

CHAPTER 97A

GAME AND FISH

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97A.045 COMMISSIONER, GENERAL POWERS AND DUTIES.

[For text of subs 1 to 6, see M.S.2000]

Subd. 7. **Duty to encourage stamp design and purchases.** (a) The commissioner shall encourage the purchase of:

- (1) Minnesota migratory waterfowl stamps by nonhunters interested in migratory waterfowl preservation and habitat development;
- (2) pheasant stamps by persons interested in pheasant habitat improvement;
- (3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement; and
- (4) turkey stamps by persons interested in wild turkey management and habitat improvement.

(b) The commissioner shall make rules governing contests for selecting a design for each stamp, including those stamps not required to be in possession while taking game or fish.

[For text of subs 8 to 10, see M.S.2000]

History: *1Sp2001 c 2 s 104*

NOTE: The amendment to subdivision 7 by Laws 2001, First Special Session chapter 2, section 104, is effective March 1, 2002. Laws 2001, First Special Session chapter 2, section 104, the effective date.

97A.055 GAME AND FISH FUND.

[For text of subd 1, see M.S.2000]

Subd. 2. **Receipts.** The state treasurer shall credit to the game and fish fund all money received under the game and fish laws including receipts from:

- (1) licenses issued;
- (2) fines and forfeited bail;
- (3) sales of contraband, wild animals, and other property under the control of the division;
- (4) fees from advanced education courses for hunters and trappers;
- (5) reimbursements of expenditures by the division;
- (6) contributions to the division; and
- (7) revenue credited to the game and fish fund under section 297A.94, paragraph (e), clause (1).

[For text of subs 3 and 4, see M.S.2000]

Subd. 4a. [Repealed, 2001 c 161 s 58]

Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint subcommittees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in

policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following subcommittees, each comprised of at least three affected persons:

(1) a fisheries operations subcommittee to review fisheries funding, excluding activities related to trout and salmon stamp funding;

(2) a wildlife operations subcommittee to review wildlife funding, excluding activities related to migratory waterfowl, pheasant, and turkey stamp funding and excluding review of the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c);

(3) a big game subcommittee to review the report required in subdivision 4, paragraph (a), clause (2);

(4) an ecological services operations subcommittee to review ecological services funding;

(5) a subcommittee to review game and fish fund funding of enforcement, support services, and department of natural resources administration;

(6) a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(7) a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

(8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants; and

(9) a subcommittee to review the report on the turkey stamp and address funding issues related to wild turkeys.

(c) The chairs of each of the subcommittees shall form a budgetary oversight committee to coordinate the integration of the subcommittee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; provide a forum to address issues that transcend the subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner.

(d) The budgetary oversight committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner.

(e) Each subcommittee shall choose its own chair, except that the chair of the budgetary oversight committee shall be appointed by the commissioner and may not be the chair of any of the subcommittees.

(f) The budgetary oversight committee must make recommendations to the commissioner for outcome goals from expenditures.

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the budgetary oversight committee and subcommittees do not expire until June 30, 2005.

[For text of subd 5, see M.S.2000]

History: 2000 c 418 art 1 s 44; 1Sp2001 c 2 s 105

97A.065 DEDICATION OF CERTAIN RECEIPTS.

[For text of subd 1, see M.S.2000]

Subd. 2. **Fines and forfeited bail.** (a) Fines and forfeited bail collected from prosecutions of violations of: the game and fish laws or rules adopted thereunder; sections 84.091 to 84.15 or rules adopted thereunder; sections 84.81 to 84.91 or rules adopted thereunder; section 169A.20, when the violation involved an off-road recreational vehicle as defined in section 169A.03, subdivision 16; chapter 348; and any other law relating to wild animals or aquatic vegetation, must be paid to the treasurer

of the county where the violation is prosecuted. The county treasurer shall submit one-half of the receipts to the commissioner and credit the balance to the county general revenue fund except as provided in paragraphs (b), (c), and (d). In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), the share that would otherwise go to the county under this paragraph must be submitted to the state treasurer for deposit in the state treasury and credited to the general fund.

