 2002, section 97B.301, subdivision 7, is amended to read:

Subd. 7. **ALL SEASON DEER LICENSE.** (a) A resident may obtain an all season deer license. This license authorizes the resident to take one buck by firearm or archery during any season statewide. In addition, a resident obtaining this license may take one antlerless deer:

(1) by firearms in the regular firearms season if the resident first obtains an antlerless deer permit or if the resident takes the antlerless deer in an area where the commissioner has authorized taking a deer of either sex without an antlerless permit;

(2) by archery in the archery season; or

(3) by muzzleloader in the muzzleloader season.

(b) ~~A person obtaining an all season deer license does not qualify for hunting under subdivision 3.~~ The commissioner shall issue one tag for a buck and one tag for an antlerless deer when issuing a license under this subdivision.

Sec. 23. Minnesota Statutes 2003 Supplement, section 97B.311, is amended to read:

97B.311 DEER SEASONS AND RESTRICTIONS.

Subdivision 1. **RULEMAKING.** (a) The commissioner may, by rule, prescribe restrictions and designate areas where deer may be taken, including hunter selection criteria for special hunts established under section 97A.401, subdivision 4. The commissioner may, by rule, prescribe the open seasons for deer within the following periods:

(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.

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(b) Notwithstanding paragraph (a), the commissioner may establish special seasons within designated areas at any time of year.

Subd. 2. ALBINO DEER PROTECTED. A person may not take an albino deer.

Sec. 24. Minnesota Statutes 2002, section 97B.601, subdivision 3, is amended to read:

Subd. 3. **NONRESIDENTS: RACCOON, BOBCAT, FOX, COYOTE, CANADA LYNX.** A nonresident may not take raccoon, bobcat, fox, coyote, or Canada lynx by firearms without a separate license to take that animal in addition to a small game license.

Sec. 25. Minnesota Statutes 2002, section 97B.601, is amended by adding a subdivision to read:

Subd. 3a. NONRESIDENTS; TRAPPING SMALL GAME. A nonresident may take small game by trapping only on land owned by the nonresident, if the nonresident possesses a trapping license and a small game license.

Sec. 26. Minnesota Statutes 2002, section 97B.721, is amended to read:

97B.721 LICENSE AND STAMP VALIDATION REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without possessing a turkey license and a turkey stamp validation.

(b) The requirement in paragraph (a) to have a turkey stamp validation does not apply to persons under age 18. An unlicensed adult age 18 or older may assist a licensed wild turkey hunter under the age of 16. The unlicensed adult may not shoot or possess a firearm or bow while assisting a youth under this paragraph.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

Sec. 27. Minnesota Statutes 2002, section 97B.901, is amended to read:

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

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

(b) The pelt of each bobcat, fisher, pine marten, and otter must be presented, by the person taking it, to a state wildlife manager designee for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes for the species. Until March 1, 2003, a possession or site tag is not required prior to registration of the fisher, pine marten, or otter.

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Sec. 28. Minnesota Statutes 2002, section 97C.355, subdivision 7, is amended to read:

Subd. 7. **DATES AND TIMES HOUSES MAY REMAIN ON ICE.** (a) Except as provided in paragraph (d), 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) the last day of February, 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

(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.

(c) When the last day of February, under paragraph (a), clause (1), or March 15, under paragraph (a), clause (2), falls on a Saturday, a fish house or dark house may be on the ice between 12:00 a.m. and one hour before sunrise until 12:00 a.m. the following Monday.

(d) A person may have a fish house or dark house on the ice between 12:00 a.m. and one hour before sunrise on waters within the area prescribed in paragraph (a), clause (2), but the house may not be unattended during those hours.

Sec. 29. **[97C.392] SELLING LIVE BAIT.**

Subdivision 1. LICENSE REQUIRED. A person may not sell live bait at retail without a live bait retailer license. A person must purchase a live bait retailer license for each live bait retail outlet operated.

Subd. 2. LICENSE APPLICATION. (a) An applicant for a live bait retailer license must give the business name and address for the retail outlet. The address must include a street address or fire number.

(b) The retail outlet name and location may be changed for licensing purposes upon application to the commissioner.

Subd. 3. EXEMPTIONS. This section does not apply to:

(1) a person who possesses a minnow retailer or dealer license; or

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(2) a resident under age 18 who does not buy bait for resale.

Sec. 30. Minnesota Statutes 2002, section 97C.605, subdivision 2, is amended to read:

Subd. 2. **TURTLE SELLER'S LICENSE.** (a) A person may not take, possess, buy, or transport turtles for sale; sell turtles; or take turtles for sale using commercial equipment without a turtle seller's license, except as provided in subdivision 2c.

(b) Except for renewals, no new turtle seller's licenses may be issued after August 1, 2002.

(c) A turtle seller's license is transferable by the turtle seller licensee by making application to the commissioner. A turtle seller's license may be transferred only once under this paragraph and the transfer must be to a child of the person holding the turtle seller's license.

Sec. 31. Minnesota Statutes 2003 Supplement, section 97C.605, subdivision 2c, is amended to read:

Subd. 2c. **LICENSE EXEMPTIONS.** A person does not need a turtle seller's license or an angling license:

(1) when buying turtles for resale at a retail outlet;

(2) when buying a turtle at a retail outlet;

(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export out of state. Shipping documents provided by the turtle seller must accompany each shipment exported out of state by a nonresident. Shipping documents must include: name, address, city, state, and zip code of the buyer; number of each species of turtle; and name and license number of the turtle seller; or

(4) to take, possess, and rent or sell up to 25 turtles greater than four inches in length for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person is a resident under age 18. The person is responsible for the well-being of the turtles.

