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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 3547

February 28, 2008

Authored by Dill

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

A bill for an act

1.1 relating to game and fish; modifying report requirements for game and fish fund;
1.2 modifying disposition of pheasant habitat improvement account; modifying
1.3 wild turkey management account; modifying hunting and fishing licensing and
1.4 taking provisions; authorizing rulemaking; amending Minnesota Statutes 2006,
1.5 sections 97A.015, by adding a subdivision; 97A.055, subdivision 4b; 97A.075,
1.6 subdivisions 4, 5; 97A.311, subdivision 5; 97A.431, subdivision 2; 97A.433,
1.7 subdivision 2; 97A.434, subdivision 2; 97A.475, subdivision 5; 97A.485,
1.8 subdivision 6; 97B.015, subdivision 5; 97B.106, subdivision 1; 97B.211,
1.9 subdivision 1; 97B.301, subdivision 6; 97B.721; 97C.355, subdivisions 4, 7a;
1.10 97C.401, subdivision 2; Minnesota Statutes 2007 Supplement, sections 97A.055,
1.11 subdivision 4; 97A.405, subdivision 2; 97A.441, subdivision 7; 97A.475,
1.12 subdivisions 2, 3, 11, 12; 97B.328; 97C.355, subdivisions 2, 8; repealing
1.13 Minnesota Statutes 2006, section 97A.411, subdivision 2; Minnesota Rules, parts
1.14 6232.0200, subpart 4; 6232.0300, subpart 4.
1.15

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

1.17 Section 1. Minnesota Statutes 2006, section 97A.015, is amended by adding a
1.18 subdivision to read:

1.19 Subd. 44a. **Shelter.** "Shelter" means any structure set on the ice of state waters
1.20 to provide shelter.

1.21 Sec. 2. Minnesota Statutes 2007 Supplement, section 97A.055, subdivision 4, is
1.22 amended to read:

1.23 Subd. 4. **Game and fish annual reports.** (a) By December 15 each year,
1.24 the commissioner shall submit to the legislative committees having jurisdiction over
1.25 appropriations and the environment and natural resources reports on each of the following:

1.26 (1) the amount of revenue from the following and purposes for which expenditures
1.27 were made:

- 2.1 (i) the small game license surcharge under section 97A.475, subdivision 4;
- 2.2 (ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision
- 2.3 5, clause (1);
- 2.4 (iii) the trout and salmon stamp under section 97A.475, subdivision 10;
- 2.5 (iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2);
- 2.6 (v) the ~~turkey stamp~~ wild turkey management account under section ~~97A.475,~~
- 2.7 ~~subdivision 5, clause (3)~~ 97A.075, subdivision 5; and
- 2.8 (vi) the deer license donations and surcharges under section 97A.475, subdivisions
- 2.9 3, paragraph (b), and 3a;
- 2.10 (2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and
- 2.11 (c), and the purposes for which these amounts were spent;
- 2.12 (3) money credited to the game and fish fund under this section and purposes for
- 2.13 which expenditures were made from the fund;
- 2.14 (4) outcome goals for the expenditures from the game and fish fund; and
- 2.15 (5) summary and comments of citizen oversight committee reviews under
- 2.16 subdivision 4b.
- 2.17 (b) The report must include the commissioner's recommendations, if any, for
- 2.18 changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

2.19 **EFFECTIVE DATE.** This section is effective March 1, 2009.

2.20 Sec. 3. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

2.21 Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint

2.22 subcommittees of affected persons to review the reports prepared under subdivision 4;

2.23 review the proposed work plans and budgets for the coming year; propose changes

2.24 in policies, activities, and revenue enhancements or reductions; review other relevant

2.25 information; and make recommendations to the legislature and the commissioner for

2.26 improvements in the management and use of money in the game and fish fund.

