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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 1116

February 19, 2007

Authored by Dill

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

March 15, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Governmental Operations, Reform, Technology and Elections

March 23, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

April 26, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Ways and Means

May 1, 2007

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

A bill for an act

1.1 relating to game and fish; modifying definitions; providing for and modifying
1.2 certain fees; modifying provisions for taking animals causing damage; modifying
1.3 license and stamp provisions; modifying certain possession and taking
1.4 restrictions; providing for an apprentice hunter validation; modifying commercial
1.5 fishing provisions; providing for a crossbow deer season; requiring reports;
1.6 requiring rulemaking; providing civil penalties; amending Minnesota Statutes
1.7 2006, sections 97A.015, subdivision 24, by adding a subdivision; 97A.045,
1.8 by adding a subdivision; 97A.401, subdivision 5; 97A.405, subdivisions 2,
1.9 4; 97A.441, subdivision 7; 97A.445, by adding a subdivision; 97A.451,
1.10 subdivisions 3, 3a; 97A.465, by adding a subdivision; 97A.473, subdivisions 3,
1.11 5; 97A.475, subdivisions 2, 3, 16; 97A.505, subdivision 4; 97A.511; 97B.015,
1.12 by adding a subdivision; 97B.020; 97B.031, subdivision 1; 97B.035, by adding
1.13 a subdivision; 97B.055, subdivision 3; 97B.075; 97B.085, subdivision 3;
1.14 97B.301, subdivision 7; 97B.311; 97B.318, subdivision 1; 97B.327; 97B.715,
1.15 subdivision 1; 97B.801; 97B.928, subdivision 1; 97C.325; 97C.335; 97C.355,
1.16 subdivision 8; 97C.371, by adding a subdivision; 97C.835, subdivisions 1, 2, 3,
1.17 8; proposing coding for new law in Minnesota Statutes, chapters 97B; 97C;
1.18 repealing Minnesota Statutes 2006, sections 97A.475, subdivision 38; 97C.365.

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

1.21 Section 1. Minnesota Statutes 2006, section 97A.015, subdivision 24, is amended to
1.22 read:

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

1.27 Sec. 2. Minnesota Statutes 2006, section 97A.015, is amended by adding a subdivision
1.28 to read:

2.1 Subd. 26c. **Immediately released or immediately returned to the water.**
2.2 "Immediately released" or "immediately returned to the water" means that a fish must not
2.3 be retained longer than is needed at the site of capture to unhook, identify, measure, or
2.4 photograph the fish. Placing a fish on a stringer, in a live well, or in a cooler, bucket, or
2.5 other container is not "immediately released" or "immediately returned to the water."

2.6 Sec. 3. Minnesota Statutes 2006, section 97A.045, is amended by adding a subdivision
2.7 to read:

2.8 Subd. 12. **Establishing fees.** Notwithstanding section 16A.1283, the commissioner
2.9 may, by written order published in the State Register, establish fees providing for the
2.10 use of state wildlife management area or aquatic management area lands for specific
2.11 purposes, including dog trials and special events. The fees must be set in an amount that
2.12 neither significantly overrecovers nor underrecovers costs. The fees are not subject to the
2.13 rulemaking provisions of chapter 14 and section 14.386 does not apply.

2.14 Sec. 4. Minnesota Statutes 2006, section 97A.401, subdivision 5, is amended to read:

2.15 Subd. 5. **Wild animals damaging property.** Special permits may be issued with or
2.16 without a fee to take protected wild animals ~~that are damaging property~~ or to remove or
2.17 destroy their dens, nests, eggs, houses, or dams for the purpose of preventing or reducing
2.18 damage or injury to people, property, and agricultural crops. The commissioner may
2.19 prescribe rules for taking Canada geese and their nests and eggs, with or without a permit,
2.20 consistent with federal regulations. A special permit issued under this subdivision to take
2.21 ~~beaver must state the number to be taken.~~

2.22 Sec. 5. Minnesota Statutes 2006, section 97A.405, subdivision 2, is amended to read:

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

2.28 (b) If possession of a license or a license identification number is required, a person
2.29 must exhibit, as requested by a conservation officer or peace officer, either: (1) the
2.30 proper license if the license has been issued to and received by the person; or (2) the
2.31 proper license identification number or stamp validation and a valid state driver's license,
2.32 state identification card, or other form of identification provided by the commissioner,
2.33 if the license has been sold to the person by electronic means but the actual license has

3.1 not been issued and received. A person charged with violating the license possession
 3.2 requirement shall not be convicted if the person produces in court or the office of the
 3.3 arresting enforcement officer the actual license previously issued to that person, which
 3.4 was valid at the time of arrest, or satisfactory proof that at the time of the arrest the person
 3.5 was validly licensed. Upon request of an enforcement officer, a licensee shall write the
 3.6 licensee's name in the presence of the officer to determine the identity of the licensee.