(b) The commissioner must reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations under this section if the county board, by resolution, directs: (1) the county treasurer to submit all fines and forfeited bail to the commissioner; and (2) the county auditor to certify and submit monthly itemized statements to the commissioner.

(c) The county treasurer shall submit one-half of the receipts collected under paragraph (a) from prosecutions of violations of sections 84.81 to 84.91 or rules adopted thereunder, and 169A.20, except receipts that are surcharges imposed under section 357.021, subdivision 6, to the commissioner and credit the balance to the county general fund. The commissioner shall credit these receipts to the snowmobile trails and enforcement account in the natural resources fund.

(d) The county treasurer shall indicate the amount of the receipts that are surcharges imposed under section 357.021, subdivision 6, and shall submit all of those receipts to the state treasurer.

[For text of subd 5, see M.S.2000]

History: 2001 c 185 s 23; 1Sp2001 c 5 art 5 s 1

NOTE: The amendment to subdivision 2 by Laws 2001, First Special Session chapter 5, article 5, section 1, is effective July 1, 2003, in the second and fourth districts; July 1, 2004, in the first and third districts; and July 1, 2005, in the sixth and tenth districts. Laws 2001, First Special Session chapter 5, article 5, section 1, the effective date.

97A.105 GAME AND FUR FARMS.

[For text of subs 1 to 3, see M.S.2000]

Subd. 4. **Sale of live animals.** (a) A sale of live animals from a licensed fur or game farm is not valid unless the animals are delivered to the purchaser or they are identified and kept separately.

(b) Live animals sold through auction or through a broker are considered to be sold by the game farm licensee.

(c) The sale agreement or contract must be in writing. The licensee must notify a purchaser of the death of an animal within 30 days and of the number of increase before July 20 of each year.

[For text of subs 5 to 8, see M.S.2000]

Subd. 9. **Rules.** The commissioner may adopt rules for:

- (1) the issuance of game farm licenses;
- (2) the inspection of game farm facilities;
- (3) the acquisition and disposal of game farm animals; and
- (4) record keeping and reporting by game farm licensees, including transactions handled by auction or broker.

History: 2001 c 185 s 24,25

97A.133 STATE MANAGEMENT WILDLIFE AREAS.

[For text of subs 1 to 4, see M.S.2000]

Subd. 5. Aitkin wildlife management area, Aitkin county.

History: 2001 c 206 s 11

[For text of subds 6 to 29, see M.S.2000]

Subd. 29a. Hill Lake wildlife management area, Aitkin county.

History: 2001 c 206 s 9,11

[For text of subds 30 to 65, see M.S.2000]

97A.405 LICENSE REQUIREMENTS.

[For text of subd 1, see M.S.2000]

Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from an area where a licensed activity was performed must have in personal possession either: (1) the proper license, if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license or stamp issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license or stamp validation, except for a pictorial turkey stamp or a pictorial trout and salmon stamp. A pictorial turkey stamp or a pictorial trout and salmon stamp shall be mailed to the licensee after purchase of a license or stamp validation only if the licensee pays an additional \$2 fee.

[For text of subds 3 and 4, see M.S.2000]

History: 1Sp2001 c 2 s 106

NOTE: The amendment to subdivision 2 by Laws 2001, First Special Session chapter 2, section 106, is effective March 1, 2002. Laws 2001, First Special Session chapter 2, section 106, the effective date.

97A.411 VALIDITY OF LICENSES.

[For text of subd 1, see M.S.2000]

Subd. 2. **Signature on stamps.** A migratory waterfowl or pheasant stamp issued under the game and fish laws must be signed by the licensee across the front of the stamp to be valid.

[For text of subd 3, see M.S.2000]

History: 1Sp2001 c 2 s 107

NOTE: The amendment to subdivision 2 by Laws 2001, First Special Session chapter 2, section 107, is effective March 1, 2002. Laws 2001, First Special Session chapter 2, section 107, the effective date.

