

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2611

02/29/2012 Authored by Hackbarth

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to game and fish; providing for primitive firearms hunting season;
1.3 modifying shotgun use area; requiring rulemaking; amending Minnesota Statutes
1.4 2010, sections 97A.015, subdivisions 37a, 41a, by adding subdivisions; 97A.411,
1.5 subdivision 3; 97A.475, subdivisions 2, 3; 97B.301, subdivisions 1, 2, 4;
1.6 97B.311; 97B.318, subdivision 1; Minnesota Statutes 2011 Supplement, sections
1.7 97B.031, subdivision 5; 97B.041; repealing Minnesota Statutes 2010, section
1.8 97A.015, subdivision 32a.

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

1.10 Section 1. Minnesota Statutes 2010, section 97A.015, is amended by adding a
1.11 subdivision to read:

1.12 Subd. 37a. **Primitive firearm.** "Primitive firearm" means a side hammer firearm
1.13 with flintlock or caplock ignition.

1.14 Sec. 2. Minnesota Statutes 2010, section 97A.015, is amended by adding a subdivision
1.15 to read:

1.16 Subd. 37b. **Primitive firearms season.** "Primitive firearms season" means the deer
1.17 season open only for legal primitive firearms, as prescribed by the commissioner.

1.18 Sec. 3. Minnesota Statutes 2010, section 97A.015, subdivision 37a, is amended to read:

1.19 Subd. ~~37a~~ 37c. **Processing.** "Processing" means rendering a species of aquatic life
1.20 for food, bait, or other purposes so that it is no longer alive.

1.21 Sec. 4. Minnesota Statutes 2010, section 97A.015, subdivision 41a, is amended to read:

Subd. 41a. **Regular firearms season.** "Regular firearms season" means any of the firearms deer seasons prescribed by the commissioner that begin in November, exclusive of the ~~muzzleloader~~ primitive firearms season.

Sec. 5. Minnesota Statutes 2010, section 97A.411, subdivision 3, is amended to read:

Subd. 3. **Deer license.** (a) Except as provided in paragraphs (b) and (c), a license to take deer by archery, firearms, or ~~muzzleloader~~ primitive firearms issued after the opening of the related archery, firearms, or ~~muzzleloader~~ primitive firearms deer season, respectively, is not valid until the second day after it is issued.

(b) The commissioner may issue a license to take additional deer under section 97B.301, subdivision 4, that is valid immediately upon issuance.

(c) Paragraph (a) does not apply to deer licenses for discharged military personnel under section 97A.465, subdivision 4.

Sec. 6. Minnesota Statutes 2010, 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;
- (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
- (3) for persons age 18 or over to take turkey, \$23;
- (4) for persons under age 18 to take turkey, \$12;
- (5) for persons age 18 or over to take deer with firearms during the regular firearms season, \$26;
- (6) for persons age 18 or over to take deer by archery, \$26;
- (7) for persons age 18 or over to take deer by ~~muzzleloader~~ primitive firearms during the ~~muzzleloader~~ primitive firearms season, \$26;
- (8) to take moose, for a party of not more than six persons, \$310;
- (9) to take bear, \$38;
- (10) to take elk, for a party of not more than two persons, \$250;
- (11) to take Canada geese during a special season, \$4;
- (12) to take prairie chickens, \$20;
- (13) for persons under age 18 to take deer with firearms during the regular firearms season, \$13;
- (14) for persons under age 18 to take deer by archery, \$13; and
- (15) for persons under age 18 to take deer by ~~muzzleloader~~ primitive firearms during the ~~muzzleloader~~ primitive firearms season, \$13.

3.1 Sec. 7. Minnesota Statutes 2010, section 97A.475, subdivision 3, is amended to read:

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

3.4 (1) for persons age 18 or over to take small game, \$73;

3.5 (2) for persons age 18 or over to take deer with firearms during the regular firearms
3.6 season, \$135;

3.7 (3) for persons age 18 or over to take deer by archery, \$135;

3.8 (4) for persons age 18 or over to take deer by ~~muzzleloader~~ primitive firearms during
3.9 the ~~muzzleloader~~ primitive firearms season, \$135;

3.10 (5) to take bear, \$195;

3.11 (6) for persons age 18 and older to take turkey, \$78;

3.12 (7) for persons under age 18 to take turkey, \$12;

3.13 (8) to take raccoon or bobcat, \$155;

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

3.15 (10) for persons under age 18 to take deer with firearms during the regular firearms
3.16 season in any open season option or time period, \$13;

3.17 (11) for persons under age 18 to take deer by archery, \$13; and

3.18 (12) for persons under age 18 to take deer with primitive firearms during the
3.19 ~~muzzleloader~~ primitive firearms season, \$13.

