

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH SESSION**

**S.F. No. 2227**

(SENATE AUTHORS: SCHMIT)

DATE	D-PG	OFFICIAL STATUS
03/03/2014	5933	Introduction and first reading Referred to Environment and Energy
03/19/2014		Comm report: To pass as amended and re-refer to State and Local Government

A bill for an act

1.1 relating to natural resources; modifying game and fish laws; modifying use of  
1.2 vehicles for hunting; modifying oversight committee provisions; modifying  
1.3 provisions for wildlife management areas; modifying license provisions and  
1.4 fees; modifying trespass provisions; modifying provisions for taking wild  
1.5 animals; authorizing nonlethal hazing of Canada geese; updating and eliminating  
1.6 certain obsolete language; modifying prior appropriations; requiring rulemaking;  
1.7 providing criminal penalties; amending Minnesota Statutes 2012, sections 84.154,  
1.8 subdivisions 1, 2, 3; 84.777, subdivision 2; 84.87, by adding a subdivision;  
1.9 84.944, subdivision 2; 84A.10; 84A.50; 97A.025; 97A.055, subdivision 4b;  
1.10 97A.131; 97A.137, subdivision 3, by adding a subdivision; 97A.311, subdivision  
1.11 5, by adding a subdivision; 97A.434, subdivision 1; 97A.473, subdivisions 2a, 2b,  
1.12 5, 5a; 97A.502; 97B.001, subdivisions 3, 4, 7; 97B.031, subdivision 5; 97B.081,  
1.13 subdivision 3; 97B.086; 97B.095; 97B.516; 97B.605; 97B.655, subdivision 1;  
1.14 97B.667, subdivisions 3, 4; 97B.731, subdivision 1; 97C.821; Minnesota Statutes  
1.15 2013 Supplement, sections 97A.475, subdivisions 2, 3; 97A.485, subdivision 6;  
1.16 Laws 2008, chapter 363, article 5, section 4, subdivision 7, as amended; proposing  
1.17 coding for new law in Minnesota Statutes, chapters 97B; 97C; repealing  
1.18 Minnesota Statutes 2012, sections 84.154, subdivision 5; 84A.04; 84A.08;  
1.19 84A.11; 97A.081; 97A.083; 97A.445, subdivision 3; 97A.4742, subdivision 3;  
1.20 97B.061; 97B.611; 97B.615; 97B.621, subdivisions 1, 4; 97B.625; 97B.631;  
1.21 97B.635; 97B.711; 97B.715, subdivision 2; 97B.803; 97B.911; 97B.915;  
1.22 97B.921; 97B.925; 97C.011; 97C.827; Minnesota Rules, part 6100.5100.

1.23  
1.24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.25 Section 1. Minnesota Statutes 2012, section 84.154, subdivision 1, is amended to read:

1.26 Subdivision 1. **Conservation project.** The commissioner is hereby authorized, with  
1.27 the approval of the Executive Council, and on such terms as may be deemed advantageous  
1.28 to the state, to sell and convey to the United States the fee title, free from any mineral  
1.29 reservation, of lands acquired by the state for the Lac qui Parle River water control project  
1.30 upon which dams and appurtenant structures have been or may be constructed and such  
1.31 rights-of-way as may be required by the United States to provide access thereto for the  
1.32 purposes of construction, maintenance and operation, and to grant, sell and convey either

2.1 such fee title to, or flowage rights over, all lands acquired for the project on and above Lac  
2.2 qui Parle Lake which lie below the 935.7 foot elevation on project datum, and to grant,  
2.3 sell and convey flowage rights only over all lands so acquired on or above Marsh Lake  
2.4 which lie below the 939.5 foot elevation on project datum and over all of such lands  
2.5 on and above either of these lakes which lie above such elevations, and to lease to any  
2.6 appropriate agency of the United States for conservation purposes, subject to such flowage  
2.7 rights, any of such lands the ownership of which is retained by the state, or to enter into a  
2.8 cooperative agreement with any such agency for the development and management of  
2.9 any wild life or other conservation activity thereon; provided, that no such conveyance or  
2.10 agreement shall waive any claim of the state for reimbursement from the United States  
2.11 ~~under the Flood Control Act of June 28, 1938, and any amendments thereof.~~ Each such  
2.12 lease for conservation purposes and each such cooperative agreement for the development  
2.13 and management of wild life or other conservation activity on such lands shall contain  
2.14 specific conditions reserving to the public during all open seasons for hunting wild  
2.15 waterfowl at least 40 percent of the area of these lands suitable for hunting waterfowl as  
2.16 public shooting grounds.

2.17 Sec. 2. Minnesota Statutes 2012, section 84.154, subdivision 2, is amended to read:

2.18 Subd. 2. **Commissioner may complete Lac qui Parle and Big Stone Lake**  
2.19 **projects.** ~~Inasmuch as the cessation of the work relief program of the federal government~~  
2.20 ~~and the entry of the United States into the present war prevented completion of certain~~  
2.21 ~~contemplated features of the Lac qui Parle and Big Stone Lake water control projects~~  
2.22 ~~heretofore undertaken by the Executive Council, in cooperation with federal agencies,~~  
2.23 ~~and it is desirable that such projects be completed in order to secure effective control and~~  
2.24 ~~utilization of the waters affected for the purposes of prevention and control of floods,~~  
2.25 ~~water conservation, improvement of conditions for game and fish, and other authorized~~  
2.26 ~~public uses;~~ The commissioner of natural resources is authorized to construct all works  
2.27 and improvements pertaining or incidental to said projects which the commissioner deems  
2.28 necessary for such purposes, and to maintain and operate the same so far as not transferred  
2.29 to the United States pursuant to law.

2.30 Sec. 3. Minnesota Statutes 2012, section 84.154, subdivision 3, is amended to read:

2.31 Subd. 3. **Powers of commissioner.** The commissioner of natural resources may  
2.32 use for any project herein authorized any land of the state under the commissioner's  
2.33 jurisdiction or control so far as is not inconsistent with the laws governing the same,  
2.34 may acquire by purchase, gift, or condemnation any additional lands or interests in lands

3.1 required for such projects, including lands or interests in adjacent states if authorized by  
 3.2 the laws thereof, may accept gifts or grants of money or property from the United States or  
 3.3 any other source for such projects, may use and apply any money or property so received  
 3.4 in accordance with the terms of the gift or grant so far as is not inconsistent with the  
 3.5 provisions of this section or other laws, may act in behalf of the state as sponsor for any  
 3.6 such project undertaken or authorized by the United States, may make any sponsor's  
 3.7 contributions required for any such project ~~out of money appropriated by Laws 1943,~~  
 3.8 ~~chapter 476, or otherwise made available therefor,~~ and may cooperate with the United  
 3.9 States or any adjacent state or any authorized agency of either in constructing, maintaining  
 3.10 and operating any such project upon such terms and conditions as the commissioner may  
 3.11 deem proper not inconsistent with the laws of this state.

3.12 Sec. 4. Minnesota Statutes 2012, section 84.777, subdivision 2, is amended to read:

3.13 Subd. 2. **Off-highway vehicle and snowmobile seasonal restrictions.** (a)

3.14 Except for designated forest roads, a person must not operate an off-highway vehicle or  
 3.15 snowmobile on state forest lands during the firearms deer hunting season in areas of the  
 3.16 state where deer may be taken by rifle. This paragraph does not apply to a person in  
 3.17 possession of a valid deer hunting license operating an off-highway vehicle or snowmobile  
 3.18 before or after legal shooting hours or from 11:00 a.m. to 2:00 p.m.

3.19 (b) The commissioner may designate and post winter trails on state forest lands  
 3.20 for use by off-highway vehicles.

3.21 (c) For the purposes of this subdivision, "state forest lands" means forest lands under  
 3.22 the authority of the commissioner as defined in section 89.001, subdivision 13, and lands  
 3.23 managed by the commissioner under section 282.011.

