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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. **3547**

February 28, 2008

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

March 10, 2008

Committee Recommendation and Adoption of Report:

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

March 17, 2008

Committee Recommendation and Adoption of Report: To Pass as Amended and re-referred to the Committee on Finance

April 14, 2008

Committee Recommendation and Adoption of Report: To Pass as Amended and re-referred to the Committee on Taxes

April 28, 2008

Committee Recommendation and Adoption of Report: To Pass and re-referred to the Committee on Ways and Means

May 1, 2008

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act

1.2 relating to natural resources; modifying aquatic farm and invasive species

1.3 provisions; authorizing certain fees; modifying horse pass requirements;

1.4 modifying report requirements for game and fish fund; providing for wildlife

1.5 disease management; modifying disposition of pheasant habitat improvement

1.6 account; modifying wild turkey management account; modifying hunting

1.7 and fishing licensing and taking provisions; requiring reports; providing for

1.8 rulemaking; appropriating money; amending Minnesota Statutes 2006, sections

1.9 17.4981; 84.027, subdivision 15; 84D.10, subdivision 2; 84D.13, subdivision 4;

1.10 85.46, subdivision 1; 97A.015, by adding a subdivision; 97A.045, subdivision

1.11 11; 97A.055, subdivision 4b; 97A.075, subdivisions 4, 5; 97A.311, subdivision

1.12 5; 97A.431, subdivision 2; 97A.433, subdivision 2; 97A.434, subdivision 2;

1.13 97A.435, subdivision 4; 97A.451, subdivision 4, by adding a subdivision;

1.14 97A.475, subdivision 5; 97A.485, subdivision 6; 97A.535, subdivision 1;

1.15 97B.015, subdivision 5; 97B.041; 97B.106, subdivision 1; 97B.211, subdivision

1.16 1; 97B.301, subdivision 6, by adding a subdivision; 97B.405; 97B.431; 97B.621,

1.17 subdivision 3; 97B.711, subdivision 1; 97B.721; 97C.001, subdivision 3;

1.18 97C.005, subdivision 3; 97C.205; 97C.315, subdivision 1; 97C.355, subdivisions

1.19 4, 7, 7a; 97C.371, subdivision 4, by adding a subdivision; 97C.395, subdivision

1.20 1; 97C.865, subdivision 2; Minnesota Statutes 2007 Supplement, sections

1.21 17.4984, subdivision 1; 97A.055, subdivision 4; 97A.405, subdivision 2;

1.22 97A.441, subdivision 7; 97A.451, subdivision 3; 97A.475, subdivisions 2, 3, 7,

1.23 11, 12, 16; 97B.031, subdivision 1; 97B.035, subdivision 1a; 97B.036; 97B.328;

1.24 97C.355, subdivisions 2, 8; proposing coding for new law in Minnesota Statutes,

1.25 chapter 97C; repealing Minnesota Statutes 2006, section 97A.411, subdivision 2;

1.26 Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4; 6234.0100,

1.27 subpart 4.

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

1.29 Section 1. Minnesota Statutes 2006, section 17.4981, is amended to read:

1.30 **17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC**  
1.31 **FARMS.**

2.1           (a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life  
2.2 is not wildlife. Aquatic farms must be licensed and given classifications to prevent or  
2.3 minimize impacts on natural resources. The purpose of sections 17.4981 to 17.4997 is to:

2.4           (1) prevent public aquatic life from entering an aquatic farm;

2.5           (2) prevent release of nonindigenous or exotic species into public waters without  
2.6 approval of the commissioner;

2.7           (3) protect against release of disease pathogens to public waters;

2.8           (4) protect existing natural aquatic habitats and the wildlife dependent on them; and

2.9           (5) protect private aquatic life from unauthorized taking or harvest.

2.10          (b) Private aquatic life that is legally acquired and possessed is an article of interstate  
2.11 commerce and may be restricted only as necessary to protect state fish and water resources.

2.12          (c) The commissioner of natural resources shall report to the legislature, in  
2.13 odd-numbered years, the proposed license and other fees that would make aquaculture  
2.14 self-sustaining. The fees shall not cover the costs of other programs. The commissioner  
2.15 shall encourage fish farming in man-made ponds and develop best management practices  
2.16 for aquaculture to ensure the long-term sustainability of the program.

2.17          Sec. 2. Minnesota Statutes 2007 Supplement, section 17.4984, subdivision 1, is  
2.18 amended to read:

2.19          Subdivision 1. **License required.** (a) A person or entity may not operate an aquatic  
2.20 farm without first obtaining an aquatic farm license from the commissioner.

2.21          (b) Applications for an aquatic farm license must be made on forms provided by  
2.22 the commissioner.

2.23          (c) Licenses are valid for five years and are transferable upon notification to the  
2.24 commissioner.

2.25          (d) The commissioner shall issue an aquatic farm license on payment of the required  
2.26 license fee under section 17.4988.

2.27          (e) A license issued by the commissioner is not a determination of private property  
2.28 rights, but is only based on a determination that the licensee does not have a significant  
2.29 detrimental impact on the public resource.

2.30          (f) By January 15, 2008, the commissioner shall report to the senate and house  
2.31 of representatives committees on natural resource policy and finance on policy  
2.32 recommendations regarding aquaculture.