97A.421 VALIDITY AND ISSUANCE OF LICENSES AFTER CONVICTION.

Subdivision 1. **General.** (a) The annual license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

- (1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;
- (2) a third conviction occurs within one year under a minnow dealer's license;

(3) a second conviction occurs within three years for violations of section 97A.425 that do not involve falsifications or intentional omissions of information required to be recorded, or attempts to conceal unlawful acts within the records;

(4) two or more misdemeanor convictions occur within a three-year period under a private fish hatchery license;

(5) the conviction occurs under a license not described in clause (1), (2), or (4) or is for a violation of section 97A.425 not described in clause (3); or

(6) the conviction is related to assisting a person in the illegal taking, transportation, or possession of wild animals, when acting as a hunting or angling guide.

(b) Except for big game licenses and as otherwise provided in this section, for one year after the conviction the person may not obtain the kind of license or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, relating to the game and fish law violation.

[For text of subs 2 to 6, see M.S.2000]

History: 2001 c 185 s 26

97A.425 RECORD AND REPORTING REQUIREMENTS FOR DEALERS, TANNERS, AND TAXIDERMISTS.

Subdivision 1. **License and record requirements.** (a) A person must have the required license under the game and fish laws to buy or sell wild animals, to tan animal hides or dress raw furs, or to mount specimens of wild animals and must keep complete records of all transactions and activities covered by the license and submit reports to the commissioner.

(b) A person is not required to be licensed to tan animal hides or dress raw furs or to mount specimens of wild animals if the person is not compensated for the service.

[For text of subs 2 to 4, see M.S.2000]

History: 2001 c 185 s 27

97A.441 LICENSES TO BE ISSUED WITHOUT A FEE.

Subdivision 1. **Angling and spearing; disabled residents.** Licenses to take fish by angling or spearing shall be issued without a fee to a resident who is:

(1) blind;

(2) a recipient of supplemental security income for the aged, blind, and disabled;

(3) a recipient of social security aid to the disabled under United States Code, title 42, section 416, paragraph (i)(1) or section 423(d);

(4) a recipient of workers' compensation based on a finding of total and permanent disability; or

(5) 65 years of age or older and was qualified under clause (2) or (3) at the age of 64.

[For text of subs 2 to 9, see M.S.2000]

History: 2001 c 185 s 28

97A.473 RESIDENT LIFETIME LICENSES.

[For text of subd 1, see M.S.2000]

Subd. 2. **Lifetime angling license; fee.** (a) A resident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual resident angling license. The license does not include a trout and salmon stamp validation or other stamps required by law.

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

(1) age 3 and under, \$227;

(2) age 4 to age 15, \$300;

(3) age 16 to age 50, \$383; and

(4) age 51 and over, \$203.

Subd. 3. **Lifetime small game hunting license; fee.** (a) A resident lifetime small game hunting license authorizes a person to hunt small game in the state. The license authorizes those hunting activities authorized by the annual resident small game hunting license. The license does not include a turkey stamp validation or any other hunting stamps required by law.

(b) The fees for a resident lifetime small game hunting license are:

(1) age 3 and under, \$217;

(2) age 4 to age 15, \$290;

(3) age 16 to age 50, \$363; and

(4) age 51 and over, \$213.

[For text of subd 4, see M.S.2000]

Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt small game in the state. The license authorizes those activities authorized by the annual resident angling and resident small game hunting licenses. The license does not include a trout and salmon stamp validation, a turkey stamp validation, or any other hunting stamps required by law.

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

(1) age 3 and under, \$357;

(2) age 4 to age 15, \$480;

(3) age 16 to age 50, \$613; and

(4) age 51 and over, \$413.

History: *1Sp2001 c 2 s 108-110*

NOTE: The amendments to subdivisions 2, 3, and 5 by Laws 2001, First Special Session chapter 2, sections 108, 109, and 110, are effective March 1, 2002. Laws 2001, First Special Session chapter 2, sections 108, 109, and 110, the effective dates.

97A.474 NONRESIDENT LIFETIME LICENSES.