2.27 (b) The commissioner shall appoint the following subcommittees, each comprised

2.28 of at least three affected persons:

2.29 (1) a Fisheries Operations Subcommittee to review fisheries funding, excluding

2.30 activities related to trout and salmon stamp funding;

2.31 (2) a Wildlife Operations Subcommittee to review wildlife funding, excluding

2.32 activities related to migratory waterfowl, pheasant, and turkey stamp funding and

2.33 excluding review of the amounts available under section 97A.075, subdivision 1,

2.34 paragraphs (b) and (c);

3.1 (3) a Big Game Subcommittee to review the report required in subdivision 4,
3.2 paragraph (a), clause (2);

3.3 (4) an Ecological Services Operations Subcommittee to review ecological services
3.4 funding;

3.5 (5) a subcommittee to review game and fish fund funding of enforcement, support
3.6 services, and Department of Natural Resources administration;

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

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

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

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

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

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

3.26 (e) Each subcommittee shall choose its own chair, except that the chair of the
3.27 Budgetary Oversight Committee shall be appointed by the commissioner and may not
3.28 be the chair of any of the subcommittees.

3.29 (f) The Budgetary Oversight Committee must make recommendations to the
3.30 commissioner and to the senate and house committees with jurisdiction over natural
3.31 resources finance for outcome goals from expenditures.

3.32 (g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the
3.33 Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010.

3.34 **EFFECTIVE DATE.** This section is effective March 1, 2009.

3.35 Sec. 4. Minnesota Statutes 2006, section 97A.075, subdivision 4, is amended to read:

4.1 Subd. 4. **Pheasant stamp.** (a) Ninety percent of the revenue from pheasant stamps
4.2 must be credited to the pheasant habitat improvement account. Money in the account
4.3 may be used only for:

4.4 (1) the development, restoration, and maintenance of suitable habitat for ringnecked
4.5 pheasants on public and private land including the establishment of nesting cover, winter
4.6 cover, and reliable food sources;

4.7 (2) reimbursement of landowners for setting aside lands for pheasant habitat;

4.8 (3) reimbursement of expenditures to provide pheasant habitat on public and private
4.9 land;

4.10 (4) the promotion of pheasant habitat development and maintenance, including
4.11 promotion and evaluation of government farm program benefits for pheasant habitat; and

4.12 (5) the acquisition of lands suitable for pheasant habitat management and public
4.13 hunting.

4.14 (b) Money in the account may not be used for:

4.15 (1) costs unless they are directly related to a specific parcel of land under paragraph
4.16 (a), clause (1), (3), or (5), or to specific promotional or evaluative activities under
4.17 paragraph (a), clause (4); or

4.18 (2) any personnel costs, except that prior to July 1, ~~2009~~ 2019, personnel may be
4.19 hired to provide technical and promotional assistance for private landowners to implement
4.20 conservation provisions of state and federal programs.

4.21 Sec. 5. Minnesota Statutes 2006, section 97A.075, subdivision 5, is amended to read:

4.22 Subd. 5. **Turkey stamps account.** (a) ~~Ninety percent of the revenue from~~
4.23 ~~turkey stamps~~ \$4.50 from each turkey license sold must be credited to the wild turkey
4.24 management account. Money in the account may be used only for:

4.25 (1) the development, restoration, and maintenance of suitable habitat for wild
4.26 turkeys on public and private land including forest stand improvement and establishment
4.27 of nesting cover, winter roost area, and reliable food sources;

4.28 (2) acquisitions of, or easements on, critical wild turkey habitat;

4.29 (3) reimbursement of expenditures to provide wild turkey habitat on public and
4.30 private land;

4.31 (4) trapping and transplantation of wild turkeys; and

4.32 (5) the promotion of turkey habitat development and maintenance, population
4.33 surveys and monitoring, and research.

4.34 (b) Money in the account may not be used for:

5.1 (1) costs unless they are directly related to a specific parcel of land under paragraph
5.2 (a), clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4),
5.3 or to specific promotional or evaluative activities under paragraph (a), clause (5); or
5.4 (2) any permanent personnel costs.

5.5 **EFFECTIVE DATE.** This section is effective March 1, 2009.