Sec. 32. **REPORT.**

By January 15, 2006, the commissioner shall report to the chairs of the senate and house committees having jurisdiction over natural resources policy, evaluating the impacts of the change in shooting hours, including harvest success and the effect on local waterfowl populations.

Sec. 33. **REPORTS AND COOPERATIVE EFFORTS REGARDING LEAD FISHING TACKLE.**

Subdivision 1. **MULTIJURISDICTIONAL COOPERATION FOR LEAD TACKLE RESTRICTIONS AND EDUCATION.** In order to promote consistent, nationally applicable regulations and education, the commissioner of natural resources shall coordinate and participate in efforts to promote national laws and educational programs regarding lead fishing tackle. The commissioner may participate with other

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jurisdictions, including federal, state and international governments, in activities under this subdivision, including advocacy for uniform laws, educational efforts, and the creation of incentives to use nonlead tackle. The commissioner may solicit and involve tackle manufacturers, conservation organizations, and fishing associations in cooperative efforts under this subdivision.

Subd. 2. LEAD TACKLE AWARENESS AND PUBLIC EDUCATION. The commissioner of natural resources and the director of the Office of Environmental Assistance shall provide public education regarding concerns about lead fishing tackle and promote the availability of nonlead fishing tackle.

Subd. 3. VOLUNTARY CONSERVATION OFFICER PARTICIPATION IN LEAD TACKLE AWARENESS CAMPAIGN. Conservation officers in the Department of Natural Resources may provide information to anglers regarding lead tackle and may provide samples of lead-free sinkers and jigs.

Subd. 4. REPORT ON HEALTH HAZARDS OF HOME MANUFACTURE OF FISHING TACKLE. The commissioners of health and the Pollution Control Agency may provide a report to the legislative committees with jurisdiction over environmental and health policies regarding the health hazards associated with the home manufacture of lead fishing tackle. The report may make recommendations to mitigate the concerns associated with any identifiable health hazard discussed in the report.

Sec. 34. GRANTS.

The director of the Office of Environmental Assistance, in consultation with the commissioner of natural resources, may make grants under Minnesota Statutes, sections 115A.152 and 115D.04, to generators, conservation organizations, and angler associations to assist in reducing the use of lead fishing tackle, including grants for educational activities.

Sec. 35. REPORT.

By August 1, 2005, the commissioner shall report to the house and senate policy committees with jurisdiction over natural resources on the results of the mourning dove season authorized by this act. The report must include a description of the impact of the season on the mourning dove population in the state.

Sec. 36. QUALITY DEER MANAGEMENT PILOT ZONE; YOUTH EARLY SEASON FIREARMS DEER HUNT.

(a) The commissioner of natural resources may establish a quality deer management pilot zone, under Minnesota Statutes, section 97B.311, consisting of Kittson, Lake of the Woods, Marshall, Pennington, and Roseau Counties. A person age 18 or older may not take an antlered deer by firearms in the quality deer management pilot zone with antlers that:

- (1) are less than the width of the ears when the ears are fully extended; and
- (2) have fewer than four points on one side.

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(b) The commissioner shall establish an early season two-day, special firearms deer season, under Minnesota Statutes, section 97B.112, for youth residents that are at least age 12 and under age 15 to take an antlerless deer in Kittson, Lake of the Woods, Marshall, Pennington, and Roseau Counties. The two-day special season shall be established on the weekend following the third Thursday in October.

(c) A violation related to antler size in the quality deer management zone is not a crime and shall not result in a penalty, but is punishable only by a warning.

(d) If a quality deer management pilot zone is established, the commissioner shall annually report to the senate and house of representatives committees with jurisdiction over natural resources policy on the quality deer management pilot zone. The report must include information on the number of antlered deer taken in the quality deer management pilot zone and estimates of the antlered deer population in the zone, including the quality of the population.

(e) This section expires on December 31, 2008.

Sec. 37. ROADSIDE WILDLIFE HABITAT STUDY; REPORT.

The commissioner of natural resources, in consultation with the commissioner of transportation and other interested persons, shall study and make recommendations to improve and promote wildlife habitat within the right-of-ways of public roads in the state and the impact of those recommendations on public safety. The study must include, but is not limited to, an analysis of current mowing restrictions and any recommendations for changes to those restrictions, under Minnesota Statutes, section 160.232. By January 15, 2005, the commissioner of natural resources shall provide a report of the study and recommendations under this section to the senate and house committees with jurisdiction over natural resource policy and transportation policy.

Sec. 38. REPEALER.

Minnesota Statutes 2002, section 97B.731, subdivision 2, is repealed.

Presented to the governor May 15, 2004

Signed by the governor May 19, 2004, 9:35 a.m.

CHAPTER 216—S.F.No. 1753

An act relating to utilities; modifying provisions related to wind energy systems; modifying low-income electric rate discount program; regulating conservation improvement by cooperatives and municipalities; eliminating duplicate language related to budget payment plans as a required customer option; amending Minnesota Statutes 2002, sections 123B.02, by adding a subdivision; 216B.16, subdivision 14; Minnesota Statutes 2003 Supplement, section 216B.241, subdivision 1b; repealing Minnesota Statutes 2002, section 325E.015.

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

New language is indicated by underline, deletions by strikeout.