3.24 Sec. 5. Minnesota Statutes 2012, section 84.87, is amended by adding a subdivision to  
 3.25 read:

3.26 Subd. 5. **Snowmobile operation during the firearms deer season.** Snowmobile  
 3.27 operation during the firearms deer hunting season is restricted as provided in section  
 3.28 84.777, subdivision 2, and rules adopted by the commissioner.

3.29 Sec. 6. Minnesota Statutes 2012, section 84.944, subdivision 2, is amended to read:

3.30 Subd. 2. **Designation of acquired sites.** The critical natural habitat acquired in fee  
 3.31 title by the commissioner under this section shall be designated by the commissioner as:  
 3.32 (1) an outdoor recreation unit pursuant to section 86A.07, subdivision 3, or (2) as provided  
 3.33 in sections 89.018, subdivision 2, paragraph (a), 97A.101, 97A.125, and 97C.001, ~~and~~

4.1 ~~97C.011~~. The commissioner may so designate any critical natural habitat acquired in  
4.2 less than fee title.

4.3 Sec. 7. Minnesota Statutes 2012, section 84A.10, is amended to read:

4.4 **84A.10 EMINENT DOMAIN.**

4.5 The department has the power of eminent domain in chapter 117. The department  
4.6 may acquire, by eminent domain or by purchase, lands or interests in lands in the preserve  
4.7 that the department considers necessary for state ownership, use, or development for the  
4.8 purposes of sections 84A.01 to ~~84A.11~~ 84A.101. ~~No money shall be used to acquire the~~  
4.9 ~~lands or interests until the department determines that the money will not be required to~~  
4.10 ~~meet the requisitions of the counties authorized under section 84A.04, or for payment of~~  
4.11 ~~certificates of indebtedness and their interest.~~

4.12 Sec. 8. Minnesota Statutes 2012, section 84A.50, is amended to read:

4.13 **84A.50 CERTAIN CERTIFICATES ACCEPTED AND VALIDATED.**

4.14 Certificates relating to bonds issued to finance or refinance public drainage ditches,  
4.15 the principal and interest of the bonds, the amount of money collected from drainage  
4.16 assessments and credited to ditches, and the amount of the deficit in the ditch fund made  
4.17 by a county auditor under section ~~84A.04~~, 84A.23; or 84A.33 to the commissioner of  
4.18 management and budget on which payment has been made by the state are accepted as  
4.19 correct and are validated.

4.20 Sec. 9. Minnesota Statutes 2012, section 97A.025, is amended to read:

4.21 **97A.025 OWNERSHIP OF WILD ANIMALS.**

4.22 The ownership of wild animals of the state is in the state, in its sovereign capacity  
4.23 for the benefit of all the people of the state. A person may not acquire a property right in  
4.24 wild animals, or destroy them, unless authorized under the game and fish laws, ~~sections~~  
4.25 ~~84.091 to 84.15~~, or sections 17.47 to 17.498.

4.26 Sec. 10. Minnesota Statutes 2012, section 97A.055, subdivision 4b, is amended to read:

4.27 Subd. 4b. **Citizen oversight committees.** (a) The commissioner shall appoint  
4.28 committees of affected persons to review the reports prepared under subdivision 4; review  
4.29 the proposed work plans and budgets for the coming year; propose changes in policies,  
4.30 activities, and revenue enhancements or reductions; review other relevant information;

5.1 and make recommendations to the legislature and the commissioner for improvements in  
5.2 the management and use of money in the game and fish fund.

5.3 (b) The commissioner shall appoint the following committees, each comprised  
5.4 of at least ten affected persons:

5.5 (1) a Fisheries Oversight Committee to review fisheries funding and expenditures,  
5.6 including activities related to trout and salmon stamps and walleye stamps; and

5.7 (2) a Wildlife Oversight Committee to review wildlife funding and expenditures,  
5.8 including activities related to migratory waterfowl, pheasant, and wild turkey management  
5.9 and deer and big game management.

5.10 (c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight  
5.11 Committee, and four additional members from each committee, shall form a Budgetary  
5.12 Oversight Committee to coordinate the integration of the fisheries and wildlife oversight  
5.13 committee reports into an annual report to the legislature; recommend changes on a broad  
5.14 level in policies, activities, and revenue enhancements or reductions; and provide a forum  
5.15 to address issues that transcend the fisheries and wildlife oversight committees.

5.16 (d) The Budgetary Oversight Committee shall develop recommendations for a  
5.17 biennial budget plan and report for expenditures on game and fish activities. By August 15  
5.18 of each even-numbered year, the committee shall submit the budget plan recommendations  
5.19 to the commissioner and to the senate and house of representatives committees with  
5.20 jurisdiction over natural resources finance.

5.21 (e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight  
5.22 Committee shall be chosen by their respective committees. The chair of the Budgetary  
5.23 Oversight Committee shall be appointed by the commissioner and may not be the chair of  
5.24 either of the other oversight committees.

5.25 (f) The Budgetary Oversight Committee may make recommendations to the  
5.26 commissioner and to the senate and house of representatives committees with jurisdiction  
5.27 over natural resources finance for outcome goals from expenditures.

5.28 (g) ~~Notwithstanding section 15.059, subdivision 5, or other law to the contrary, The~~  
5.29 committees authorized under this subdivision are not advisory councils or committees  
5.30 governed by section 15.059 and are not subject to section 15.059. Committee members  
5.31 appointed by the commissioner may request reimbursement for mileage expenses in  
5.32 the same manner and amount as authorized by the commissioner's plan adopted under  
5.33 section 43A.18, subdivision 2. Committee members must not receive daily compensation  
5.34 for oversight activities. The Fisheries Oversight Committee, the Wildlife Oversight  
5.35 Committee, and the Budgetary Oversight Committee ~~do not expire until~~ June 30, 2015.

6.1 Sec. 11. Minnesota Statutes 2012, section 97A.131, is amended to read:

6.2 **97A.131 ~~GAME FARMS AND HATCHERIES.~~**

6.3 The commissioner may acquire property by gift, lease, purchase, or condemnation  
6.4 and may construct, maintain, operate, and alter facilities for ~~game farms and~~ hatcheries.

6.5 Sec. 12. Minnesota Statutes 2012, section 97A.137, subdivision 3, is amended to read:

6.6 Subd. 3. **Use of motorized vehicles by disabled hunters.** The commissioner may  
6.7 issue a special permit, without a fee, authorizing a hunter with a permanent physical  
6.8 disability to use a snowmobile ~~or~~, highway-licensed vehicle, all-terrain vehicle, or motor  
6.9 boat in wildlife management areas. To qualify for a permit under this subdivision, the  
6.10 disabled person must possess:

6.11 (1) the required hunting licenses; and

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

6.13 Sec. 13. Minnesota Statutes 2012, section 97A.137, is amended by adding a  
6.14 subdivision to read:

6.15 Subd. 6. **Crossing state lands.** (a) The commissioner may grant a permit to cross  
6.16 state lands within wildlife management areas for temporary right-of-way access to federal,  
6.17 county-managed, or privately owned lands for resource management purposes. A permit  
6.18 for crossing state lands within wildlife management areas is revocable at any time subject  
6.19 to conditions identified in the permit.

6.20 (b) The commissioner may grant a permit to a private landowner or leaseholder to  
6.21 cross state lands within wildlife management areas by motorized vehicle for temporary  
6.22 right-of-way access to a permit applicant's land, when it is the only reasonable access and  
6.23 is consistent with the maintenance and management of wildlife lands.