2.33          (g) The commissioner shall not issue or renew a license to raise minnows in a natural  
2.34 water body if the natural water body is the subject of a protective easement or other  
2.35 interest in land that was acquired with funding from federal waterfowl stamp proceeds

3.1 or migratory waterfowl stamp proceeds under section 97A.075, subdivision 2, or if the  
 3.2 natural water body was the subject of any other development, restoration, maintenance, or  
 3.3 preservation project funded under section 97A.075, subdivision 2.

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

3.5 Sec. 3. Minnesota Statutes 2006, section 84.027, subdivision 15, is amended to read:

3.6 Subd. 15. **Electronic transactions.** (a) The commissioner may receive an  
 3.7 application for, sell, and issue any license, stamp, permit, pass, sticker, duplicate safety  
 3.8 training certification, registration, or transfer under the jurisdiction of the commissioner  
 3.9 by electronic means, including by telephone. Notwithstanding section 97A.472, electronic  
 3.10 and telephone transactions may be made outside of the state. The commissioner may:

3.11 (1) provide for the electronic transfer of funds generated by electronic transactions,  
 3.12 including by telephone;

3.13 (2) assign an identification number to an applicant who purchases a hunting or  
 3.14 fishing license or recreational vehicle registration by electronic means, to serve as  
 3.15 temporary authorization to engage in the activity requiring a license or registration until  
 3.16 the license or registration is received or expires;

3.17 (3) charge and permit agents to charge a fee of individuals who make electronic  
 3.18 transactions and transactions by telephone or Internet, including issuing fees and an  
 3.19 additional transaction fee not to exceed \$3.50;

3.20 (4) charge and permit agents to charge a fee not to exceed \$3.50 of individuals who  
 3.21 use electronic bank cards for payment. An electronic licensing system agent charging  
 3.22 a fee of individuals making an electronic card transaction in person must post a sign  
 3.23 informing individuals of the fee. The sign must be near the point of payment, clearly  
 3.24 visible, and include the amount of the fee;

3.25 (5) establish, by written order, an electronic licensing system commission to be  
 3.26 paid by revenues generated from all sales made through the electronic licensing system.  
 3.27 The commissioner shall establish the commission in a manner that neither significantly  
 3.28 overrecovers nor underrecovers costs involved in providing the electronic licensing  
 3.29 system; and

3.30 ~~(5)~~ (6) adopt rules to administer the provisions of this subdivision.

3.31 (b) The fees established under paragraph (a), ~~clause~~ clauses (3) and (4), and  
 3.32 the commission established under paragraph (a), clause ~~(4)~~ (5), are not subject to the  
 3.33 rulemaking procedures of chapter 14 and section 14.386 does not apply.

4.1 (c) Money received from fees and commissions collected under this subdivision,  
4.2 including interest earned, is annually appropriated from the game and fish fund and the  
4.3 natural resources fund to the commissioner for the cost of electronic licensing.

4.4 Sec. 4. Minnesota Statutes 2006, section 84D.10, subdivision 2, is amended to read:

4.5 Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may place into  
4.6 the waters of the state a watercraft or trailer with aquatic macrophytes:

4.7 (1) that are duckweeds in the family Lemnaceae;

4.8 (2) for purposes of shooting or observation blinds attached in or on watercraft in  
4.9 amounts sufficient for that purpose, if the aquatic macrophytes are emergent and cut  
4.10 above the waterline;

4.11 (3) that are wild rice harvested under section 84.091; or

4.12 (4) in the form of fragments of emergent aquatic macrophytes incidentally  
4.13 transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl  
4.14 season.

4.15 Sec. 5. Minnesota Statutes 2006, section 84D.13, subdivision 4, is amended to read:

4.16 Subd. 4. **Warnings; civil citations.** After appropriate training, conservation  
4.17 officers, other licensed peace officers, and other department personnel designated by the  
4.18 commissioner may issue warnings or citations to a person who:

4.19 (1) unlawfully transports prohibited invasive species or aquatic macrophytes;

4.20 (2) unlawfully places or attempts to place into waters of the state a trailer, a  
4.21 watercraft, or plant harvesting equipment that has aquatic macrophytes or prohibited  
4.22 invasive species attached;

4.23 (3) intentionally damages, moves, removes, or sinks a buoy marking, as prescribed  
4.24 by rule, Eurasian water milfoil;

4.25 (4) fails to drain water, as required by rule, from watercraft and equipment before  
4.26 leaving designated zebra mussel, spiny water flea, or other invasive plankton infested  
4.27 waters; or

4.28 (5) transports infested water, in violation of rule, off riparian property.

4.29 Sec. 6. Minnesota Statutes 2006, section 85.46, subdivision 1, is amended to read:

4.30 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while  
4.31 riding, leading, or driving a horse on horse trails and associated day use areas on state  
4.32 trails, in state parks, in state recreation areas, and in state forests, a person 16 years of age  
4.33 or over shall carry in immediate possession and visibly display on person or horse tack,

5.1 a valid horse trail pass. The pass must be available for inspection by a peace officer, a  
5.2 conservation officer, or an employee designated under section 84.0835.

5.3 (b) A valid horse pass is not required under this section for a person riding, leading,  
5.4 or driving a horse only on the portion of a horse trail that is owned by the person or the  
5.5 person's spouse, child, or parent.