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

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

3.17 Sec. 6. Minnesota Statutes 2006, section 97A.405, subdivision 4, is amended to read:

3.18 Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer
 3.19 hunters to change zone, license, or season options. The commissioner may issue a
 3.20 replacement license if the applicant submits the original deer license and unused tags that
 3.21 are being replaced and the applicant pays any increase in cost between the original and
 3.22 the replacement license. A refund of the difference in fees may be issued when a person
 3.23 changes from a regular deer license to a youth deer license. When a person submits both
 3.24 an archery and a firearms license for replacement, the commissioner may apply the value
 3.25 of both licenses towards the replacement license fee.

3.26 (b) A replacement license may be issued only if the applicant has not used any tag
 3.27 from the original license or licenses and meets the conditions of paragraph (c). The original
 3.28 license or licenses and all unused tags ~~for that license~~ for the licenses being replaced must
 3.29 be submitted to the issuing agent at the time the replacement license is issued.

3.30 (c) A replacement license may be issued under the following conditions, or as
 3.31 otherwise prescribed by rule of the commissioner:

3.32 (1) when the season for the license being surrendered has not yet opened; ~~or~~

3.33 (2) when the person is upgrading from a regular firearms or archery deer license to
 3.34 ~~a multizone or an~~ an all season deer license.;

4.1 (3) when the person is upgrading from a regular firearms license to a multizone
 4.2 deer license; or

4.3 (4) when the person is changing from a regular firearms deer license to a youth
 4.4 deer license.

4.5 (d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid
 4.6 immediately upon issuance if the license being surrendered is valid at that time.

4.7 Sec. 7. Minnesota Statutes 2006, section 97A.441, subdivision 7, is amended to read:

4.8 Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may
 4.9 issue, without a fee, a license to take an antlerless deer to a person who is an owner or
 4.10 tenant ~~and is living and actively farming on~~ of at least 80 acres of agricultural land, as
 4.11 defined in section 97B.001, in deer permit areas that have deer archery licenses to take
 4.12 additional deer under section 97B.301, subdivision 4. A person may receive only one
 4.13 license per year under this subdivision. For properties with co-owners or cotenants, only
 4.14 one co-owner or cotenant may receive a license under this subdivision per year. The
 4.15 license issued under this subdivision is restricted to land leased for agricultural purposes
 4.16 or owned by the holder of the license within the permit area where the qualifying land
 4.17 is located. The holder of the license may transfer the license to the holder's spouse or
 4.18 dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision
 4.19 2, the holder of the license may purchase an additional license for taking deer and may
 4.20 take an additional deer under that license.

4.21 (b) A person who obtains a license under paragraph (a) must allow public deer
 4.22 hunting on their land during that deer hunting season, with the exception of the first
 4.23 Saturday and Sunday during the deer hunting season applicable to the license issued under
 4.24 section 97A.475, subdivision 2, clauses (4) and (13).

4.25 Sec. 8. Minnesota Statutes 2006, section 97A.445, is amended by adding a subdivision
 4.26 to read:

4.27 Subd. 6. **Angling; Boy Scouts and Girl Scouts Ice Fishing Weekend.** A resident
 4.28 over age 18 may take fish by angling without a license during one three-day consecutive
 4.29 period of the winter angling season designated by the commissioner if accompanied
 4.30 by a Boy Scout troop or troops or Girl Scout troop or troops whose active members
 4.31 participating in the ice fishing weekend are each under age 16. The resident must obtain a
 4.32 certificate from the commissioner signifying permission for the group to angle in a named
 4.33 body of water. During the first day of the three-day consecutive period, the commissioner
 4.34 must designate an authorized representative to visit each Boy Scout troop or troops and

5.1 Girl Scout troop or troops at the named body of water and provide educational information,
 5.2 including ice safety information and angling instruction. A resident in possession of the
 5.3 certificate is also exempt from any fish house and dark house licensing fees levied under
 5.4 section 97A.475, subdivision 11, during the three-day period. The commissioner shall
 5.5 publicize the three-day period as "Boy Scouts and Girl Scouts Ice Fishing Weekend."

5.6 Sec. 9. Minnesota Statutes 2006, section 97A.451, subdivision 3, is amended to read:

5.7 Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 may
 5.8 not obtain a small game license but may take small game by firearms or bow and arrow
 5.9 without a license if the resident is:

5.10 (1) age 14 or 15 and possesses a firearms safety certificate;

5.11 (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent
 5.12 or guardian; ~~or~~

5.13 (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied
 5.14 by a parent or guardian who possesses a small game license that was not obtained using an
 5.15 apprentice hunter validation; or

5.16 ~~(3)~~ (4) age 12 or under and is accompanied by a parent or guardian.

5.17 (b) A resident under age 16 may take small game by trapping without a small game
 5.18 license, but a resident 13 years of age or older must have a trapping license. A resident
 5.19 under age 13 may trap without a trapping license, but may not register fisher, otter,
 5.20 bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat,
 5.21 or pine marten taken by a resident under age five must be included in the limit of the
 5.22 accompanying parent or guardian.

5.23 (c) A resident under age 12 may apply for a turkey license and may take a turkey
 5.24 without a firearms safety certificate if the resident is accompanied by an adult parent or
 5.25 guardian who has a firearms safety certificate.