3.20 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
3.21 paragraph (a), clauses (1) to (8). An additional commission may not be assessed on this
3.22 surcharge.

3.23 Sec. 8. Minnesota Statutes 2011 Supplement, section 97B.031, subdivision 5, is
3.24 amended to read:

3.25 Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other
3.26 law to the contrary, the commissioner may issue a special permit, without a fee, to use
3.27 a ~~muzzleloader~~ primitive firearm with a scope to take deer during the ~~muzzleloader~~
3.28 primitive firearms season to a person who obtains the required licenses and who has a
3.29 visual impairment. The scope may not have magnification capabilities.

3.30 (b) The visual impairment must be to the extent that the applicant is unable
3.31 to identify targets and the rifle sights at the same time without a scope. The visual
3.32 impairment and specific conditions must be established by medical evidence verified in
3.33 writing by (1) a licensed physician or a certified nurse practitioner or certified physician
3.34 assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist;

or (3) a licensed optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.

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

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

(e) 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.

(f) 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, certified nurse practitioner, certified physician assistant, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

Sec. 9. Minnesota Statutes 2011 Supplement, section 97B.041, is amended to read:

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

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

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

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

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

(4) a handgun or rifle capable of firing only rimfire cartridges of .17 and .22 caliber, including .22 magnum caliber cartridges;

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

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

(b) This section does not apply during an open firearms season in an area where deer may be taken only by ~~muzzleloader~~ primitive firearms, except that ~~muzzleloading~~ primitive firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by ~~muzzleloader~~ primitive firearms during the ~~muzzleloader~~

primitive firearms season. While ~~muzzleloader~~ primitive firearms hunting, a person with a valid license to take deer by ~~muzzleloader~~ primitive firearms may not possess a firearm other than:

(1) a ~~muzzleloader~~ that is legal for taking deer under section 97B.031, subdivision 1 primitive firearm; and

(2) a firearm as described in paragraph (a), clauses (2) to (5).

Sec. 10. Minnesota Statutes 2010, section 97B.301, subdivision 1, is amended to read:

Subdivision 1. **Licenses required.** A person may not take deer without a license. A person must have a firearms deer license to take deer with firearms during the regular firearms season, a ~~muzzleloader~~ primitive firearms license to take deer with a ~~muzzleloader~~ primitive firearm during the ~~muzzleloader~~ primitive firearms season, and an archery deer license to take deer by archery except as provided in this section.

Sec. 11. Minnesota Statutes 2010, section 97B.301, subdivision 2, is amended to read:

Subd. 2. **Limit of one deer.** A person may obtain one regular firearms season deer license, one ~~muzzleloader~~ primitive firearms season deer license, and one archery season deer license in the same license year, but may not tag more than one deer except as provided in subdivisions 3 and 4.

Sec. 12. Minnesota Statutes 2010, section 97B.301, subdivision 4, is amended to read:

Subd. 4. **Taking more than one deer.** The commissioner may, by rule, allow a person to take more than one deer. The commissioner shall prescribe the conditions for taking the additional deer including:

(1) taking by firearm, ~~muzzleloader~~ primitive firearm, or archery;

(2) obtaining additional licenses;

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

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

Sec. 13. Minnesota Statutes 2010, section 97B.311, is amended to read:

97B.311 DEER SEASONS AND RESTRICTIONS.

(a) The commissioner may, by rule, prescribe restrictions and designate areas where deer may be taken, 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~~ primitive firearms between September 1 and December 31; and

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

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

Sec. 14. Minnesota Statutes 2010, section 97B.318, subdivision 1, is amended to read:

Subdivision 1. **Shotgun use area.** During the regular firearms season in the shotgun use area, only legal shotguns loaded with single-slug shotgun shells, legal ~~muzzle-loading~~ primitive firearm long guns, and legal handguns may be used for taking deer. Legal shotguns include those with rifled barrels. The shotgun use area is that portion of the state lying within the following described boundary: Beginning on the west boundary of the state at the northern boundary of Clay County; thence along the northern boundary of Clay County to State Trunk Highway (STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to County State-Aid Highway (CSAH) 40, Douglas County; thence along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence along the east, south, and west boundaries of the state to the point of beginning.

Sec. 15. **CONFORMING RULEMAKING.**

The commissioner of natural resources shall amend Minnesota Rules to conform with sections 1 to 16. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend rules under this section, and Minnesota Statutes, section 14.386, does not apply, except as provided in Minnesota Statutes, section 14.388.

Sec. 16. **REPEALER.**

7.1 Minnesota Statutes 2010, section 97A.015, subdivision 32a, is repealed.