5.6 Sec. 7. Minnesota Statutes 2006, section 97A.015, is amended by adding a subdivision  
5.7 to read:

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

5.10 Sec. 8. Minnesota Statutes 2006, section 97A.045, subdivision 11, is amended to read:

5.11 Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner  
5.12 determines that action is necessary to prevent or control a wildlife disease, the  
5.13 commissioner may prevent or control wildlife disease in a species of wild animal in  
5.14 addition to the protection provided by the game and fish laws by further limiting, closing,  
5.15 expanding, or opening seasons or areas of the state; by reducing or increasing limits in  
5.16 areas of the state; by establishing disease management zones; by authorizing free licenses;  
5.17 by allowing shooting from motor vehicles by persons designated by the commissioner;  
5.18 by issuing replacement licenses for sick animals; by requiring sample collection from  
5.19 hunter-harvested animals; by limiting wild animal possession, transportation, and  
5.20 disposition; and by restricting wildlife feeding.

5.21 (b) The commissioner shall restrict wildlife feeding in, and within a 15-mile radius  
5.22 of a cattle herd that is infected with bovine 30-mile radius of, a tuberculosis management  
5.23 zone, as identified by the commissioner.

5.24 (c) The commissioner may prevent or control wildlife disease in a species of wild  
5.25 animal in the state by emergency rule adopted under section 84.027, subdivision 13.

5.26 Sec. 9. Minnesota Statutes 2007 Supplement, section 97A.055, subdivision 4, is  
5.27 amended to read:

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

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

5.33 (i) the small game license surcharge under section 97A.475, subdivision 4;

6.1 (ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision  
6.2 5, clause (1);

6.3 (iii) the trout and salmon stamp under section 97A.475, subdivision 10;

6.4 (iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2);

6.5 (v) the ~~turkey stamp~~ wild turkey management account under section ~~97A.475,~~  
6.6 ~~subdivision 5, clause (3)~~ 97A.075, subdivision 5; and

6.7 (vi) the deer license donations and surcharges under section 97A.475, subdivisions  
6.8 3, paragraph (b), and 3a;

6.9 (2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and  
6.10 (c), and the purposes for which these amounts were spent;

6.11 (3) money credited to the game and fish fund under this section and purposes for  
6.12 which expenditures were made from the fund;

6.13 (4) outcome goals for the expenditures from the game and fish fund; and

6.14 (5) summary and comments of citizen oversight committee reviews under  
6.15 subdivision 4b.

6.16 (b) The report must include the commissioner's recommendations, if any, for  
6.17 changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

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

6.19 Sec. 10. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

6.20 Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint  
6.21 subcommittees of affected persons to review the reports prepared under subdivision 4;  
6.22 review the proposed work plans and budgets for the coming year; propose changes  
6.23 in policies, activities, and revenue enhancements or reductions; review other relevant  
6.24 information; and make recommendations to the legislature and the commissioner for  
6.25 improvements in the management and use of money in the game and fish fund.

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

6.28 (1) a Fisheries Operations Subcommittee to review fisheries funding, excluding  
6.29 activities related to trout and salmon stamp funding;

6.30 (2) a Wildlife Operations Subcommittee to review wildlife funding, excluding  
6.31 activities related to migratory waterfowl, pheasant, and turkey stamp funding and  
6.32 excluding review of the amounts available under section 97A.075, subdivision 1,  
6.33 paragraphs (b) and (c);

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

7.1 (4) an Ecological Services Operations Subcommittee to review ecological services  
7.2 funding;

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

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

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

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

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

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

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

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

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

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

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

7.33 Sec. 11. Minnesota Statutes 2006, section 97A.075, subdivision 4, is amended to read:

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

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

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

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

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

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

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

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

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

8.21 Sec. 12. Minnesota Statutes 2006, section 97A.075, subdivision 5, is amended to read:

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

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

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

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

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

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

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

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

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

9.6 Sec. 13. Minnesota Statutes 2006, section 97A.311, subdivision 5, is amended to read:

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

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

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

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

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

9.17 Sec. 14. Minnesota Statutes 2007 Supplement, section 97A.405, subdivision 2, is  
9.18 amended to read:

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

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

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

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

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

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

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

10.13 Sec. 15. Minnesota Statutes 2006, section 97A.431, subdivision 2, is amended to read:

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

10.17 (1) is a resident; and

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

10.19 ~~(3) (2) has not been issued a moose license for any of the last five seasons or after~~  
 10.20 January 1, 1991.

10.21 Sec. 16. Minnesota Statutes 2006, section 97A.433, subdivision 2, is amended to read:

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

10.24 (1) is a resident; and

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

10.26 ~~(3) (2) has never been issued an elk license.~~

10.27 Sec. 17. Minnesota Statutes 2006, section 97A.434, subdivision 2, is amended to read:

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

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

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

11.1 Sec. 18. Minnesota Statutes 2006, section 97A.435, subdivision 4, is amended to read:

11.2 Subd. 4. **Separate selection of eligible licensees.** (a) The commissioner may  
11.3 conduct a separate selection for up to 20 percent of the turkey licenses to be issued for  
11.4 any area. Only persons who are owners or tenants of and who live on at least 40 acres  
11.5 of land in the area, and their family members, are eligible applicants for turkey licenses  
11.6 for the separate selection. The qualifying land may be noncontiguous. Persons who are  
11.7 unsuccessful in a separate selection must be included in the selection for the remaining  
11.8 licenses. Persons who obtain a license in a separate selection must allow public turkey  
11.9 hunting on their land during that turkey season. A license issued under this subdivision is  
11.10 restricted to the permit area where the qualifying land is located.