5.26 Sec. 10. Minnesota Statutes 2006, section 97A.451, subdivision 3a, is amended to read:

5.27 Subd. 3a. **Nonresidents under age ~~16~~ 18; small game.** (a) A nonresident under
 5.28 age ~~16~~ 18 may obtain a small game license at the resident fee under section 97A.475,
 5.29 subdivision 2, clause (2), if the nonresident:

5.30 (1) possesses a firearms safety certificate; or

5.31 (2) if age 13 or under, is accompanied by a parent or guardian when purchasing
 5.32 the license.

6.1 (b) A nonresident age 13 or under must be accompanied by a parent or guardian
6.2 to take small game. A nonresident age 12 or under is not required to possess a firearms
6.3 safety certificate under section 97B.020 to take small game.

6.4 Sec. 11. Minnesota Statutes 2006, section 97A.465, is amended by adding a
6.5 subdivision to read:

6.6 Subd. 1a. **Spouses of residents on active military duty.** Notwithstanding section
6.7 97A.405, subdivision 5, the spouse of a resident who is on active military duty may obtain
6.8 resident hunting and fishing licenses.

6.9 Sec. 12. Minnesota Statutes 2006, section 97A.473, subdivision 3, is amended to read:

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

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

- 6.16 (1) age 3 and under, \$217;
6.17 (2) age 4 to age 15, \$290;
6.18 (3) age 16 to age 50, \$363; and
6.19 (4) age 51 and over, \$213.

6.20 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies
6.21 retroactively to licenses issued after February 28, 2001.

6.22 Sec. 13. Minnesota Statutes 2006, section 97A.473, subdivision 5, is amended to read:

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

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

- 6.30 (1) age 3 and under, \$357;
6.31 (2) age 4 to age 15, \$480;
6.32 (3) age 16 to age 50, \$613; and
6.33 (4) age 51 and over, \$413.

7.1 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies
 7.2 retroactively to licenses issued after February 28, 2001.

7.3 Sec. 14. Minnesota Statutes 2006, section 97A.475, subdivision 2, is amended to read:

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

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

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

7.8 (3) to take turkey, \$18;

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

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

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

7.12 (7) to take bear, \$38;

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

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

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

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

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

7.19 (13) for persons at least age 12 and under age 18 to take deer with firearms during
 7.20 the regular firearms season in any open zone or time period, \$13; and

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

7.22 Sec. 15. Minnesota Statutes 2006, section 97A.475, subdivision 3, is amended to read:

7.23 Subd. 3. **Nonresident hunting.** Fees for the following licenses, to be issued
 7.24 to nonresidents, are:

7.25 (1) for persons age 18 and older to take small game, \$73;

7.26 (2) for persons age 18 and older to take deer with firearms, \$135;

7.27 (3) for persons age 18 and older to take deer by archery, ~~the greater of:~~

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

7.30 ~~(ii) \$135;~~

7.31 (4) to take bear, \$195;

7.32 (5) to take turkey, \$73;

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

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

- 8.1 (8) to take Canada geese during a special season, \$4;
8.2 (9) for persons at least age 12 and under age 18 to take deer with firearms during the
8.3 regular firearms season in any open zone or time period, \$13; and
8.4 (10) for persons at least age 12 and under age 18 to take deer by archery, \$13.

8.5 Sec. 16. Minnesota Statutes 2006, section 97A.475, subdivision 16, is amended to read:

8.6 Subd. 16. **Resident hunting guides.** The fee for a resident license to guide bear
8.7 hunters is \$82.50 and is available only to a Minnesota resident individual.

8.8 Sec. 17. Minnesota Statutes 2006, section 97A.505, subdivision 4, is amended to read:

8.9 Subd. 4. **Storage of protected wild animals.** A person that stores protected wild
8.10 animals for others must plainly mark the package, in ink, with the name and address of the
8.11 owner, the license number of the person taking the animal, and the number and species in
8.12 the package. ~~A person may not use a commercial cold storage warehouse for protected~~
8.13 ~~wild animals, except lawfully taken fish and furs.~~

8.14 Sec. 18. Minnesota Statutes 2006, section 97A.511, is amended to read:

8.15 **97A.511 FUR-BEARING ANIMALS.**

8.16 The skins of fur-bearing animals and the flesh of beaver, muskrat, raccoon, rabbits
8.17 and hares, legally taken and bearing the required seals or tags required by the game and
8.18 fish laws, may be bought, sold, and transported at any time. ~~The flesh of beaver, raccoon,~~
8.19 ~~rabbits, and hare may not be transported out of the state.~~

8.20 Sec. 19. Minnesota Statutes 2006, section 97B.015, is amended by adding a
8.21 subdivision to read:

8.22 Subd. 5a. **Exemption for military personnel.** Notwithstanding subdivision 5, a
8.23 person who has successfully completed basic training in the United States armed forces is
8.24 exempt from the range and shooting exercise portion of the required course of instruction
8.25 for the firearms safety certificate. The commissioner may require written proof of the
8.26 person's military training, as deemed appropriate for implementing this subdivision.
8.27 The commissioner shall publicly announce this exemption from the range and shooting
8.28 exercise requirement and the availability of the department's online, remote study option
8.29 for adults seeking firearms safety certification. Military personnel are not exempt from
8.30 any other requirement of this section for obtaining a firearms safety certificate.