5.6 Sec. 6. Minnesota Statutes 2006, section 97A.311, subdivision 5, is amended to read:

5.7 Subd. 5. **Refunds.** (a) The commissioner may issue a refund on a license, not
5.8 including any issuing fees paid under section 97A.485, subdivision 6, if:

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

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

5.15 (3) the licensee purchased two identical licenses for the same license season in error.

5.16 (b) This subdivision does not apply to lifetime licenses.

5.17 Sec. 7. Minnesota Statutes 2007 Supplement, section 97A.405, subdivision 2, is
5.18 amended to read:

5.19 Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from
5.20 an area where a licensed activity was performed must have in personal possession either:

5.21 (1) the proper license, if the license has been issued to and received by the person; or (2)
5.22 the proper license identification number or stamp validation, if the license has been sold to
5.23 the person by electronic means but the actual license has not been issued and received.

5.24 (b) If possession of a license or a license identification number is required, a person
5.25 must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper
5.26 license if the license has been issued to and received by the person; or (2) the proper
5.27 license identification number or stamp validation and a valid state driver's license, state
5.28 identification card, or other form of identification provided by the commissioner, if the
5.29 license has been sold to the person by electronic means but the actual license has not been
5.30 issued and received. A person charged with violating the license possession requirement
5.31 shall not be convicted if the person produces in court or the office of the arresting officer,
5.32 the actual license previously issued to that person, which was valid at the time of arrest,
5.33 or satisfactory proof that at the time of the arrest the person was validly licensed. Upon

6.1 request of a conservation officer or peace officer, a licensee shall write the licensee's name
6.2 in the presence of the officer to determine the identity of the licensee.

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

6.7 (d) A license issued electronically and not immediately provided to the licensee
6.8 shall be mailed to the licensee within 30 days of purchase of the license. A pictorial
6.9 ~~turkey~~, migratory waterfowl, pheasant, or trout and salmon stamp shall be provided to the
6.10 licensee after purchase of a stamp validation only if the licensee pays an additional \$2
6.11 fee. A pictorial turkey stamp may be purchased for a \$2 fee.

6.12 **EFFECTIVE DATE.** This section is effective March 1, 2009.

6.13 Sec. 8. Minnesota Statutes 2006, section 97A.431, subdivision 2, is amended to read:

6.14 Subd. 2. **Eligibility.** Persons eligible for a moose license shall be determined
6.15 under this section and commissioner's rule. A person is eligible for a moose license only
6.16 if the person:

6.17 (1) is a resident; and

6.18 ~~(2) is at least age 16 before the season opens; and~~

6.19 ~~(3) (2) has not been issued a moose license for any of the last five seasons or after~~
6.20 January 1, 1991.

6.21 Sec. 9. Minnesota Statutes 2006, section 97A.433, subdivision 2, is amended to read:

6.22 Subd. 2. **Eligibility.** Persons eligible for an elk license shall be determined under this
6.23 section and commissioner's rule. A person is eligible for an elk license only if the person:

6.24 (1) is a resident; and

6.25 ~~(2) is at least age 16 before the season opens; and~~

6.26 ~~(3) (2) has never been issued an elk license.~~

6.27 Sec. 10. Minnesota Statutes 2006, section 97A.434, subdivision 2, is amended to read:

6.28 Subd. 2. **Eligibility.** Eligibility for a prairie chicken license shall be determined by
6.29 this section and by rule adopted by the commissioner. A person is eligible for a prairie
6.30 chicken license only if the person:

6.31 ~~(1) is a resident; and~~

6.32 ~~(2) was born before January 1, 1980, or possesses a firearms safety certificate.~~

7.1 Sec. 11. Minnesota Statutes 2007 Supplement, section 97A.441, subdivision 7, is
7.2 amended to read:

7.3 Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may issue,
7.4 without a fee, a license to take an antlerless deer to a ~~person~~ resident who is an owner or
7.5 tenant of at least 80 acres of agricultural land, as defined in section 97B.001, in deer
7.6 permit areas that have deer archery licenses to take additional deer under section 97B.301,
7.7 subdivision 4. A person may receive only one license per year under this subdivision.
7.8 For properties with co-owners or cotenants, only one co-owner or cotenant may receive
7.9 a license under this subdivision per year. The license issued under this subdivision is
7.10 restricted to land leased for agricultural purposes or owned by the holder of the license
7.11 within the permit area where the qualifying land is located. The holder of the license may
7.12 transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415,
7.13 subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an
7.14 additional license for taking deer and may take an additional deer under that license.