11.11 (b) The commissioner may by rule establish criteria for determining eligible family  
11.12 members under this subdivision.

11.13 (c) The commissioner shall presume that an applicant under this subdivision is  
11.14 eligible in order to ensure the timely processing of applications. An applicant that  
11.15 knowingly makes a false statement or a license agent that knowingly issues a license to an  
11.16 ineligible person is subject to the penalty provisions under section 97A.311.

11.17 Sec. 19. Minnesota Statutes 2007 Supplement, section 97A.441, subdivision 7, is  
11.18 amended to read:

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

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

12.1 Sec. 20. Minnesota Statutes 2007 Supplement, section 97A.451, subdivision 3, is  
12.2 amended to read:

12.3 Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 ~~may~~  
12.4 ~~not must~~ obtain a small game license ~~but may in order to~~ take small game by firearms  
12.5 or bow and arrow without a license paying the applicable fees under section 97A.475,  
12.6 subdivisions 2, 4, and 5, if the resident is:

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

12.8 (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or  
12.9 guardian;

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

12.13 (4) age 12 or under and is accompanied by a parent or guardian.

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

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

12.23 Sec. 21. Minnesota Statutes 2006, section 97A.451, subdivision 4, is amended to read:

12.24 Subd. 4. **Persons Residents under age 16; big game.** A ~~person~~ resident under the  
12.25 age of 16 may ~~not obtain a license to~~ take big game ~~unless the person possesses a firearms~~  
12.26 ~~safety certificate. A person under the age of 14 must be accompanied by a parent or~~  
12.27 ~~guardian to hunt big game.~~ by firearms or bow and arrow if the resident obtains a license  
12.28 to take big game and is:

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

12.30 (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or  
12.31 guardian;

12.32 (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied  
12.33 by a parent or guardian who possesses a big game license that was not obtained using  
12.34 an apprentice hunter validation;

13.1 (4) age 12 and is accompanied by a parent or guardian. A resident age 12 or under  
 13.2 is not required to possess a firearms safety certificate under section 97B.020 to take big  
 13.3 game; or

13.4 (5) age 10 or 11 and is under the direct supervision of a parent or guardian where the  
 13.5 parent is within immediate reach and the youth obtains a license without paying the fee.

13.6 Sec. 22. Minnesota Statutes 2006, section 97A.451, is amended by adding a  
 13.7 subdivision to read:

13.8 Subd. 4a. **Nonresidents under age 16; big game.** (a) A nonresident under age  
 13.9 16 may obtain a big game license at the applicable resident fee under section 97A.475,  
 13.10 subdivision 2, if the nonresident is:

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

13.12 (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or  
 13.13 guardian;

13.14 (3) age 12 and is accompanied by a parent or guardian. A nonresident age 12  
 13.15 or under is not required to possess a firearms safety certificate under section 97B.020  
 13.16 to take big game; or

13.17 (4) age 10 or 11 and is under the direct supervision of a parent or guardian where the  
 13.18 parent is within immediate reach.

13.19 Sec. 23. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 2, is  
 13.20 amended to read:

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

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

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

13.25 (3) ~~for persons age 18 or over~~ to take turkey, ~~\$18~~ \$23;

13.26 (4) for persons under age 18 to take turkey, \$12;

13.27 ~~(4)~~ (5) for persons age 18 or over to take deer with firearms, \$26;

13.28 ~~(5)~~ (6) for persons age 18 or over to take deer by archery, \$26;

13.29 ~~(6)~~ (7) to take moose, for a party of not more than six persons, \$310;

13.30 ~~(7)~~ (8) to take bear, \$38;

13.31 ~~(8)~~ (9) to take elk, for a party of not more than two persons, \$250;

13.32 ~~(9)~~ (10) multizone license to take antlered deer in more than one zone, \$52;

13.33 ~~(10)~~ (11) to take Canada geese during a special season, \$4;

14.1 ~~(11)~~ (12) all season license to take three deer throughout the state in any open deer  
14.2 season, except as restricted under section 97B.305, \$78;

14.3 ~~(12)~~ (13) all-firearm season license to take two deer throughout the state in any open  
14.4 firearms deer season, except as restricted under section 97B.305, \$52;

14.5 (14) to take prairie chickens, \$20;

14.6 ~~(13)~~ (15) for persons at least age 12 and under age 18 to take deer with firearms  
14.7 during the muzzle-loader season or during the regular firearms season in any open zone  
14.8 or time period, \$13; and

14.9 ~~(14)~~ (16) for persons at least age 12 and under age 18 to take deer by archery, \$13.

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

14.11 Sec. 24. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 3, is  
14.12 amended to read:

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

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

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

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

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

14.19 (5) for persons age 18 and older to take turkey, \$73 \$78;

14.20 (6) for persons under age 18 to take turkey, \$12;

14.21 ~~(6)~~ (7) to take raccoon or bobcat, \$155;

14.22 ~~(7)~~ (8) multizone license to take antlered deer in more than one zone, \$270;

14.23 ~~(8)~~ (9) to take Canada geese during a special season, \$4;

14.24 ~~(9)~~ (10) for persons at least age 12 and under age 18 to take deer with firearms  
14.25 during the muzzle-loader season or during the regular firearms season in any open zone  
14.26 or time period, \$13; and

14.27 ~~(10)~~ (11) for persons at least age 12 and under age 18 to take deer by archery, \$13.