9.1 **EFFECTIVE DATE.** This section is effective the day following final enactment
9.2 and applies to applications for certificates made on or after that date.

9.3 Sec. 20. Minnesota Statutes 2006, section 97B.020, is amended to read:

9.4 **97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.**

9.5 (a) Except as provided in this section and section 97A.451, subdivision 3a, a person
9.6 born after December 31, 1979, may not obtain an annual license to take wild animals by
9.7 firearms unless the person has:

9.8 (1) a firearms safety certificate or equivalent certificate;

9.9 (2) a driver's license or identification card with a valid firearms safety qualification
9.10 indicator issued under section 171.07, subdivision 13;

9.11 (3) a previous hunting license with a valid firearms safety qualification indicator; ~~or~~

9.12 (4) an apprentice hunter validation issued under section 97B.022; or

9.13 ~~(4)~~ (5) other evidence indicating that the person has completed in this state or in
9.14 another state a hunter safety course recognized by the department under a reciprocity
9.15 agreement or certified by the department as substantially similar.

9.16 (b) A person who is on active duty and has successfully completed basic training
9.17 in the United States armed forces, reserve component, or National Guard may obtain a
9.18 hunting license or approval authorizing hunting regardless of whether the person is issued
9.19 a firearms safety certificate.

9.20 (c) A person born after December 31, 1979, may not use a lifetime license to take
9.21 wild animals by firearms, unless the person meets the requirements for obtaining an annual
9.22 license under paragraph (a) or (b).

9.23 Sec. 21. **[97B.022] APPRENTICE HUNTER VALIDATION.**

9.24 Subdivision 1. Definition. For the purpose of this section, "accompanied" means
9.25 to stay within a distance of another person that permits uninterrupted visual contact and
9.26 unaided verbal communication.

9.27 Subd. 2. Apprentice hunter validation requirements. A resident born after
9.28 December 31, 1979, who is age 12 or older and who does not possess a firearms safety
9.29 certificate may be issued an apprentice hunter validation. An apprentice hunter validation
9.30 is valid for only one license year in a lifetime. An individual in possession of an apprentice
9.31 hunter validation may hunt small game and deer only when accompanied by an adult
9.32 licensed to hunt in Minnesota whose license was not obtained using an apprentice hunter
9.33 validation. An apprentice hunter validation holder must obtain all required licenses and
9.34 stamps.

10.1 Sec. 22. Minnesota Statutes 2006, section 97B.031, subdivision 1, is amended to read:

10.2 Subdivision 1. **Firearms and ammunition that may be used to take big game.** (a)

10.3 A person may take big game with a firearm only if:

10.4 (1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;

10.5 (2) the firearm is loaded only with single projectile ammunition;

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

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

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

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

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

10.12 (b) Notwithstanding paragraph (a), clause (4), a person may take big game with a
10.13 ten millimeter cartridge that is at least 0.95 inches in length, a .45 Winchester Magnum
10.14 cartridge, ~~or~~ a .50 A. E. (Action Express) handgun cartridge, or a 56-46 Spencer, 56-50
10.15 Spencer, or 56-56 Spencer cartridge.

10.16 Sec. 23. Minnesota Statutes 2006, section 97B.035, is amended by adding a
10.17 subdivision to read:

10.18 Subd. 1a. **Minimum draw weight.** A bow used to take big game must have a pull
10.19 that meets or exceeds 30 pounds at or before full draw.

10.20 Sec. 24. Minnesota Statutes 2006, section 97B.055, subdivision 3, is amended to read:

10.21 Subd. 3. **Hunting from vehicle by disabled hunters.** (a) The commissioner may
10.22 issue a special permit, without a fee, to discharge a firearm or bow and arrow from a
10.23 stationary motor vehicle to a person who obtains the required licenses and who has a
10.24 permanent or chronic physical disability that is more substantial than discomfort from
10.25 walking. The permit recipient must be:

10.26 (1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or
10.27 other mechanical support or prosthetic device; or

10.28 (2) unable to walk any distance because of a permanent or chronic lung, heart,
10.29 or other internal disease ~~that requires the person to use supplemental oxygen to assist~~
10.30 ~~breathing.~~

10.31 (b) The permanent or chronic physical disability must be established by medical
10.32 evidence verified in writing by a licensed physician or chiropractor. The commissioner
10.33 may request additional information from the physician or chiropractor if needed to
10.34 verify the applicant's eligibility for the permit. Notwithstanding section 97A.418,

11.1 the commissioner may, in consultation with appropriate advocacy groups, establish
 11.2 reasonable minimum standards for permits to be issued under this section. In addition to
 11.3 providing the medical evidence of a permanent disability, the applicant must possess a
 11.4 valid disability parking certificate authorized by section 169.345 or license plates issued
 11.5 under section 168.021.

11.6 (c) A person issued a special permit under this subdivision and hunting deer may
 11.7 take a deer of either sex, except in those antlerless permit areas and seasons where no
 11.8 antlerless permits are offered. This subdivision does not authorize another member of a
 11.9 party to take an antlerless deer under section 97B.301, subdivision 3.

11.10 (d) A permit issued under this subdivision is valid for five years.