6.24 Sec. 14. Minnesota Statutes 2012, section 97A.311, subdivision 5, is amended to read:

6.25 Subd. 5. **Refunds.** (a) The commissioner may issue a refund on a license, not  
6.26 including any issuing fees paid under section 97A.485, subdivision 6, if the request is  
6.27 received within 90 days of the original license purchase and:

6.28 (1) the licensee dies before the opening of the licensed season. The original license  
6.29 and a copy of the death certificate must be provided to the commissioner;

6.30 (2) the licensee is unable to participate in the licensed activity because the licensee is  
6.31 called to active military duty or military leave is canceled during the entire open season of  
6.32 the licensed activity. The original license and a copy of the military orders or notice of  
6.33 cancellation of leave must be provided to the commissioner;

- 7.1 (3) the licensee purchased two licenses for the same license season in error; ~~or~~  
 7.2 (4) the licensee was not legally required to purchase the license to participate in  
 7.3 the activity; or  
 7.4 (5) evidence is provided to the commissioner that demonstrates the license was  
 7.5 issued incorrectly by the department or license agent.  
 7.6 (b) This subdivision does not apply to lifetime licenses.

7.7 Sec. 15. Minnesota Statutes 2012, section 97A.311, is amended by adding a  
 7.8 subdivision to read:

7.9 Subd. 6. **License corrections.** The commissioner may correct a license or license  
 7.10 type and refund the difference or charge the difference of the corrected license fee if:

7.11 (1) the licensee provides evidence that the license was issued incorrectly by the  
 7.12 department or license agent;

7.13 (2) the request is made within 30 days of the original license purchase;

7.14 (3) the season or license activities for the original license have not yet started at the  
 7.15 time of the request; and

7.16 (4) the licensee is entitled to the corrected license.

7.17 Sec. 16. Minnesota Statutes 2012, section 97A.434, subdivision 1, is amended to read:

7.18 Subdivision 1. **Number of licenses to be issued.** If the commissioner establishes  
 7.19 an open season for prairie chickens ~~under section 97B.711~~, the commissioner shall also  
 7.20 determine, by rule, the number of licenses to be issued.

7.21 Sec. 17. Minnesota Statutes 2012, section 97A.473, subdivision 2a, is amended to read:

7.22 Subd. 2a. **Lifetime spearing license; fee.** (a) A resident lifetime spearing license  
 7.23 authorizes a person to take fish by spearing in the state. The license authorizes those  
 7.24 activities authorized by the annual resident spearing license.

7.25 (b) The fees for a resident lifetime spearing license are:

7.26 (1) age 3 and under, ~~\$258~~ \$77;

7.27 (2) age 4 to age 15, ~~\$320~~ \$106;

7.28 (3) age 16 to age 50, ~~\$372~~ \$100; and

7.29 (4) age 51 and over, ~~\$173~~ \$52.

7.30 Sec. 18. Minnesota Statutes 2012, section 97A.473, subdivision 2b, is amended to read:

7.31 Subd. 2b. **Lifetime angling and spearing license; fee.** (a) A resident lifetime  
 7.32 angling and spearing license authorizes a person to take fish by angling or spearing in the

8.1 state. The license authorizes those activities authorized by the annual resident angling  
8.2 and spearing licenses.

8.3 (b) The fees for a resident lifetime angling and spearing license are:

8.4 (1) age 3 and under, \$380;

8.5 (2) age 4 to age 15, \$509;

8.6 (3) age 16 to age 50, ~~\$617~~ \$596; and

8.7 (4) age 51 and over, \$386.

8.8 Sec. 19. Minnesota Statutes 2012, section 97A.473, subdivision 5, is amended to read:

8.9 Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license  
8.10 authorizes a person to take fish by angling and hunt and trap small game, other than  
8.11 wolves, in the state. The license authorizes those activities authorized by the annual  
8.12 resident angling and resident small game hunting licenses and the resident trapping license  
8.13 for fur-bearing animals other than wolves. The license does not include a trout and salmon  
8.14 stamp validation, a turkey stamp validation, a walleye stamp validation, or any other  
8.15 hunting stamps required by law.

8.16 (b) The fees for a resident lifetime sporting license are:

8.17 (1) age 3 and under, ~~\$528~~ \$485;

8.18 (2) age 4 to age 15, ~~\$728~~ \$659;

8.19 (3) age 16 to age 50, \$861; and

8.20 (4) age 51 and over, ~~\$602~~ \$560.

8.21 Sec. 20. Minnesota Statutes 2012, section 97A.473, subdivision 5a, is amended to read:

8.22 Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident  
8.23 lifetime sporting with spearing option license authorizes a person to take fish by angling  
8.24 or spearing and hunt and trap small game, other than wolves, in the state. The license  
8.25 authorizes those activities authorized by the annual resident angling, spearing, and resident  
8.26 small game hunting licenses and the resident trapping license for fur-bearing animals other  
8.27 than wolves. The license does not include a trout and salmon stamp validation, a turkey  
8.28 stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

8.29 (b) The fees for a resident lifetime sporting with spearing option license are:

8.30 (1) age 3 and under, ~~\$615~~ \$562;

8.31 (2) age 4 to age 15, ~~\$800~~ \$765;

8.32 (3) age 16 to age 50, ~~\$985~~ \$961; and

8.33 (4) age 51 and over, ~~\$586~~ \$612.

9.1 Sec. 21. Minnesota Statutes 2013 Supplement, section 97A.475, subdivision 2, is  
9.2 amended to read:

9.3 Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents  
9.4 only, are:

9.5 (1) for persons age 18 or over and under age 65 to take small game, \$15.50;

9.6 (2) for persons age 65 or over, \$7 to take small game;

9.7 (3) for persons age 18 or over to take turkey, \$26;

9.8 (4) for persons age 13 or over and under age 18 to take turkey, \$5;

9.9 (5) for persons age 18 or over to take deer with firearms during the regular firearms  
9.10 season, \$30;

9.11 (6) for persons age 18 or over to take deer by archery, \$30;

9.12 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
9.13 season, \$30;

9.14 (8) to take moose, for a party of not more than six persons, \$356;

9.15 (9) for persons age 18 or over to take bear, \$44;

9.16 (10) to take elk, for a party of not more than two persons, \$287;

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

9.18 (12) to take prairie chickens, \$23;

9.19 (13) for persons age 13 or over and under age 18 to take deer with firearms during  
9.20 the regular firearms season, \$5;

9.21 (14) for persons age 13 or over and under age 18 to take deer by archery, \$5;

9.22 (15) for persons age 13 or over and under age 18 to take deer by muzzleloader  
9.23 during the muzzleloader season, \$5;

9.24 (16) for persons age 10, 11, or 12 to take bear, no fee;

9.25 (17) for persons age 13 or over and under age 18 to take bear, \$5;

9.26 ~~(18)~~ (18) for persons age 18 or over to take small game for a consecutive 72-hour  
9.27 period selected by the licensee, \$19, of which an amount equal to: one-half of the fee for  
9.28 the migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the  
9.29 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half  
9.30 of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in  
9.31 the pheasant habitat improvement account under section 97A.075, subdivision 4; and  
9.32 one-half of the small game surcharge under subdivision 4, shall be deposited in the  
9.33 wildlife acquisition account;

9.34 ~~(17)~~ (19) for persons age 16 or over and under age 18 to take small game, \$5;

9.35 ~~(18)~~ (20) to take wolf, \$30;

9.36 ~~(19)~~ (21) for persons age 12 and under to take turkey, no fee;

- 10.1 ~~(20)~~ (22) for persons age 10, 11, or 12 to take deer by firearm, no fee;  
 10.2 ~~(21)~~ (23) for persons age 10, 11, or 12 to take deer by archery, no fee; and  
 10.3 ~~(22)~~ (24) for persons age 10, 11, or 12 to take deer by muzzleloader during the  
 10.4 muzzleloader season, no fee.