[For text of subd 1, see M.S.2000]

Subd. 2. **Nonresident lifetime angling license; fee.** (a) A nonresident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual nonresident angling license. The license does not include a trout and salmon stamp validation or other stamps required by law.

(b) The fees for a nonresident lifetime angling license are:

(1) age 3 and under, \$447;

(2) age 4 to age 15, \$600;

(3) age 16 to age 50, \$773; and

(4) age 51 and over, \$513.

Subd. 3. **Nonresident lifetime small game hunting license; fee.** (a) A nonresident lifetime small game hunting license authorizes a person to hunt small game in the state. The license authorizes those hunting activities authorized by the annual nonresident small game hunting license. The license does not include a turkey stamp validation or any other hunting stamps required by law.

(b) The fees for a nonresident lifetime small game hunting license are:

(1) age 3 and under, \$947;

(2) age 4 to age 15, \$1,280;

(3) age 16 to age 50, \$1,633; and

(4) age 51 and over, \$1,083.

History: *1Sp2001 c 2 s 111,112*

NOTE: The amendments to subdivisions 2 and 3 by Laws 2001, First Special Session chapter 2, sections 111 and 112, are effective March 1, 2002. Laws 2001, First Special Session chapter 2, sections 111 and 112, the effective dates.

97A.475 LICENSE FEES.

[For text of subs 1 to 4, see M.S.2000]

Subd. 5. **Hunting stamps.** Fees for the following stamps and stamp validations are:

- (1) migratory waterfowl stamp, \$5;
- (2) pheasant stamp, \$5; and
- (3) turkey stamp validation, \$5.

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

- (1) to take fish by angling, \$17;
- (2) to take fish by angling, for a combined license for a married couple, \$25;
- (3) to take fish by spearing from a dark house, \$17; and
- (4) to take fish by angling for a 24-hour period selected by the licensee, \$8.50.

[For text of subs 7 and 8, see M.S.2000]

Subd. 10. **Trout and salmon stamp validation.** The fee for a trout and salmon stamp validation is \$8.50.

[For text of subs 11 to 44, see M.S.2000]

History: 1Sp2001 c 2 s 113-115

NOTE: The amendments to subdivisions 5 and 10 by Laws 2001, First Special Session chapter 2, sections 113 and 115, are effective March 1, 2002. Laws 2001, First Special Session chapter 2, sections 113 and 115, the effective dates.

NOTE: The amendment to subdivision 6 by Laws 2001, First Special Session chapter 2, section 114, is effective March 1, 2003. Laws 2001, First Special Session chapter 2, section 114, the effective date.

97A.485 ISSUANCE OF LICENSES.

[For text of subs 1 to 5, see M.S.2000]

Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

- (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
- (2) Minnesota sporting, the issuing fee is \$1; and
- (3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;
- (4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and
- (5) for stamps other than a trout and salmon stamp, and for a special season Canada goose license, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp validation is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

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

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

- (f) For duplicate licenses, the issuing fees are:
- (1) for licenses to take big game, 75 cents; and
 - (2) for other licenses, 50 cents.

[For text of subs 7 to 12, see M.S.2000]

History: *1Sp2001 c 2 s 116*

NOTE: The amendment to subdivision 6 by Laws 2001, First Special Session chapter 2, section 116, is effective March 1, 2002. Laws 2001, First Special Session chapter 2, section 116, the effective date.

97A.512 SALE OF INEDIBLE PORTIONS OF BIG GAME ANIMALS, FUR-BEARING ANIMALS, FISH, AND GAME BIRDS OTHER THAN MIGRATORY WATERFOWL.

(a) Except as otherwise provided by the game and fish laws and as restricted in this section, a person may possess, transport, buy, or sell the following inedible portions of lawfully taken or acquired big game animals; fur-bearing animals, fish, and game birds other than migratory waterfowl: bones, including skulls; sinews; hides and skins; hooves; teeth; claws; and antlers.

(b) A person may not buy or sell bear paws, unless attached to the hide, or bear gallbladders.

History: *2001 c 185 s 29*