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

11.13 (f) A person who knowingly makes a false application or assists another in making a
 11.14 false application for a permit under this section is guilty of a misdemeanor. A physician or
 11.15 chiropractor who fraudulently certifies to the commissioner that a person is permanently
 11.16 or chronically disabled as described in this section is guilty of a misdemeanor.

11.17 Sec. 25. Minnesota Statutes 2006, section 97B.075, is amended to read:

11.18 **97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

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

11.22 (b) Big game may be taken from one-half hour before sunrise until one-half hour
 11.23 after sunset.

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

11.28 Sec. 26. Minnesota Statutes 2006, section 97B.085, subdivision 3, is amended to read:

11.29 Subd. 3. **Communication excepted.** This section does not prohibit the use of:

11.30 (1) one-way radio communication between a handler and a dog; or

11.31 (2) a remote-controlled animal noise caller used for fox, crows, bobcat, raccoon,
 11.32 and coyote.

11.33 Sec. 27. **[97B.086] POSSESSION OF NIGHT VISION EQUIPMENT.**

12.1 (a) A person may not possess night vision goggle equipment while taking or
 12.2 attempting to take wild animals or while having in possession, either individually or as
 12.3 one of a group of persons, a firearm, bow, or other implement that could be used to take
 12.4 wild animals.

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

12.6 (1) unloaded;

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

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

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

12.12 (1) completely encased or unstrung; and

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

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

12.16 (e) This section does not apply to night vision goggle equipment possessed by peace
 12.17 officers or military personnel while exercising their duties.

12.18 Sec. 28. Minnesota Statutes 2006, section 97B.301, subdivision 7, is amended to read:

12.19 Subd. 7. **All season deer license.** (a) A resident may obtain an all season deer
 12.20 license that authorizes the resident to hunt during the archery, regular firearms, and
 12.21 muzzle-loader seasons. The all season license is valid for taking three deer, no more
 12.22 than one of which may be a legal buck.

12.23 (b) The all season deer license is valid for taking antlerless deer as follows:

12.24 ~~(1) up to two antlerless deer may be taken during the archery or muzzle-loader~~
 12.25 ~~seasons in any open area or during the regular firearms season in managed or intensive~~
 12.26 ~~deer areas; and~~

12.27 ~~(2) one antlerless deer may be taken during the regular firearms season in a lottery~~
 12.28 ~~deer area, only with an either-sex permit or statutory exemption from an either-sex permit.~~
 12.29 prescribed by the commissioner.

12.30 (c) The commissioner shall issue three tags when issuing a license under this
 12.31 subdivision.

12.32 Sec. 29. Minnesota Statutes 2006, section 97B.311, is amended to read:

12.33 **97B.311 DEER SEASONS AND RESTRICTIONS.**

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

13.5 (1) taking with firearms, other than muzzle-loading firearms, between November 1
 13.6 and December 15;

13.7 (2) taking with muzzle-loading firearms between September 1 and December 31; and

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

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

13.11 ~~(c) Smokeless gunpowder may not be used in a muzzle-loader during the~~
 13.12 ~~muzzle-loader season.~~

13.13 Sec. 30. Minnesota Statutes 2006, section 97B.318, subdivision 1, is amended to read:

13.14 Subdivision 1. **Shotgun use area.** During the regular firearms season in the shotgun
 13.15 use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading
 13.16 long guns, and legal handguns may be used for taking deer. Legal shotguns include
 13.17 those with rifled barrels. The shotgun use area is that portion of the state lying within
 13.18 the following described boundary: Beginning on the west boundary of the state at ~~U.S.~~
 13.19 ~~Highway 10; thence along U.S. Highway 10~~ the northern boundary of Clay County; thence
 13.20 along the northern boundary of Clay County to State Trunk Highway (STH) 32; thence
 13.21 along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence
 13.22 along I-94 to County State-Aid Highway (CSAH) 40, Douglas County; thence along
 13.23 CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas
 13.24 County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to
 13.25 CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to
 13.26 CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22,
 13.27 Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71
 13.28 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of
 13.29 the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to
 13.30 U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence
 13.31 along the east, south, and west boundaries of the state to the point of beginning.

13.32 Sec. 31. Minnesota Statutes 2006, section 97B.327, is amended to read:

13.33 **97B.327 REPORT; DEER OTHER THAN WHITE-TAILED OR MULE.**

14.1 A hunter legally taking a deer that is not a white-tailed or mule deer must report
14.2 the type of deer taken to the commissioner of natural resources within seven days of
14.3 taking. Violation of this section ~~shall not result in a penalty and is not subject to section~~
14.4 ~~97A.301~~ will result in a civil penalty of \$100.

14.5 Sec. 32. **97B.328] BAITING PROHIBITED.**

14.6 A person may not hunt deer (1) with the aid or use of bait, (2) in the vicinity of
14.7 bait if the person knows or has reason to know that bait is present, or (3) in the vicinity
14.8 of where the person has placed bait or caused bait to be placed within the previous ten
14.9 days. This restriction does not apply to food resulting from normal or accepted farming,
14.10 forest management, wildlife food plantings, orchard management, or other similar
14.11 land management activities, and does not prohibit an adjacent landowner, who has not
14.12 participated in or agreed to feeding wildlife on the adjacent land, from taking a deer
14.13 during the hunting season on the adjacent landowner's land.