14.28 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under  
14.29 paragraph (a), clauses (1) to ~~(7)~~ (5), (7), and (8). An additional commission may not be  
14.30 assessed on this surcharge.

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

14.33 Sec. 25. Minnesota Statutes 2006, section 97A.475, subdivision 5, is amended to read:

- 15.1 Subd. 5. **Hunting stamps.** Fees for the following stamps and stamp validations are:
- 15.2 (1) migratory waterfowl stamp, \$7.50; and
- 15.3 (2) pheasant stamp, \$7.50; ~~and~~
- 15.4 ~~(3) turkey stamp validation, \$5.~~

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

15.6 Sec. 26. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 7, is  
15.7 amended to read:

15.8 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued  
15.9 to nonresidents, are:

- 15.10 (1) to take fish by angling, \$37.50;
- 15.11 (2) to take fish by angling limited to seven consecutive days selected by the licensee,  
15.12 \$26.50;
- 15.13 (3) to take fish by angling for a 72-hour period selected by the licensee, \$22;
- 15.14 (4) to take fish by angling for a combined license for a family for one or both parents  
15.15 and dependent children under the age of 16, \$50.50;
- 15.16 (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; ~~and~~
- 15.17 (6) to take fish by angling for a combined license for a married couple, limited to 14  
15.18 consecutive days selected by one of the licensees, \$38.50; and
- 15.19 (7) to take fish by spearing from a dark house, \$37.50.

15.20 (b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses  
15.21 issued under paragraph (a), clause (5). An additional commission may not be assessed  
15.22 on this surcharge.

15.23 Sec. 27. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 11,  
15.24 is amended to read:

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

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

15.31 Sec. 28. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 12,  
15.32 is amended to read:

16.1 Subd. 12. **Fish houses, dark houses, or shelters; nonresident.** Fees for fish house,  
16.2 dark house, or shelter licenses for a nonresident are:

16.3 (1) annual, \$33;

16.4 (2) seven consecutive days, \$19; and

16.5 (3) three-year, \$99.

16.6 Sec. 29. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 16,  
16.7 is amended to read:

16.8 Subd. 16. **Resident bear hunting guides outfitters.** (a) The fee for a resident  
16.9 bear hunting outfitter license ~~to guide bear hunters~~ is \$82.50 and is available only to  
16.10 a Minnesota resident individual.

16.11 (b) The fee for a resident master bear hunting outfitter license is \$165. The fee to  
16.12 add an additional person under the license is \$82.50 per person.

16.13 Sec. 30. Minnesota Statutes 2006, section 97A.485, subdivision 6, is amended to read:

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

16.17 (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

16.18 (2) Minnesota sporting, the issuing fee is \$1; and

16.19 (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing  
16.20 animals, the issuing fee is \$1;

16.21 (4) for a stamp validation that is not issued simultaneously with a license, an issuing  
16.22 fee of 50 cents may be charged at the discretion of the authorized seller;

16.23 (5) for ~~stamps~~ stamp validations issued simultaneously with a license, there is no fee;

16.24 (6) for licenses, seals, tags, or coupons issued without a fee under section 97A.441  
16.25 or 97A.465, an issuing fee of 50 cents may be charged at the discretion of the authorized  
16.26 seller;

16.27 (7) for lifetime licenses, there is no fee; and

16.28 (8) for all other licenses, permits, renewals, or applications or any other transaction  
16.29 through the electronic licensing system under this chapter or any other chapter when an  
16.30 issuing fee is not specified, an issuing fee of 50 cents may be charged at the discretion  
16.31 of the authorized seller.

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

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

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

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

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

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

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

17.10 (2) for other licenses, 50 cents.

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

17.17 Sec. 31. Minnesota Statutes 2006, section 97A.535, subdivision 1, is amended to read:

17.18 Subdivision 1. **Tags required.** (a) A person may not possess or transport deer,  
17.19 bear, elk, or moose taken in the state unless a tag is attached to the carcass in a manner  
17.20 prescribed by the commissioner. The commissioner must prescribe the type of tag that has  
17.21 the license number of the owner, the year of its issue, and other information prescribed by  
17.22 the commissioner.

17.23 (b) The tag ~~and the license~~ must be validated at the site of the kill as prescribed by  
17.24 the commissioner.

17.25 (c) Except as otherwise provided in this section, the tag must be attached to the  
17.26 deer, bear, elk, or moose at the site of the kill before the animal is removed from the  
17.27 site of the kill.

17.28 (d) The tag must remain attached to the animal until the animal is processed for  
17.29 storage.

17.30 (e) A person may move a lawfully taken deer, bear, elk, or moose from the site of the  
17.31 kill without attaching the validated tag to the animal only while in the act of manually  
17.32 or mechanically dragging, carrying, or carting the animal across the ground and while  
17.33 possessing the validated tag on their person. A motor vehicle may be used to drag the  
17.34 animal across the ground. At all other times, the validated tag must be attached to the  
17.35 deer, bear, elk, or moose:

18.1 (1) as otherwise provided in this section; and

18.2 (2) prior to the animal being placed onto and transported on a motor vehicle, being  
 18.3 hung from a tree or other structure or device, or being brought into a camp or yard or  
 18.4 other place of habitation.