10.5 Sec. 22. Minnesota Statutes 2013 Supplement, section 97A.475, subdivision 3, is  
 10.6 amended to read:

10.7 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued  
 10.8 to nonresidents, are:

- 10.9 (1) for persons age 18 or over to take small game, \$90.50;  
 10.10 (2) for persons age 18 or over to take deer with firearms during the regular firearms  
 10.11 season, \$160;  
 10.12 (3) for persons age 18 or over to take deer by archery, \$160;  
 10.13 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
 10.14 season, \$160;  
 10.15 (5) for persons age 18 or over to take bear, \$225;  
 10.16 (6) for persons age 18 or over to take turkey, \$91;  
 10.17 (7) for persons age 13 or over and under age 18 to take turkey, \$5;  
 10.18 (8) to take raccoon or bobcat, \$178;  
 10.19 (9) to take Canada geese during a special season, \$4;  
 10.20 (10) for persons age 13 or over and under age 18 to take deer with firearms during  
 10.21 the regular firearms season in any open season option or time period, \$5;  
 10.22 (11) for persons age 13 or over and under age 18 to take deer by archery, \$5;  
 10.23 (12) for persons age 13 or over and under age 18 to take deer during the muzzleloader  
 10.24 season, \$5;  
 10.25 (13) for persons age 13 or over and under 18 to take bear, \$5;  
 10.26 (14) for persons age 18 or over to take small game for a consecutive 72-hour period  
 10.27 selected by the licensee, \$75, of which an amount equal to: one-half of the fee for the  
 10.28 migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the  
 10.29 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half  
 10.30 of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in  
 10.31 the pheasant habitat improvement account under section 97A.075, subdivision 4; and  
 10.32 one-half of the small game surcharge under subdivision 4, shall be deposited into the  
 10.33 wildlife acquisition account;  
 10.34 ~~(14)~~ (15) for persons age 16 or 17 to take small game, \$5;  
 10.35 ~~(15)~~ (16) to take wolf, \$250;

- 11.1 ~~(16)~~ (17) for persons age 12 and under to take turkey, no fee;
- 11.2 ~~(17)~~ (18) for persons age ten, 11, or 12 to take deer by firearm, no fee;
- 11.3 ~~(18)~~ (19) for persons age ten, 11, or 12 to take deer by archery, no fee; ~~and~~
- 11.4 ~~(19)~~ (20) for persons age ten, 11, or 12 to take deer by muzzleloader during the
- 11.5 muzzleloader season, no fee; and
- 11.6 (21) for person age 10, 11, or 12 to take bear, no fee.

11.7 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under

11.8 paragraph (a), clauses (1) to (6) and (8). An additional commission may not be assessed

11.9 on this surcharge.

11.10 Sec. 23. Minnesota Statutes 2013 Supplement, section 97A.485, subdivision 6, is

11.11 amended to read:

11.12 Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell

11.13 licenses under this section must issue the following licenses for the license fee and the

11.14 following issuing fees:

- 11.15 (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
- 11.16 (2) Minnesota sporting, the issuing fee is \$1;
- 11.17 (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing
- 11.18 animals, the issuing fee is \$1;
- 11.19 (4) to apply for a limited hunt drawing, the issuing fee is \$1 unless the application
- 11.20 requires a license purchase at the time of application and the license purchase requires
- 11.21 an application fee;
- 11.22 (5) for a prairie chicken license, the issuing fee is \$1;
- 11.23 (6) for a turkey license, the issuing fee is \$1;
- 11.24 (7) for an elk license, the issuing fee is \$1;
- 11.25 (8) for a moose license, the issuing fee is \$1;
- 11.26 (9) for a wolf license, the issuing fee is \$1;
- 11.27 (10) for a stamp validation that is not issued simultaneously with a license, an
- 11.28 issuing fee of 50 cents may be charged at the discretion of the authorized seller;
- 11.29 (11) for stamp validations issued simultaneously with a license, there is no fee;
- 11.30 (12) for licenses, seals, tags, or coupons issued without a fee under section 97A.441,<sub>2</sub>
- 11.31 subdivisions 1 to 6a, or 97A.465, the issuing there is no fee is \$1;
- 11.32 (13) for lifetime licenses, there is no fee; and
- 11.33 (14) for all other licenses, permits, renewals, or applications or any other transaction
- 11.34 through the electronic licensing system under this chapter or any other chapter when

12.1 an issuing fee is not specified, an issuing fee of \$1 may be charged at the discretion of  
 12.2 the authorized seller.

12.3 (b) Only one issuing fee may be collected when selling more than one stamp in the  
 12.4 same transaction after the end of the season for which the stamp was issued.

12.5 (c) The agent shall keep the issuing fee as a commission for selling the licenses.

12.6 (d) The commissioner shall collect the issuing fee on licenses sold by the  
 12.7 commissioner.

12.8 (e) A license, except stamps, must state the amount of the issuing fee and that the  
 12.9 issuing fee is kept by the seller as a commission for selling the licenses.

12.10 (f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:

12.11 (1) for licenses to take big game, 75 cents; and

12.12 (2) for other licenses, 50 cents.

12.13 (g) The commissioner may issue one-day angling licenses in books of ten licenses  
 12.14 each to fishing guides operating charter boats upon receipt of payment of all license  
 12.15 fees, excluding the issuing fee required under this section. Copies of sold and unsold  
 12.16 licenses shall be returned to the commissioner. The commissioner shall refund the charter  
 12.17 boat captain for the license fees of all unsold licenses. Copies of sold licenses shall be  
 12.18 maintained by the commissioner for one year.

12.19 Sec. 24. Minnesota Statutes 2012, section 97A.502, is amended to read:

12.20 **97A.502 DEER KILLED BY MOTOR VEHICLES.**

12.21 (a) Deer killed by a motor vehicle on a public road must be removed by the road  
 12.22 authority, as defined by section 160.02, subdivision 25, unless the driver of the motor  
 12.23 vehicle is allowed to possess the deer under paragraph (b). ~~The commissioner of natural  
 12.24 resources must provide to all road authorities standard forms for statistical purposes and  
 12.25 the tracking of wild animals.~~

12.26 (b) The driver of a motor vehicle that has collided with and killed a deer on a public  
 12.27 road has priority for a possession permit for the entire deer if the facts indicate that the  
 12.28 deer was not taken illegally.

12.29 Sec. 25. Minnesota Statutes 2012, section 97B.001, subdivision 3, is amended to read:

12.30 Subd. 3. **Remaining on land prohibited after notice.** Except as provided in  
 12.31 subdivision 6, a person may not remain on or return within one year to any land for  
 12.32 outdoor recreation purposes after being ~~orally told~~ personally notified not to do so by  
 12.33 the owner, occupant, or lessee.

13.1 Sec. 26. Minnesota Statutes 2012, section 97B.001, subdivision 4, is amended to read:

13.2 Subd. 4. **Entering posted land prohibited; signs.** (a) Except as provided in  
13.3 subdivision 6, a person may not:

13.4 (1) enter, for outdoor recreation purposes, any land that is posted under this  
13.5 subdivision without first obtaining permission of the owner, occupant, or lessee; or

13.6 (2) knowingly enter, for outdoor recreation purposes, any land that is posted under  
13.7 this subdivision without first obtaining permission of the owner, occupant, or lessee. A  
13.8 person who violates this clause is subject to the penalty provided in section 97A.315,  
13.9 subdivision 1, paragraph (b).

13.10 (b) The owner, occupant, or lessee of private land, or an authorized manager of public  
13.11 land may prohibit outdoor recreation on the land by posting signs once each year that:

13.12 (1) state "no trespassing" or similar terms;

13.13 (2) display letters at least two inches high;

13.14 (3) either:

13.15 (i) are signed by the owner, occupant, lessee, or authorized manager; or

13.16 (ii) include the legible name and telephone number of the owner, occupant, lessee,  
13.17 or authorized manager; and

13.18 (4) either:

13.19 (i) are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded  
13.20 area where boundary lines are not clear, at intervals of 500 feet or less; or

13.21 (ii) mark the primary corners of each parcel of land and access roads and trails at  
13.22 the point of entrance to each parcel of land except that corners only accessible through  
13.23 agricultural land need not be posted.

13.24 (c) A person may not erect a sign that prohibits outdoor recreation or trespassing  
13.25 where the person does not have a property right, title, or interest to use the land.