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

7.19 Sec. 12. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 2, is
7.20 amended to read:

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

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

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

7.25 (3) to take turkey, ~~\$18~~ \$23;

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

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

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

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

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

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

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

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

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

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

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

8.5 **EFFECTIVE DATE.** The amendment to clause (3) is effective March 1, 2009.

8.6 Sec. 13. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 3, is
 8.7 amended to read:

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

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

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

8.12 (3) for persons age 18 and older to take deer by archery, \$135;

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

8.14 (5) to take turkey, ~~\$73~~ \$78;

8.15 (6) to take raccoon or bobcat, \$155;

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

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

8.18 (9) for persons at least age 12 and under age 18 to take deer with firearms during
 8.19 the muzzle-loader season or during the regular firearms season in any open zone or time
 8.20 period, \$13; and

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

8.22 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
 8.23 paragraph (a), clauses (1) to (7). An additional commission may not be assessed on this
 8.24 surcharge.

8.25 **EFFECTIVE DATE.** The amendment to paragraph (a), clause (5), is effective
 8.26 March 1, 2009.

8.27 Sec. 14. Minnesota Statutes 2006, section 97A.475, subdivision 5, is amended to read:

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

8.29 (1) migratory waterfowl stamp, \$7.50; and

8.30 (2) pheasant stamp, \$7.50; ~~and~~

8.31 ~~(3) turkey stamp validation, \$5.~~

8.32 **EFFECTIVE DATE.** This section is effective March 1, 2009.

9.1 Sec. 15. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 11,
9.2 is amended to read:

9.3 Subd. 11. **Fish houses ~~and~~, dark houses, or shelters; residents.** Fees for the
9.4 following licenses for a resident are:

- 9.5 (1) annual for a fish house ~~or~~, dark house, or shelter that is not rented, \$11.50;
9.6 (2) annual for a fish house ~~or~~, dark house, or shelter that is rented, \$26;
9.7 (3) three-year for a fish house ~~or~~, dark house, or shelter that is not rented, \$34.50; and
9.8 (4) three-year for a fish house ~~or~~, dark house, or shelter that is rented, \$78.

9.9 Sec. 16. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 12,
9.10 is amended to read:

9.11 Subd. 12. **Fish houses or shelters; nonresident.** Fees for fish house or shelter
9.12 licenses for a nonresident are:

- 9.13 (1) annual, \$33;
9.14 (2) seven consecutive days, \$19; and
9.15 (3) three-year, \$99.

9.16 Sec. 17. Minnesota Statutes 2006, section 97A.485, subdivision 6, is amended to read:

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

- 9.20 (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
9.21 (2) Minnesota sporting, the issuing fee is \$1; and
9.22 (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing
9.23 animals, the issuing fee is \$1;
9.24 (4) for a stamp validation that is not issued simultaneously with a license, an issuing
9.25 fee of 50 cents may be charged at the discretion of the authorized seller;
9.26 (5) for ~~stamps~~ stamp validations issued simultaneously with a license, there is no fee;
9.27 (6) for licenses, seals, tags, or coupons issued without a fee under section 97A.441
9.28 or 97A.465, an issuing fee of 50 cents may be charged at the discretion of the authorized
9.29 seller;
9.30 (7) for lifetime licenses, there is no fee; and
9.31 (8) for all other licenses, permits, renewals, or applications or any other transaction
9.32 through the electronic licensing system under this chapter or any other chapter when an
9.33 issuing fee is not specified, an issuing fee of 50 cents may be charged at the discretion
9.34 of the authorized seller.

10.1 (b) ~~An issuing fee may not be collected for issuance of a trout and salmon stamp if~~
10.2 ~~a stamp validation is issued simultaneously with the related angling or sporting license.~~

10.3 Only one issuing fee may be collected when selling more than one ~~trout and salmon~~ stamp
10.4 in the same transaction after the end of the season for which the stamp was issued.