18.5 Sec. 32. Minnesota Statutes 2006, section 97B.015, subdivision 5, is amended to read:

18.6 Subd. 5. **Firearms safety certificate.** The commissioner shall issue a firearms  
 18.7 safety certificate to a person that satisfactorily completes the required course of instruction.  
 18.8 A person must be at least age 11 to take the firearms safety course and may receive a  
 18.9 firearms safety certificate, but the certificate is not valid for hunting until the year the  
 18.10 person reaches age 12. A person who is age 11 and has a firearms safety certificate may  
 18.11 purchase a ~~deer, bear, turkey, or prairie chicken~~ license to take big game that will ~~become~~  
 18.12 be valid when for hunting during the entire regular season for which the license is valid if  
 18.13 the person reaches will reach age 12 during that calendar year. A firearms safety certificate  
 18.14 issued to a person under age 12 by another state as provided in section 97B.020 is not  
 18.15 valid for hunting in Minnesota until the person reaches age 12. The form and content of  
 18.16 the firearms safety certificate shall be prescribed by the commissioner.

18.17 Sec. 33. Minnesota Statutes 2007 Supplement, section 97B.031, subdivision 1, is  
 18.18 amended to read:

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

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

18.21 (1) the rifle, shotgun, and handgun used is a caliber of at least ~~.23~~ .22 inches and  
 18.22 with centerfire ignition;

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

18.24 (3) a projectile used is a caliber of at least ~~.23~~ .22 inches and has a soft point or is  
 18.25 an expanding bullet type;

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

18.27 ~~(5) (4) the muzzle-loader muzzleloader~~ used is incapable of being loaded at the  
 18.28 breech;

18.29 ~~(6) (5) the smooth-bore muzzle-loader muzzleloader~~ used is a caliber of at least  
 18.30 .45 inches; and

18.31 ~~(7) (6) the rifled muzzle-loader muzzleloader~~ used is a caliber of at least .40 inches.

18.32 ~~(b) Notwithstanding paragraph (a), clause (4), a person may take big game with a~~  
 18.33 ~~ten millimeter cartridge that is at least 0.95 inches in length, a .45 Winchester Magnum~~

19.1 ~~cartridge, a .50 A. E. (Action Express) handgun cartridge, or a 56-46 Spencer, 56-50~~  
19.2 ~~Spencer, or 56-56 Spencer cartridge.~~

19.3 Sec. 34. Minnesota Statutes 2007 Supplement, section 97B.035, subdivision 1a,  
19.4 is amended to read:

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

19.7 Sec. 35. Minnesota Statutes 2007 Supplement, section 97B.036, is amended to read:

19.8 **97B.036 CROSSBOW HUNTING DURING FIREARMS ~~DEER~~ SEASON.**

19.9 Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer,  
19.10 bear, or turkey by crossbow during the respective regular firearms ~~deer season~~ seasons.

19.11 The transportation requirements of section 97B.051 apply to crossbows during the regular  
19.12 firearms deer, bear, or turkey season. Crossbows must meet the requirements of section  
19.13 97B.106, subdivision 2. A person taking deer, bear, or turkey by crossbow under this  
19.14 section must have a valid firearms ~~deer~~ license to take the respective game.

19.15 Sec. 36. Minnesota Statutes 2006, section 97B.041, is amended to read:

19.16 **97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED**  
19.17 **IN DEER ZONES.**

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

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

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

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

19.27 (4) a handgun or rifle ~~and only short, long, and long rifle cartridges that are caliber~~  
19.28 of .22 inches containing only .17 caliber rimfire cartridges, .22 short, long, or long rifle  
19.29 cartridges, or .22 magnum caliber cartridges;

19.30 (5) handguns possessed by a person authorized to carry a handgun under sections  
19.31 624.714 and 624.715 for the purpose authorized; and

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

20.1 This section does not apply during an open firearms season in an area where deer  
20.2 may be taken only by muzzleloader, except that muzzleloading firearms lawful for the  
20.3 taking of deer may be possessed only by persons with a valid license to take deer by  
20.4 muzzleloader during that season.

20.5 **EFFECTIVE DATE.** This section is effective August 1, 2008.

20.6 Sec. 37. Minnesota Statutes 2006, section 97B.106, subdivision 1, is amended to read:

20.7 Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may  
20.8 issue a special permit, without a fee, to take big game, small game, or rough fish with a  
20.9 crossbow to a person that is unable to hunt or take rough fish by archery because of a  
20.10 permanent or temporary physical disability. A crossbow permit issued under this section  
20.11 also allows the permittee to use a bow with a mechanical device that draws, releases, or  
20.12 holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

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

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

20.19 Sec. 38. Minnesota Statutes 2006, section 97B.211, subdivision 1, is amended to read:

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

20.22 Sec. 39. Minnesota Statutes 2006, section 97B.301, subdivision 6, is amended to read:

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

20.24 A resident or nonresident under the age of 18 may take a deer of either sex except in  
20.25 those antlerless permit areas and seasons where no antlerless permits are offered. In  
20.26 antlerless permit areas where no antlerless permits are offered, the commissioner may  
20.27 provide a limited number of youth either sex permits to residents or nonresidents under  
20.28 age 18, under the procedures provided in section 97B.305, and may give preference to  
20.29 residents or nonresidents under the age of 18 that have not previously been selected.  
20.30 This subdivision does not authorize the taking of an antlerless deer by another member  
20.31 of a party under subdivision 3.