13.26 Sec. 27. Minnesota Statutes 2012, section 97B.001, subdivision 7, is amended to read:

13.27 Subd. 7. **Use of firearms and taking in certain areas.** (a) A person may not take a  
13.28 wild animal with a firearm within 500 feet of a building occupied by a human or livestock  
13.29 without the written permission of the owner, occupant, or lessee:

13.30 (1) on another person's private land, if the land is not a licensed shooting preserve; or

13.31 (2) on a public road right-of-way.

13.32 (b) No person may ~~shoot~~ discharge a firearm within 500 feet of a stockade or corral  
13.33 containing confining livestock for the purpose of normal commercial livestock holding  
13.34 and sorting operations without the permission of the owner, occupant, or lessee. For the

14.1 purposes of this paragraph, a "stockade or corral" means a fenced enclosure for ~~containing~~  
14.2 confining livestock that does not enclose an area greater than one acre.

14.3 (c) A person may not take a wild animal on any land where the person is prohibited  
14.4 from entering by this section.

14.5 Sec. 28. Minnesota Statutes 2012, section 97B.031, subdivision 5, is amended to read:

14.6 Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law  
14.7 to the contrary, the commissioner may issue a special permit, without a fee, to use a  
14.8 muzzleloader with a scope to take deer during the muzzleloader season to a person who  
14.9 obtains the required licenses and who has a visual impairment. The scope may not have  
14.10 magnification capabilities.

14.11 (b) The visual impairment must be to the extent that the applicant is unable  
14.12 to identify targets and the rifle sights at the same time without a scope. The visual  
14.13 impairment and specific conditions must be established by medical evidence verified in  
14.14 writing by (1) a licensed physician or a certified nurse practitioner or certified physician  
14.15 assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist;  
14.16 or (3) a licensed optometrist. The commissioner may request additional information from  
14.17 the physician if needed to verify the applicant's eligibility for the permit.

14.18 (c) A permit issued under this subdivision may be valid for up to five years, based  
14.19 on the permanence of the visual impairment as determined by the licensed physician,  
14.20 ophthalmologist, or optometrist.

14.21 (d) The permit must be in the immediate possession of the permittee when hunting  
14.22 under the special permit.

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

14.25 (f) A person who knowingly makes a false application or assists another in making  
14.26 a false application for a permit under this subdivision is guilty of a misdemeanor. A  
14.27 physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or  
14.28 optometrist who fraudulently certifies to the commissioner that a person is visually  
14.29 impaired as described in this subdivision is guilty of a misdemeanor.

14.30 (g) A permit is not required under this subdivision to use an electronic range finder  
14.31 according to section 97B.081, subdivision 3, paragraph (c).

14.32 Sec. 29. Minnesota Statutes 2012, section 97B.081, subdivision 3, is amended to read:

14.33 Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to:

15.1 (1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons  
 15.2 according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

15.3 (2) hunt fox or coyote from January 1 to March 15 while using a handheld artificial  
 15.4 light, provided that the person is:

15.5 (i) on foot;

15.6 (ii) using a shotgun;

15.7 (iii) not within a public road right-of-way;

15.8 (iv) using a handheld or electronic calling device; and

15.9 (v) not within 200 feet of a motor vehicle; or

15.10 (3) cast the rays of a handheld artificial light to retrieve wounded or dead big game  
 15.11 animals, provided that the person is:

15.12 (i) on foot; and

15.13 (ii) not in possession of a firearm or bow.

15.14 (b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight,  
 15.15 headlight, or other artificial light to:

15.16 (1) carry out any agricultural, safety, emergency response, normal vehicle operation,  
 15.17 or occupation-related activities that do not involve taking wild animals; or

15.18 (2) carry out outdoor recreation as defined in section 97B.001 that is not related to  
 15.19 spotting, locating, or taking a wild animal.

15.20 (c) Except as otherwise provided by the game and fish laws, it is not a violation of  
 15.21 this section for a person to use an electronic range finder device from one-half hour before  
 15.22 sunrise until sunset while lawfully hunting wild animals.

15.23 Sec. 30. Minnesota Statutes 2012, section 97B.086, is amended to read:

15.24 **97B.086 POSSESSION OF NIGHT VISION OR THERMAL IMAGING**  
 15.25 **EQUIPMENT.**

15.26 (a) A person may not possess night vision or thermal imaging equipment while  
 15.27 taking wild animals or while having in possession, either individually or as one of a group  
 15.28 of persons, a firearm, bow, or other implement that could be used to take wild animals.

15.29 (b) This section does not apply to a firearm that is:

15.30 (1) unloaded;

15.31 (2) in a gun case expressly made to contain a firearm that fully encloses the firearm  
 15.32 by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of  
 15.33 the firearm exposed; and

15.34 (3) in the closed trunk of a motor vehicle.

15.35 (c) This section does not apply to a bow that is:

16.1 (1) completely encased or unstrung; and

16.2 (2) in the closed trunk of a motor vehicle.

16.3 (d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm  
16.4 or bow must be placed in the rearmost location of the vehicle.

16.5 (e) This section does not apply to night vision or thermal imaging equipment  
16.6 possessed by peace officers or military personnel while exercising their duties.

16.7 Sec. 31. Minnesota Statutes 2012, section 97B.095, is amended to read:

16.8 **97B.095 DISTURBING AND TAKING FROM BURROWS AND DENS.**

16.9 Subdivision 1. Disturbing burrows or dens. A person may not disturb the burrow  
16.10 or den of a wild animal between November 1 and April 1 without a permit.

16.11 Subd. 2. Fox dens. A person may not remove a fox from a den or trap fox within  
16.12 300 feet of a fox den from April 1 to August 31.

16.13 Subd. 3. Raccoon dens. A person may not take a raccoon in a den or hollow tree.

16.14 Sec. 32. **97B.099] PROHIBITED HUNTING METHODS.**

16.15 Subdivision 1. Open fire or smoke. A person may not take a protected wild animal  
16.16 with the aid of an open fire or smoke.

16.17 Subd. 2. Cutting trees. A person may not take a protected wild animal by cutting  
16.18 down a tree occupied by a protected wild animal.

16.19 Sec. 33. Minnesota Statutes 2012, section 97B.516, is amended to read:

16.20 **97B.516 ELK MANAGEMENT PLAN.**

16.21 The commissioner of natural resources must adopt an elk management plan that:

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

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

16.25 (3) affords optimum recreational opportunities; and

16.26 ~~(4) restricts elk to nonagricultural land in the state.~~

16.27 Sec. 34. Minnesota Statutes 2012, section 97B.605, is amended to read:

16.28 **97B.605 COMMISSIONER MAY RESTRICT TAKING OF CERTAIN**  
16.29 **SMALL GAME ANIMALS.**

16.30 The commissioner may by rule set open seasons for, prescribe limits and restrictions  
16.31 on, and designate areas where ~~gray and fox squirrels, cottontail and jack rabbits, snowshoe~~

17.1 ~~hare, raccoon, bobcat, red fox and gray fox, fisher, pine marten, opossum, wolves, and~~  
 17.2 ~~badger~~ small game as defined in section 97A.015 may be taken and possessed.

17.3 Sec. 35. Minnesota Statutes 2012, section 97B.655, subdivision 1, is amended to read:

17.4 Subdivision 1. **Owners and occupants may take certain animals.** A person may  
 17.5 take mink, squirrel, rabbit, hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on  
 17.6 land owned or occupied by the person where the animal is causing damage. The person  
 17.7 may take the animal without a license and in any manner except by poison, or artificial  
 17.8 lights in the closed season. Raccoons may be taken under this subdivision with artificial  
 17.9 lights during open season. A person that kills mink, raccoon, bobcat, fox, opossum,  
 17.10 muskrat, or beaver under this subdivision must notify a conservation officer or employee  
 17.11 of the Fish and Wildlife Division within 24 hours after the animal is killed.