14.14 Sec. 33. Minnesota Statutes 2006, section 97B.715, subdivision 1, is amended to read:

14.15 Subdivision 1. **Stamp required.** (a) Except as provided in paragraph (b) or section
14.16 97A.405, subdivision 2, a person required to possess a small game license may not hunt
14.17 pheasants without:

14.18 ~~(1) a pheasant stamp in possession; and~~
14.19 ~~(2) a pheasant stamp validation on the small game license when issued electronically.~~

14.20 (b) The following persons are exempt from this subdivision:

14.21 (1) residents under age 18 or over age 65;
14.22 (2) persons hunting on licensed commercial shooting preserves; and
14.23 (3) resident disabled veterans with a license issued under section 97A.441,
14.24 subdivision 6a.

14.25 Sec. 34. Minnesota Statutes 2006, section 97B.801, is amended to read:

14.26 **97B.801 MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.**

14.27 (a) Except as provided in this section or section 97A.405, subdivision 2, a person
14.28 required to possess a small game license may not take migratory waterfowl without:

14.29 ~~(1) a Minnesota migratory waterfowl stamp in possession; and~~
14.30 ~~(2) a migratory waterfowl stamp validation on the small game license when issued~~
14.31 ~~electronically.~~

15.1 (b) Residents under age 18 or over age 65; resident disabled veterans with a license
 15.2 issued under section 97A.441, subdivision 6a; and persons hunting on their own property
 15.3 are not required to possess a stamp ~~or a license~~ validation under this section.

15.4 Sec. 35. Minnesota Statutes 2006, section 97B.928, subdivision 1, is amended to read:

15.5 Subdivision 1. **Information required.** (a) A person may not set or place a trap or
 15.6 snare, other than on property owned or occupied by the person, unless the following
 15.7 information is affixed to the trap or snare in a manner that ensures that the information
 15.8 remains legible while the trap or snare is on the lands or waters:

15.9 (1) the number and state of the person's driver's license;

15.10 (2) the person's Minnesota identification card number; ~~or~~

15.11 (3) the person's name and mailing address; or

15.12 (4) the license identification number issued by the Department of Natural Resources.

15.13 (b) The commissioner may not prescribe additional requirements for identification
 15.14 of traps or snares.

15.15 (c) Until March 1, 2013, the driver's license number under paragraph (a), clause (1),
 15.16 may be the person's previously issued Minnesota driver's license number.

15.17 Sec. 36. Minnesota Statutes 2006, section 97C.325, is amended to read:

15.18 **97C.325 PROHIBITED METHODS OF RESTRICTIONS ON TAKING FISH.**

15.19 (a) Except as specifically authorized, a person may not take fish with:

15.20 (1) explosives, chemicals, drugs, poisons, lime, medicated bait, fish berries, or
 15.21 other similar substances;

15.22 (2) substances or devices that kill, stun, or affect the nervous system of fish;

15.23 (3) nets, traps, trot lines, or snares; or

15.24 (4) spring devices that impale, hook, or capture fish.

15.25 (b) If a person possesses a substance or device listed in paragraph (a) on waters,
 15.26 shores, or islands, it is presumptive evidence that the person is in violation of this section.

15.27 (c) The commissioner may, by rule, allow the use of a nonmotorized device with a
 15.28 recoil mechanism to take fish through the ice.

15.29 (d) To protect water quality or improve habitat for fish or wildlife, the commissioner
 15.30 may prescribe restrictions on fishing seasons, limits, or methods on specific bodies of
 15.31 water.

15.32 Sec. 37. Minnesota Statutes 2006, section 97C.335, is amended to read:

15.33 **97C.335 USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.**

16.1 A person may not use artificial lights to lure or attract fish or to see fish in the water
16.2 while spearing, except that while angling or spearing, a person may:

16.3 (1) affix to the end of a fishing line a lighted artificial bait with hooks attached to the
16.4 end of a fishing line; or

16.5 (2) use a lighted decoy for spearing.

16.6 Any battery that is used in lighted fishing lures cannot contain any intentionally
16.7 introduced mercury.

16.8 Sec. 38. Minnesota Statutes 2006, section 97C.355, subdivision 8, is amended to read:

16.9 Subd. 8. **Confiscation of unlawful structures; civil penalty.** (a) Structures on the
16.10 ice in violation of this section may be confiscated and disposed of, retained by the division,
16.11 or sold at the highest price obtainable, in a manner prescribed by the commissioner.

16.12 (b) In addition to other penalties provided by law, the owner of a structure left on the
16.13 ice in violation of this section is subject to a civil penalty under section 115A.99.

16.14 Sec. 39. Minnesota Statutes 2006, section 97C.371, is amended by adding a
16.15 subdivision to read:

16.16 Subd. 5. **Sucker season.** Notwithstanding any other law to the contrary, the
16.17 commissioner may allow spearing and dip netting of sucker before May 1 when weather
16.18 conditions warrant it and the earlier season would not interfere with spawning of other
16.19 fish. The commissioner must post notice of the earlier spring opening by both print
16.20 and electronic means. Regional fisheries chiefs in any of the department's regions
16.21 may recommend the earlier spring opening for sucker spearing and dip netting to the
16.22 commissioner.