21.1 Sec. 40. Minnesota Statutes 2006, section 97B.301, is amended by adding a  
21.2 subdivision to read:

21.3 Subd. 8. **All-firearm season deer license.** (a) A resident may obtain an all-firearm  
21.4 season deer license that authorizes the resident to hunt during the regular firearms and  
21.5 muzzle-loader seasons. The all-firearm season license is valid for taking two deer, no  
21.6 more than one of which may be a legal buck.

21.7 (b) The all-firearm season deer license is valid for taking antlerless deer as prescribed  
21.8 by the commissioner.

21.9 (c) The commissioner shall issue two tags when issuing a license under this  
21.10 subdivision.

21.11 Sec. 41. Minnesota Statutes 2007 Supplement, section 97B.328, is amended to read:

21.12 **97B.328 BAITING PROHIBITED.**

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

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

21.16 (2) in the vicinity of bait or feed if the person knows or has reason to know that  
21.17 bait or feed is present; ~~or.~~

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

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

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

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

21.26 ~~(1)~~ Food resulting from normal or accepted farming, forest management, wildlife  
21.27 food plantings, orchard management, or other similar land management activities; ~~or is~~  
21.28 not bait or feed unless it has been placed by a person.

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

22.1 Sec. 42. Minnesota Statutes 2006, section 97B.405, is amended to read:

22.2 **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

22.3 (a) The commissioner may limit the number of persons that may hunt bear in an  
 22.4 area, if it is necessary to prevent an overharvest or improve the distribution of hunters.  
 22.5 The commissioner may establish, by rule, a method, including a drawing, to impartially  
 22.6 select the hunters for an area. The commissioner shall give preference to hunters that have  
 22.7 previously applied and have not been selected.

22.8 (b) In the case of a drawing, the commissioner shall allow a person to apply for a  
 22.9 permit in more than one area at the same time and rank the person's choice of area. A  
 22.10 person applying for a permit shall submit the applicable license fee under section 97A.475  
 22.11 with the application. If a person is not selected for a bear hunting permit, the person may  
 22.12 elect to have the license fee refunded or held and applied to a future license or permit.

22.13 Sec. 43. Minnesota Statutes 2006, section 97B.431, is amended to read:

22.14 **97B.431 BEAR HUNTING ~~GUIDES~~ OUTFITTERS.**

22.15 (a) A person may not place bait for bear, or guide hunters to take bear, for  
 22.16 compensation without a bear hunting ~~guide~~ outfitter license. A bear hunting ~~guide~~ outfitter  
 22.17 is not required to have a license to take bear unless the ~~guide~~ outfitter is attempting  
 22.18 to shoot a bear. The commissioner shall adopt rules for qualifications for issuance and  
 22.19 administration of the licenses.

22.20 (b) The commissioner shall establish a resident master bear hunting outfitter license  
 22.21 under which one person serves as the bear hunting outfitter and one other person is eligible  
 22.22 to guide and bait bear. Additional persons may be added to the license and are eligible to  
 22.23 guide and bait bear under the license, provided the additional fee under section 97A.475,  
 22.24 subdivision 16, is paid for each person added. The commissioner shall adopt rules for  
 22.25 qualifications for issuance and administration of the licenses.

22.26 Sec. 44. Minnesota Statutes 2006, section 97B.621, subdivision 3, is amended to read:

22.27 Subd. 3. **Nighttime hunting restrictions.** To take raccoons between one-half hour  
 22.28 after sunset and one-half hour before sunrise, a person:

22.29 (1) must be on foot;

22.30 (2) may use an artificial light only if hunting with dogs;

22.31 (3) may not use a rifle other than one of a .22 inch caliber with .22 short, long, or  
 22.32 long rifle; rimfire ammunition; and

22.33 (4) may not use shotgun shells with larger than No. 4 shot.

23.1 Sec. 45. Minnesota Statutes 2006, section 97B.711, subdivision 1, is amended to read:

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

23.5 (1) pheasant;

23.6 (2) ruffed grouse;

23.7 (3) sharp tailed grouse;

23.8 (4) Canada spruce grouse;

23.9 (5) prairie chicken;

23.10 (6) gray partridge;

23.11 (7) bob-white quail; and

23.12 (8) turkey.

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

23.14 (c) The commissioner shall allow a four-week open season for turkey in the fall for  
23.15 the area designated as turkey permit area 601 as of the 2008 season.

23.16 Sec. 46. Minnesota Statutes 2006, section 97B.721, is amended to read:

23.17 **97B.721 LICENSE AND STAMP VALIDATION REQUIRED TO TAKE**  
23.18 **TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.**

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

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

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

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

23.28 Sec. 47. Minnesota Statutes 2006, section 97C.001, subdivision 3, is amended to read:

23.29 Subd. 3. **Seasons, limits, and other requirements.** The commissioner may, in  
23.30 accordance with the procedures in subdivision 2 or by rule under chapter 14, establish  
23.31 open seasons, limits, methods, and other requirements for taking fish on experimental  
23.32 waters. Notwithstanding the limits on seasons in section 97C.395, subdivision 1, the  
23.33 commissioner may extend the end of a season for up to two weeks to take a fish species in

24.1 an experimental water when the harvest level for the species in that season is less than the  
24.2 harvest goal of the experimental regulations.