17.12 Sec. 36. Minnesota Statutes 2012, section 97B.667, subdivision 3, is amended to read:

17.13 Subd. 3. **Permits and notice; requirements.** (a) Before killing or arranging to kill  
 17.14 a beaver under this section, the road authority or local government unit must contact a  
 17.15 conservation officer for a special beaver permit. The conservation officer must issue the  
 17.16 permit for any beaver subject to this section.

17.17 (b) A road authority or local government unit that kills or arranges to have killed a  
 17.18 beaver under this section must notify a conservation officer or employee of the Fish and  
 17.19 Wildlife Division within ten days after the animal is killed.

17.20 Sec. 37. Minnesota Statutes 2012, section 97B.667, subdivision 4, is amended to read:

17.21 Subd. 4. **Local beaver control programs.** A road authority or local government  
 17.22 unit may, after consultation with the Fish and Wildlife Division, implement a local beaver  
 17.23 control program designed to reduce the number of incidents of beaver:

17.24 (1) interfering with or damaging a public road; or

17.25 (2) causing damage, including damage to silvicultural projects and drainage ditches,  
 17.26 on property owned or managed by the local government unit.

17.27 The local control program may include the offering of a bounty for the lawful taking  
 17.28 of beaver.

17.29 Sec. 38. **[97B.668] CANADA GEESE CAUSING DAMAGE.**

17.30 Notwithstanding sections 97B.091 and 97B.805, subdivisions 1 and 2, a person or  
 17.31 agent of that person on lands and nonpublic waters owned or operated by the person may  
 17.32 nonlethally scare, haze, chase, or harass Canada geese that are causing property damage

18.1 from March 11 to August 31. This section does not apply to public waters as defined  
18.2 under section 103G.005, subdivision 15, or geese on nests unless a permit is obtained  
18.3 under section 97A.401.

18.4 Sec. 39. Minnesota Statutes 2012, section 97B.731, subdivision 1, is amended to read:

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

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

18.10 Sec. 40. **[97C.502] MINNOWS AND LEECHES; INVASIVE SPECIES**  
18.11 **TRAINING REQUIRED.**

18.12 Subdivision 1. **Minnows; invasive species training required.** A minnow dealer,  
18.13 and each person working under the minnow dealer's license, must annually satisfactorily  
18.14 complete aquatic invasive species-related training provided by the commissioner before  
18.15 taking, selling, or transporting minnows within the state.

18.16 Subd. 2. **Training certification required.** Minnow dealers, and each person  
18.17 working under the minnow dealer's license, must have a valid invasive species training  
18.18 certification in possession while taking, selling, or transporting minnows within the state.  
18.19 A person who only sells minnows for the licensed minnow dealer at a retail location is not  
18.20 required to have a training certification.

18.21 Subd. 3. **Leeches; invasive species training required.** A resident under age 18  
18.22 must annually satisfactorily complete aquatic invasive species-related training provided  
18.23 by the commissioner before taking, selling, or transporting leeches within the state.  
18.24 A resident under age 18 must have a valid invasive species training certification in  
18.25 possession while taking, selling, or transporting leeches within the state.

18.26 **EFFECTIVE DATE.** This section is effective March 1, 2015.

18.27 Sec. 41. Minnesota Statutes 2012, section 97C.821, is amended to read:

18.28 **97C.821 POSSESSION, SALE, AND TRANSPORTATION OF**  
18.29 **COMMERCIAL FISH.**

18.30 Subdivision 1. **Transporting and holding commercial fish.** Subject to the  
18.31 applicable provisions of the game and fish laws, fish taken under commercial fishing  
18.32 licenses may be possessed in any quantity, bought, sold, and transported at any time.

19.1 Commercial fishing licensees may transport their catch live to holding facilities, if the  
 19.2 licensee has exclusive control of the facilities. Licensees must annually provide the legal  
 19.3 description and verification of exclusive control on forms provided by the commissioner  
 19.4 with the license application. Commercial fishing licensees may harvest fish from their  
 19.5 holding facilities at any time with their licensed gear. The commissioner may prohibit the  
 19.6 transport of live fish taken under a commercial fishing license from waters that contain  
 19.7 nonnative species, are designated as infested waters, or are infected with any certifiable  
 19.8 disease.

19.9 Subd. 2. Invasive species permit certification. (a) A commercial fishing licensee,  
 19.10 and each apprentice working under the licensee's commercial fishing license, must  
 19.11 annually complete invasive species training provided by the commissioner and pass an  
 19.12 examination to qualify to take, sell, or transport commercial fish within the state.

19.13 (b) A commercial fishing licensee, and each apprentice working under the licensee's  
 19.14 commercial fishing license, must have a valid invasive species training certification in  
 19.15 possession while taking, selling, or transporting commercial fish within the state.

19.16 EFFECTIVE DATE. This section is effective March 1, 2015.

19.17 Sec. 42. Laws 2008, chapter 363, article 5, section 4, subdivision 7, as amended by  
 19.18 Laws 2009, chapter 37, article 1, section 61, is amended to read:

19.19	Subd. 7. <b>Fish and Wildlife Management</b>	123,000	119,000
19.20	Appropriations by Fund		
19.21	General	-0-	(427,000)
19.22	Game and Fish	123,000	546,000

19.23 \$329,000 in 2009 is a reduction for fish and  
 19.24 wildlife management.

19.25 \$46,000 in 2009 is a reduction in the  
 19.26 appropriation for the Minnesota Shooting  
 19.27 Sports Education Center.

19.28 \$52,000 in 2009 is a reduction for licensing.

19.29 \$123,000 in 2008 and \$246,000 in 2009 are  
 19.30 from the game and fish fund to implement  
 19.31 fish virus surveillance, prepare infrastructure  
 19.32 to handle possible outbreaks, and implement  
 19.33 control procedures for highest risk waters

20.1 and fish production operations. This is a  
 20.2 onetime appropriation.

20.3 Notwithstanding Minnesota Statutes, section  
 20.4 297A.94, paragraph (e), \$300,000 in 2009  
 20.5 is from the second year appropriation in  
 20.6 Laws 2007, chapter 57, article 1, section 4,  
 20.7 subdivision 7, from the heritage enhancement  
 20.8 account in the game and fish fund to ~~study,~~  
 20.9 complete predesign, and design a of  
 20.10 shooting sports facility in the seven-county  
 20.11 metropolitan area facilities. Funding may  
 20.12 also be used to establish basic hunter  
 20.13 education/firearms safety ranges and archery  
 20.14 ranges on public properties. This is available  
 20.15 onetime only and is available until expended.

20.16 \$300,000 in 2009 is appropriated from the  
 20.17 game and fish fund for only activities that  
 20.18 improve, enhance, or protect fish and wildlife  
 20.19 resources. This is a onetime appropriation.

20.20 Sec. 43. **REFUNDS; LIFETIME LICENSES.**

20.21 On or after the effective date of sections 17 to 20, the commissioner of natural  
 20.22 resources may issue refunds for the difference of the price of lifetime licenses purchased  
 20.23 between March 1, 2013, and the effective date of sections 17 to 20.

20.24 Sec. 44. **GRAY PARTRIDGE BAG LIMIT; RULEMAKING.**

20.25 (a) The commissioner of natural resources shall amend Minnesota Rules, part  
 20.26 6234.0500, by adding a new subpart to read: "A person may not take more than five gray  
 20.27 partridge per day or possess more than ten gray partridge at a time."

20.28 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
 20.29 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
 20.30 Statutes, section 14.386, does not apply except as provided in Minnesota Statutes, section  
 20.31 14.388.

20.32 Sec. 45. **RULEMAKING; SNOWMOBILE OPERATION DURING FIREARMS**  
 20.33 **DEER SEASON.**

21.1           (a) The commissioner of natural resources shall amend Minnesota Rules, part  
21.2 6232.0300, subpart 7, item C, by deleting "Legal use of snowmobiles during the open deer  
21.3 season is governed by part 6100.5100."

21.4           (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
21.5 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
21.6 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,  
21.7 section 14.388.