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

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

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

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

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

10.12 (2) for other licenses, 50 cents.

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

10.19 Sec. 18. Minnesota Statutes 2006, section 97B.015, subdivision 5, is amended to read:

10.20 Subd. 5. **Firearms safety certificate.** The commissioner shall issue a firearms
10.21 safety certificate to a person that satisfactorily completes the required course of instruction.
10.22 A person must be at least age 11 to take the firearms safety course and may receive a
10.23 firearms safety certificate, but the certificate is not valid for hunting until the year the
10.24 person reaches age 12. A person who is age 11 and has a firearms safety certificate may
10.25 purchase a ~~deer, bear, turkey, or prairie chicken~~ license to take big game that will ~~become~~
10.26 be valid when for hunting during the entire regular season for which the license is valid if
10.27 the person reaches will reach age 12 during that calendar year. A firearms safety certificate
10.28 issued to a person under age 12 by another state as provided in section 97B.020 is not
10.29 valid for hunting in Minnesota until the person reaches age 12. The form and content of
10.30 the firearms safety certificate shall be prescribed by the commissioner.

10.31 Sec. 19. Minnesota Statutes 2006, section 97B.106, subdivision 1, is amended to read:

10.32 Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may
10.33 issue a special permit, without a fee, to take big game, small game, or rough fish with a
10.34 crossbow to a person that is unable to hunt or take rough fish by archery because of a

11.1 permanent or temporary physical disability. A crossbow permit issued under this section
 11.2 also allows the permittee to use a bow with a mechanical device that draws, releases, or
 11.3 holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

11.4 (b) To qualify for a crossbow permit under this section, a temporary disability
 11.5 must render the person unable to hunt or fish by archery for a minimum of two years
 11.6 after application for the permit is made. The permanent or temporary disability must
 11.7 be established by medical evidence, and the inability to hunt or fish by archery for the
 11.8 required period of time must be verified in writing by a licensed physician or chiropractor.

11.9 (c) The person must obtain the appropriate license.

11.10 Sec. 20. Minnesota Statutes 2006, section 97B.211, subdivision 1, is amended to read:

11.11 Subdivision 1. **Possession of firearms prohibited.** ~~Except when hunting bear,~~ A
 11.12 person may not take ~~big game~~ deer by archery while in possession of a firearm.

11.13 Sec. 21. Minnesota Statutes 2006, section 97B.301, subdivision 6, is amended to read:

11.14 Subd. 6. **Residents or nonresidents under age 18 may take deer of either sex.**

11.15 A resident or nonresident under the age of 18 may take a deer of either sex except in
 11.16 those antlerless permit areas and seasons where no antlerless permits are offered. In
 11.17 antlerless permit areas where no antlerless permits are offered, the commissioner may
 11.18 provide a limited number of youth either sex permits to residents or nonresidents under
 11.19 age 18, under the procedures provided in section 97B.305, and may give preference to
 11.20 residents or nonresidents under the age of 18 that have not previously been selected.

11.21 This subdivision does not authorize the taking of an antlerless deer by another member
 11.22 of a party under subdivision 3.

11.23 Sec. 22. Minnesota Statutes 2007 Supplement, section 97B.328, is amended to read:

11.24 **97B.328 BAITING PROHIBITED.**

11.25 Subdivision 1. **Hunting with aid of bait or feed prohibited.** ~~(a)~~ A person may
 11.26 not hunt deer:

11.27 (1) with the aid or use of bait or feed; or

11.28 (2) in the vicinity of bait or feed if the person knows or has reason to know that
 11.29 bait or feed is present; ~~or,~~

11.30 ~~(3) in the vicinity of where the person has placed bait or caused bait to be placed~~
 11.31 ~~within the previous ten days.~~

11.32 ~~(b) This restriction does not apply to:~~

12.1 Subd. 2. **Removal of bait.** An area is considered baited for ten days after the
 12.2 complete removal of all bait or feed.