16.23 Sec. 40. **[97C.417] REPORTING ASIAN CARP.**

16.24 A person who takes any of the following Asian carp species must report the type of
16.25 carp taken to the commissioner within seven days of taking:

16.26 (1) grass carp (Ctenopharyngodon idella);

16.27 (2) bighead carp (Hypophthalmichthys nobilis); or

16.28 (3) silver carp (Hypophthalmichthys molitrix).

16.29 Sec. 41. Minnesota Statutes 2006, section 97C.835, subdivision 1, is amended to read:

16.30 Subdivision 1. **Commercial fishing license for Lake Superior.** (a) A license to
16.31 fish commercially in Lake Superior shall be issued to a maximum of ~~50~~ 25 residents. To
16.32 qualify for licensing, a resident must have landed fish in the previous year with a value of

17.1 at least \$1,500, and must have engaged in commercial fishing for at least 30 days of the
17.2 previous year. An applicant may be issued a license, at the discretion of the commissioner,
17.3 if failure to meet the requirements for the dollar value of fish landed or number of days
17.4 fished resulted from illness or other mitigating circumstances, or the applicant has reached
17.5 the age of 65 and has been licensed at least five of the previous ten years.

17.6 (b) A license may be issued to a resident who has not previously fished commercially
17.7 on Lake Superior and has not been convicted of a game and fish law violation in the
17.8 preceding three years, if the applicant:

17.9 (1) shows a bill of sale indicating the purchase of gear and facilities connected
17.10 with an existing license;

17.11 (2) shows proof of inheritance of all the gear and facilities connected with an
17.12 existing license; or

17.13 (3) has served at least two years as an apprentice in a Minnesota Lake Superior
17.14 licensed commercial fishing operation.

17.15 Sec. 42. Minnesota Statutes 2006, section 97C.835, subdivision 2, is amended to read:

17.16 Subd. 2. **Types of fish permitted.** Lake trout, ciscoes, chubs, alewives, lake
17.17 whitefish, round whitefish, ~~pygmy whitefish~~, rainbow smelt, and rough fish may be
17.18 taken by licensed commercial fishing operators from Lake Superior, in accordance with
17.19 this section.

17.20 Sec. 43. Minnesota Statutes 2006, section 97C.835, subdivision 3, is amended to read:

17.21 Subd. 3. **Pound nets and trap nets.** Pound or trap nets may be used to take lake
17.22 whitefish, round whitefish, ~~pygmy whitefish~~, ciscoes, chubs, alewives, rainbow smelt, and
17.23 rough fish in Lake Superior, including St. Louis Bay east of the U.S. Highway 53 bridge,
17.24 under the rules prescribed by the commissioner.

17.25 Sec. 44. Minnesota Statutes 2006, section 97C.835, subdivision 8, is amended to read:

17.26 Subd. 8. **Special permits.** The commissioner may issue special permits to duly
17.27 licensed commercial fishing operators ~~not exceeding 20 in number~~, for the purpose
17.28 of taking lake trout, ciscoes, and lake whitefish ~~spawn during the closed season for the~~
17.29 ~~propagation of trout~~ in Lake Superior and adjacent waters under rules prescribed by the
17.30 commissioner.

17.31 Sec. 45. **[97C.836] LAKE SUPERIOR LAKE TROUT EXPANDED**
17.32 **ASSESSMENT HARVEST.**

18.1 The commissioner shall provide for taking of lake trout by licensed commercial
18.2 operators in Lake Superior management zones MN-3 and MN-2 for expanded assessment
18.3 and sale. The commissioner shall authorize expanded assessment taking and sale of lake
18.4 trout in Lake Superior management zone MN-3 beginning in 2007 and zone MN-2
18.5 beginning in 2010. Total assessment taking and sale may not exceed 3,000 lake trout in
18.6 zone MN-3 and 2,000 lake trout in zone MN-2 and may be reduced when necessary
18.7 to protect the lake trout population or to manage the effects of invasive species or fish
18.8 disease. Taking lake trout for expanded assessment and sale shall be allowed from June 1
18.9 to September 30, but may end earlier in the respective zones if the quotas are reached. The
18.10 quotas must be reassessed at the expiration of the current ten-year Fisheries Management
18.11 Plan for the Minnesota Waters of Lake Superior dated September 2006.

18.12 **Sec. 46. RULE AMENDMENTS.**

18.13 The commissioner of natural resources may use the good cause exemption under
18.14 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend rules to conform
18.15 to sections 41 to 45. Minnesota Statutes, section 14.386, does not apply to the rulemaking
18.16 under this section except to the extent provided under Minnesota Statutes, section 14.388.

18.17 **Sec. 47. LAKE TROUT REPORT.**

18.18 By February 1, 2008, the commissioner of natural resources must review and report
18.19 to the legislative policy committees with jurisdiction over natural resources on the pros
18.20 and cons of changing the winter lake trout season so that it would be open from the
18.21 Saturday nearest January 1 to March 31.