21.8           Sec. 46. **REVISOR'S INSTRUCTION.**

21.9           (a) The revisor of statutes shall delete the terms "conibear-type" and "'conibear' type"  
21.10 wherever they appear in Minnesota Statutes and Minnesota Rules and make conforming  
21.11 grammatical changes.

21.12           (b) The revisor of statutes shall delete the range reference "84A.01 to 84A.11" and  
21.13 insert "84A.01 to 84A.101" wherever it appears in Minnesota Statutes.

21.14           Sec. 47. **REPEALER.**

21.15           Minnesota Statutes 2012, sections 84.154, subdivision 5; 84A.04; 84A.08; 84A.11;  
21.16 97A.081; 97A.083; 97A.445, subdivision 3; 97A.4742, subdivision 3; 97B.061; 97B.611;  
21.17 97B.615; 97B.621, subdivisions 1 and 4; 97B.625; 97B.631; 97B.635; 97B.711; 97B.715,  
21.18 subdivision 2; 97B.803; 97B.911; 97B.915; 97B.921; 97B.925; 97C.011; and 97C.827,  
21.19 and Minnesota Rules, part 6100.5100, are repealed.

**84.154 LAC QUI PARLE WATER CONTROL PROJECT.**

Subd. 5. **Special funds created.** (1) There is hereby created a special fund to be known as the Lac qui Parle and Big Stone Lake water control projects fund, in which shall be placed all moneys heretofore or hereafter received for any lands or other property acquired by the state for the Lac qui Parle water control project and heretofore or hereafter sold or leased to the United States pursuant to Laws 1941, chapter 518, or otherwise, also all money heretofore or hereafter received from any source for the sale or lease under any other law of any lands or other property acquired by the state for either the Lac qui Parle or Big Stone Lake water control project, except as otherwise provided in clause (2).

(2) All moneys in excess of \$2,500 remaining June 30, 1943, and at the end of each fiscal year thereafter in the Lac qui Parle revolving fund designated by Laws 1941, chapter 142, shall be transferred to said projects fund. When all the property authorized to be sold under said chapter has been sold and the proceeds have been received the Executive Council shall notify the commissioner of management and budget thereof. Thereupon the balance remaining in said revolving fund shall be transferred to said projects fund and said revolving fund shall be abolished.

(3) All moneys in said projects fund are hereby appropriated to the commissioner of conservation for the purposes of Laws 1943, chapter 476, to remain available therefor until expended hereunder or otherwise expressly disposed of by law; provided, that all expenditures hereunder shall be subject to the approval of the governor; provided, that the governor shall not approve any such expenditure without first consulting the Legislative Advisory Commission and securing their recommendation, which shall be advisory only. Failure or refusal of the commission to make a recommendation promptly shall be deemed a negative recommendation.

**84A.04 COUNTY AUDITOR TO MAKE LIST OF LANDS.**

Subdivision 1. **1929 report.** The auditor of each county containing a portion of the preserve shall certify to the commissioner of natural resources a list of the lands within the boundaries of the preserve, except lands within the boundaries of an incorporated city, that have been bid in for the state at the delinquent tax sale held in 1928 for the nonpayment of taxes or special drainage assessments and not redeemed or assigned to an actual purchaser. The certificate must contain:

- (1) the legal description of each parcel of lands;
- (2) the amount of principal and interest of delinquent drainage assessments, if any, or assessment installments for all years before the date of the report, against each parcel of land; and
- (3) the amount of drainage assessments assessed against each parcel of land that have been or are to be extended on the county tax rolls for collection with the taxes for 1927 and later years.

Subd. 2. **Annual reports.** On or before June 15 of each year after the report, the county auditor shall certify to the commissioner of natural resources a supplemental report giving the information contained in the original report covering the lands within the preserve bid in for the state at the annual tax sale of that year and not included in the previous report.

Subd. 3. **Reports of land redemptions.** When redemption is made of any parcel of land within the preserve that has been bid in for the state at any tax sale for taxes levied before April 19, 1929, or when the tax liens on the land are assigned to an actual purchaser, the county auditor shall report the fact to the commissioner of natural resources, and the county treasurer shall send the proceeds of redemption to the commissioner of management and budget.

Subd. 4. **Drainage ditch bonds; reports.** (a) After each distribution of the tax collections on the June and November tax settlements, the county auditor shall certify to the commissioner of natural resources the following information relating to bonds issued to finance or refinance public drainage ditches wholly or partly within the preserve and the collection of assessments levied on account of the ditches:

- (1) the amount of principal and interest to become due on the bonds before the next tax settlement and distribution;
- (2) the amount of money collected from the drainage assessments and credited to the funds of these ditches; and
- (3) the amount of the deficit in the ditch fund of the county chargeable to the ditches.

(b) On approving this certificate, the commissioner of natural resources shall draw a warrant or warrants on the commissioner of management and budget, payable out of the Red Lake Game Preserve fund, for the amount of the deficit in favor of the county.

(c) As to public drainage ditches wholly within the preserve, the amount paid to or for the benefit of the county under paragraph (b) must never exceed the principal and interest of the bonds issued to finance and refinance the ditches outstanding after April 19, 1929, less money on

## APPENDIX

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hand in the county ditch fund to the credit of the ditches. The liability shall be reduced, from time to time, by the amount of all payments of assessments extended after April 19, 1929, made by the owners of lands assessed before that date for benefits on account of the ditches.

(d) As to public drainage ditches partly within and partly outside the preserve, the amount paid to or for the benefit of the county must never exceed a certain percentage of bonds issued to finance and refinance the ditches so outstanding, less money on hand in the county ditch fund to the credit of the ditches after April 19, 1929. This percentage must bear the same proportion to the whole amount of the bonds as the original benefits assessed against lands within the preserve bear to the original total benefits assessed to the entire system of ditches. The liability shall be reduced, from time to time, by the payments of all assessments extended after April 19, 1929, made by the owners of lands in the preserve, of assessments for benefits assessed before April 19, 1929, on account of the ditch.

(e) The commissioner of natural resources may provide and prescribe the forms for reports required by sections 84A.01 to 84A.11 and require any additional information from county officials that the commissioner of management and budget finds necessary for the proper administration of sections 84A.01 to 84A.11.

### **84A.08 PRESERVE LANDS CLASSIFIED.**

On receiving the reports of a county auditor specified in section 84A.04, the commissioner of natural resources shall certify a copy of the report to the department. The department shall classify the lands as to their suitability for agriculture, afforestation or reforestation, or ownership and use by the state for preserving, propagating, breeding, and hunting of wildlife of the kinds specified in section 84A.01. After the state acquires title to the lands they may be reclassified. Lands that become the absolute property of the state under sections 84A.01 to 84A.11 and have been classified as suitable for agriculture, and timber from any lands so acquired, may be sold by the state.

### **84A.11 WHEN BONDS PAID IN PART BY COUNTIES.**

A county containing a portion of the preserve may voluntarily assume, in the manner specified in this section, the obligation to pay a portion of the principal and interest of the bonds issued before April 19, 1929, and remaining unpaid at maturity, of any school district or town in the county and wholly or partly within the preserve. The portion must bear the same proportion to the whole of the unpaid principal and interest as the 1928 assessed valuation of lands then acquired by the state under sections 84A.01 to 84A.11 in that school district or town bears to the total 1928 assessed valuation of the school district or town.

This assumption must be evidenced by a resolution of the county board. A copy of the resolution must be certified to the commissioner of management and budget within one year after the passage of sections 84A.01 to 84A.11.

After that time, if any bonds remain unpaid at maturity, the county board shall, upon demand of the governing body of the school district or town or of a bondholder, provide for the payment of the portion assumed. The county board shall levy general taxes on all the taxable property of the county for that purpose, or shall issue its bonds to raise the sum needed conforming to law respecting the issuance of county refunding bonds. The proceeds of these taxes or bonds must be paid by the county treasurer to the treasurers of the respective school districts or towns.