12.3 Subd. 3. **Definition.** For purposes of this section, "bait or feed" includes grains,
 12.4 fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer and
 12.5 that has been placed by a person. Liquid scents, salt, and minerals are not bait or feed.

12.6 ~~(1)~~ Food resulting from normal or accepted farming, forest management, wildlife
 12.7 food plantings, orchard management, or other similar land management activities; ~~or~~
 12.8 is not bait or feed.

12.9 Subd. 4. **Exception for bait or feed on adjacent land.** ~~(2)~~ A person otherwise
 12.10 in compliance with this section who is hunting on the person's own private or public
 12.11 property, when that is adjacent to property where bait or feed is present is not in violation
 12.12 of this section if the person has not participated in, been involved with, or agreed to
 12.13 baiting or feeding wildlife on the adjacent land owned by another person property.

12.14 Sec. 23. Minnesota Statutes 2006, section 97B.721, is amended to read:

12.15 **97B.721 LICENSE AND STAMP VALIDATION REQUIRED TO TAKE**
 12.16 **TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.**

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

12.19 (b) ~~The requirement in paragraph (a) to have a turkey stamp validation does not~~
 12.20 ~~apply to persons under age 18.~~ An unlicensed adult age 18 or older may assist a licensed
 12.21 wild turkey hunter. The unlicensed adult may not shoot or possess a firearm or bow while
 12.22 assisting a hunter under this paragraph and may not charge a fee for the assistance.

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

12.25 **EFFECTIVE DATE.** This section is effective March 1, 2009.

12.26 Sec. 24. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 2, is
 12.27 amended to read:

12.28 Subd. 2. **License required.** A person may not ~~take fish from~~ leave a dark house
 12.29 ~~or~~ fish house that is left, or shelter unattended on the ice ~~overnight~~ unless the house is
 12.30 licensed and has a license tag attached to the exterior in a readily visible location, except
 12.31 as provided in this subdivision. The commissioner must issue a tag with a dark house or
 12.32 fish house license, marked with a number to correspond with the license and the year of

13.1 issue. A dark house or fish house license is not required of a resident on boundary waters
 13.2 where the adjacent state does not charge a fee for the same activity.

13.3 Sec. 25. Minnesota Statutes 2006, section 97C.355, subdivision 4, is amended to read:

13.4 Subd. 4. **Distance between houses.** A person may not erect a dark house ~~or~~₂ fish
 13.5 house, or shelter within ten feet of an existing dark house ~~or~~₂ fish house, or shelter.

13.6 Sec. 26. Minnesota Statutes 2006, section 97C.355, subdivision 7a, is amended to read:

13.7 Subd. 7a. **Houses left overnight.** A fish house ~~or~~₂ dark house, or shelter left on the
 13.8 ice overnight must be marked with reflective material on each side of the house structure.
 13.9 The reflective material must measure a total area of no less than two square inches on each
 13.10 side of the house structure. ~~Violation of this subdivision is not subject to subdivision 8~~
 13.11 ~~or section 97A.301.~~

13.12 Sec. 27. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 8, is
 13.13 amended to read:

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

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

13.19 (c) This subdivision also applies to structures left on state public access sites for
 13.20 more than 48 hours past the deadlines specified in subdivision 7.

13.21 Sec. 28. Minnesota Statutes 2006, section 97C.401, subdivision 2, is amended to read:

13.22 Subd. 2. **Walleye; northern pike.** (a) Except as provided in paragraph (b), a person
 13.23 may ~~take~~ have no more than one walleye larger than 20 inches and one northern pike
 13.24 larger than 30 inches ~~daily~~ in possession.

13.25 (b) The restrictions in paragraph (a) do not apply to boundary waters.

13.26 **EFFECTIVE DATE.** This section is effective March 1, 2009.

13.27 Sec. 29. **REPEALER.**

13.28 Minnesota Statutes 2006, section 97A.411, subdivision 2, and Minnesota Rules,
 13.29 parts 6232.0200, subpart 4; and 6232.0300, subpart 4, are repealed.