18.22 **Sec. 48. ACCESS TO MINNESOTA OUTDOORS PLAN.**

18.23 Subdivision 1. **Walk-in access plan.** (a) The commissioner of natural resources
18.24 shall prepare a plan for a walk-in public access program under which the commissioner
18.25 may encourage owners and operators of privately held land to voluntarily make that
18.26 land available for walk-in access by the public for hunting and fishing under programs
18.27 administered by the commissioner.

18.28 (b) As part of the plan, the commissioner shall explore entering into contracts with
18.29 the owners or lessees of land to establish voluntary walk-in public access for hunting,
18.30 fishing, or other wildlife-dependent recreational activities.

18.31 (c) In the plan, the commissioner must describe:

18.32 (1) the costs and benefits that private land access will provide the public, such as
18.33 hunting, fishing, bird watching, and related outdoor activities; and

19.1 (2) the types of game, fish, and wildlife habitat improvements made to the land that
19.2 will enhance public uses.

19.3 (d) The commissioner shall explore the effectiveness and public and private cost of
19.4 walk-in public access programs in other states and recommend walk-in program options
19.5 for public access to private lands for hunting, fishing, and related recreational activities.

19.6 Subd. 2. **Other law.** Nothing in the plan may preempt trespass and liability laws.
19.7 Recommendations submitted by the commissioner of natural resources under subdivision
19.8 3 shall include any changes to Minnesota Statutes, sections 604A.20 to 604A.27,
19.9 necessary to ensure that landowners are not exposed to additional liability as a result
19.10 of the walk-in access program.

19.11 Subd. 3. **Report.** The commissioner must present the walk-in public access plan
19.12 to the house and senate committees with jurisdiction over natural resources policy and
19.13 finance, with recommendations on program implementation, by January 15, 2008.

19.14 **Sec. 49. COCK PHEASANT BAG LIMIT; RULEMAKING.**

19.15 The commissioner of natural resources shall amend Minnesota Rules, part
19.16 6234.0400, subpart 2, to allow a person to take up to three cock pheasants per day and
19.17 have 12 in possession after the 16th day of the pheasant season. The commissioner may
19.18 use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1,
19.19 clause (3), to adopt the rule and Minnesota Statutes, section 14.386, does not apply, except
19.20 as provided under Minnesota Statutes, section 14.388.

19.21 **Sec. 50. CROSSBOW DEER SEASON.**

19.22 Notwithstanding Minnesota Statutes, section 97B.035, or other law to the contrary,
19.23 the commissioner of natural resources shall establish an open season for taking deer
19.24 by crossbow during the regular firearm season each year. Crossbows must meet the
19.25 requirements of Minnesota Statutes, section 97B.106, subdivision 2. A person taking deer
19.26 by crossbow must have a crossbow deer hunting license. The fee for a resident crossbow
19.27 deer hunting license is \$26 and the fee for a nonresident crossbow deer hunting license is
19.28 \$135. The commissioner may adopt exempt rules regulating the crossbow deer season
19.29 according to Minnesota Statutes, section 14.386. Notwithstanding Minnesota Statutes,
19.30 section 14.386, a rule adopted under this section is effective until January 1, 2009.

19.31 **EFFECTIVE DATE.** This section is effective the day following final enactment
19.32 and expires January 1, 2009.

19.33 **Sec. 51. CROSSBOW SEASON REPORT.**

20.1 By February 1, 2009, the commissioner of natural resources shall submit a report to
20.2 the chairs of the house and senate committees having jurisdiction over natural resources
20.3 that includes the number of crossbow deer season licenses issued under section 50 and
20.4 addresses whether there was an increase in hunting problems during the time a crossbow
20.5 deer season was permitted.

20.6 Sec. 52. **RULE AMENDMENTS.**

20.7 The commissioner of natural resources shall amend Minnesota Rules, parts
20.8 6262.0100, subpart 5, item D, and 6266.0700, subpart 3, to allow an angler in an icehouse
20.9 to possess fillets of a fish with size restrictions if the angler is preparing and using the
20.10 fish for a meal. The commissioner may use the good cause exemption under Minnesota
20.11 Statutes, section 14.388, subdivision 1, clause (3), to adopt rules according to this
20.12 section and Minnesota Statutes, section 14.386, does not apply except as provided under
20.13 Minnesota Statutes, section 14.388.

20.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

20.15 Sec. 53. **REPEALER.**

20.16 Minnesota Statutes 2006, sections 97A.475, subdivision 38; and 97C.365, are
20.17 repealed.

APPENDIX
Repealed Minnesota Statutes: H1116-3

97A.475 LICENSE FEES.

Subd. 38. **Fish buyers.** The fees for licenses to buy fish from commercial fishing licensees to be issued residents and nonresidents are:

- (1) for Lake Superior fish bought for sale to retailers, \$150;
- (2) for Lake Superior fish bought for sale to consumers, \$35;
- (3) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for sale to retailers, \$300; and
- (4) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for shipment only on international boundary waters, \$35.

97C.365 SPEARS PROHIBITED WHILE ANGLING IN FISH HOUSE OR DARK HOUSE.

A person may not have a spear within a dark house or fish house while angling.