If a county fails to adopt and certify this resolution, the commissioner of management and budget shall withhold from the payments to be made to the county, under section 84A.04, a sum equal to that portion of the principal and interest of these outstanding bonds that bears the same proportion to the whole principal and interest as the 1928 assessed valuation of lands acquired by the state within the preserve bears to the total 1928 assessed valuation of the school district or town. The money withheld must be set aside in the state treasury and not paid to the county until the full principal and interest of these school district and town bonds is paid.

If any bonds remain unpaid at maturity, upon the demand of the governing body of the school district or town, or a bondholder, the commissioner of management and budget shall issue to the treasurer of the school district or town a warrant for that portion of the past due principal and interest computed as in the case of the county liability authorized to be voluntarily assumed. Money received by a school district or town under this section must be applied to the payment of these past due bonds and interest.

### **97A.081 POSTING LAND.**

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The commissioner may post land acquired for public hunting grounds, food and cover planting areas, game refuges, wildlife lands, and conservation area lands so as to identify and indicate the management purpose and whether hunting and trapping are allowed.

#### **97A.083 HUNTING AND FISHING ON STATE LAND.**

The commissioner shall allow or prohibit hunting and fishing on state land as provided under the game and fish laws. The commissioner shall publish information on hunting and fishing on state land, including areas where taking wild animals is allowed or prohibited.

#### **97A.445 EXEMPTIONS FROM LICENSE REQUIREMENT.**

Subd. 3. **Angling and spearing; disabled railroad and postal retirees.** A license is not required to take fish by angling or spearing for a resident that is:

(1) receiving aid under the federal Railroad Retirement Act of 1974, United States Code, title 45, section 231a(a)(1)(v); or

(2) a former employee of the United States Postal Service receiving disability pay under United States Code, title 5, section 8337.

#### **97A.4742 LIFETIME FISH AND WILDLIFE TRUST FUND.**

Subd. 3. **Lifetime license fees.** By October 15 of each even-numbered year, the commissioner shall report on the adequacy of lifetime license fees and make specific requests for fee adjustments for the lifetime licenses to the legislative committees with jurisdiction over environment and natural resources finance and the commissioner of management and budget. The commissioner of management and budget shall review the fee report and make recommendations to the governor and legislature for each fee category under sections 97A.473 and 97A.474, as part of the biennial budget, under sections 16A.10 and 16A.11.

#### **97B.061 REPORTS AND RECORDS.**

The commissioner may request a person who has taken game to submit a report to the commissioner on a furnished form, stating the number 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 this chapter, chapter 97A or 97C.

#### **97B.611 SQUIRRELS.**

Subdivision 1. **Seasons for gray and fox squirrels.** The statewide open season for gray and fox squirrels may be prescribed by the commissioner between October 15 and December 31. The commissioner may prescribe areas with additional open seasons.

Subd. 2. **Fire and smoke prohibited.** A person may not set fire to a tree or use smoke to take squirrels.

#### **97B.615 RABBIT AND HARE SEASON.**

The statewide open season for cottontail, jack rabbits, and snowshoe hare may be prescribed by the commissioner between September 16 and March 1.

#### **97B.621 RACCOONS.**

Subdivision 1. **Season.** The statewide open season for raccoon may be set by the commissioner.

Subd. 4. **Prohibited methods of taking.** A person may not take a raccoon:

(1) in a den or hollow tree;

(2) by cutting down a tree occupied by raccoon; or

(3) by setting fire to a tree or using smoke.

#### **97B.625 BOBCAT.**

Subdivision 1. **Season.** Based upon population estimates, the commissioner may set the open season for bobcat.

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Subd. 2. **Use of a snare.** A person may use a snare to take bobcat, as prescribed by the commissioner, without a permit.

**97B.631 FOX.**

Subdivision 1. **Restrictions on taking.** A person may not remove a fox from a den or trap fox within 300 feet of a fox den from April 1 to August 31.

Subd. 2. **Use of a snare.** A person may use a snare to take fox, as prescribed by the commissioner, without a permit.

**97B.635 FISHER; BADGER; OPOSSUM; AND PINE MARTEN.**

Based upon population estimates, the commissioner may set the open season for fisher, badger, opossum, and pine marten.

**97B.711 GAME BIRDS.**

Subdivision 1. **Seasons for certain upland game birds.** (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and January 3 for:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- (6) gray partridge;
- (7) bobwhite quail; and
- (8) turkey.

(b) The commissioner may by rule prescribe an open season for turkey in the spring.

Subd. 2. **Daily and possession limits for certain upland game birds.** (a) A person may not take more than five in one day or possess more than ten of each of the following:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken; and
- (6) gray partridge.

(b) A person may not take more than ten in one day or possess more than 15 bobwhite quail.

(c) The commissioner may, by rule, reduce the daily and possession limits established in this subdivision.

Subd. 3. **Restrictions.** The commissioner may by rule prescribe methods and other restrictions for the taking of game birds.

**97B.715 PHEASANTS.**

Subd. 2. **Daily and possession hen pheasant limits.** A person may not take more than one hen pheasant in one day or possess more than two hen pheasants.

**97B.803 MIGRATORY WATERFOWL SEASONS AND LIMITS.**

The commissioner shall prescribe seasons, limits, and areas for taking migratory waterfowl in accordance with federal law.

**97B.911 MUSKRAT SEASONS.**

The commissioner may establish open seasons and restrictions for taking muskrat.

**97B.915 MINK SEASONS.**

The commissioner may establish open seasons and restrictions for taking mink.

**97B.921 OTTER SEASONS.**

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The commissioner may establish open seasons and restrictions for taking otter.

**97B.925 BEAVER SEASONS.**

The commissioner may establish open seasons and restrictions for taking beaver.

**97C.011 MUSKELLUNGE LAKES.**

(a) The commissioner may, after preparing a statement of need and reasonableness and holding a public meeting, designate waters with muskellunge as muskellunge waters.

(b) The commissioner may prescribe rules for each designated muskellunge waters that:

- (1) restrict spearing from a dark house;
- (2) restrict angling from a dark house;
- (3) limit the open season to take fish;
- (4) limit the size of fish that may be kept; and
- (5) limit the number of each species of fish that may be kept.

(c) The commissioner must give notice and hold a hearing before adopting rules under this subdivision. The rules must have a termination date and may only be extended upon a showing by the commissioner, at a hearing, that the muskellunge population in the designated waters has been enhanced.

(d) The provisions of section 97C.385, subdivision 1, requiring the angling season on a lake to be closed in proportion to the spearing season do not apply to designated muskellunge lakes.

(e) The commissioner, in designating a muskellunge water on lakes wholly or partially within an Indian reservation, may not designate a whole lake larger than 29,775 acres in surface area, except that sensitive areas of lakes larger than 29,775 acres may be designated if clause (a) is complied with.

**97C.827 LAKE OF THE WOODS; COMMERCIAL FISHING OF ROUGH FISH.**

Subdivision 1. **Promotion.** The commissioner shall promote and encourage taking rough fish from Lake of the Woods.

Subd. 2. **Issuance of licenses.** The commissioner shall issue commercial fishing licenses to take rough fish on Lake of the Woods. The issuance of the commercial fishing licenses may not be restricted because a person holds other licenses under the game and fish laws or operates particular kinds of businesses.

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**6100.5100 USE OF SNOWMOBILES DURING HUNTING SEASON.**

No person shall operate a snowmobile between the hours of 7:00 a.m. and 3:00 p.m. in any area open for the taking of deer by firearms, except for law enforcement purposes or by commissioner's order; provided, however, that conservation officers may issue written permits authorizing operation of snowmobiles during such hours in case of emergency or other unusual conditions.

Deer being dragged by a snowmobile must have the prescribed deer tag properly placed and locked at the time the operator arrives at an improved roadway or designated trail. The tag must be properly placed and locked at the time the deer is brought into any hunting camp, dwelling, farmyard, or other place of abode of any kind occupied overnight, or before being placed wholly or partially on a snowmobile, or upon a conveyance towed by a snowmobile.