24.3 Sec. 48. Minnesota Statutes 2006, section 97C.005, subdivision 3, is amended to read:

24.4 Subd. 3. **Seasons, limits, and other rules.** The commissioner may, in accordance  
24.5 with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter  
24.6 14, establish open seasons, limits, methods, and other requirements for taking fish on  
24.7 special management waters. Notwithstanding the limits on seasons in section 97C.395,  
24.8 subdivision 1, the commissioner may extend the end of a season for up to two weeks to  
24.9 take a fish species in a special management water when the harvest level for the species in  
24.10 that season is less than the harvest goal of the special management regulations.

24.11 Sec. 49. Minnesota Statutes 2006, section 97C.205, is amended to read:

24.12 **97C.205 TRANSPORTING AND STOCKING FISH.**

24.13 (a) Except on the water body where taken, a person may not transport a live fish in a  
24.14 quantity of water sufficient to keep the fish alive, unless the fish:

24.15 (1) is being transported under an aquaculture license as authorized under sections  
24.16 17.4985 and 17.4986;

24.17 (2) is being transported for a fishing contest weigh-in under section 97C.081;

24.18 (3) is a minnow being transported under section 97C.505 or 97C.515;

24.19 (4) is being transported by a commercial fishing license holder under section  
24.20 97C.821; or

24.21 (5) is being transported as otherwise authorized in this section.

24.22 (b) The commissioner may adopt rules to allow and regulate:

24.23 (1) the transportation of fish and fish eggs; and

24.24 (2) the stocking of waters with fish or fish eggs.

24.25 The commissioner must allow the possession of fish on special management or  
24.26 experimental waters to be prepared as a meal on the ice or on the shore of that water  
24.27 body if the fish:

24.28 (1) were lawfully taken;

24.29 (2) have been packaged by a licensed fish packer; and

24.30 (3) do not otherwise exceed the daily possession limits.

24.31 (c) The commissioner shall prescribe rules designed to encourage local sporting  
24.32 organizations to propagate game fish by using rearing ponds. The rules must:

24.33 (1) prescribe methods to acquire brood stock for the ponds by seining public waters;

25.1 (2) allow the sporting organizations to own and use seines and other necessary  
25.2 equipment; and

25.3 (3) prescribe methods for stocking the fish in public waters that give priority to the  
25.4 needs of the community where the fish are reared and the desires of the organization  
25.5 operating the rearing pond.

25.6 (d) A person age 16 or under may, for purposes of display in a home aquarium,  
25.7 transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie,  
25.8 white crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black,  
25.9 yellow, and brown bullheads taken by angling. No more than four of each species may  
25.10 be transported at any one time, and any individual fish can be no longer than ten inches  
25.11 in total length.

25.12 Sec. 50. [97C.303] CONSERVATION ANGLING LICENSE.

25.13 Subdivision 1. **Availability.** The commissioner shall make available a conservation  
25.14 angling license according to this section. Conservation angling licenses shall be offered  
25.15 for resident and nonresident individuals, resident married couples, nonresident married  
25.16 couples valid for 14 consecutive days, and nonresident families.

25.17 Subd. 2. **Daily and possession limits.** Daily and possession limits for fish taken  
25.18 under a conservation angling license are one-half the daily and possession limits for the  
25.19 corresponding fish taken under a standard angling license, rounded down to the next  
25.20 whole number if necessary.

25.21 Subd. 3. **License fee.** The fee for a conservation angling license issued under this  
25.22 section is two-thirds of the corresponding standard angling license fee under section  
25.23 97A.475, subdivision 6 or 7, rounded to the nearest whole dollar.

25.24 Sec. 51. Minnesota Statutes 2006, section 97C.315, subdivision 1, is amended to read:

25.25 Subdivision 1. **Lines.** An angler may not use more than one line except two lines  
25.26 may be used to take fish:

25.27 ~~(1) two lines may be used to take fish through the ice; and~~ (1) through the ice; or

25.28 ~~(2) the commissioner may, by rule, authorize the use of two lines in areas~~

25.29 ~~designated by the commissioner in Lake Superior~~ (2) if the angler purchases a second

25.30 line endorsement for \$5.

25.31 Sec. 52. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 2, is  
25.32 amended to read:

26.1 Subd. 2. **License required.** A person may not ~~take fish from~~ leave a dark house  
26.2 ~~or~~ fish house ~~that is left~~, or shelter unattended on the ice ~~overnight~~ at any time between  
26.3 midnight and one hour before sunrise unless the house is licensed and has a license tag  
26.4 attached to the exterior in a readily visible location, except as provided in this subdivision.  
26.5 The commissioner must issue a tag with a dark house or fish house license, marked with a  
26.6 number to correspond with the license and the year of issue. A dark house or fish house  
26.7 license is not required of a resident on boundary waters where the adjacent state does not  
26.8 charge a fee for the same activity.

26.9 Sec. 53. Minnesota Statutes 2006, section 97C.355, subdivision 4, is amended to read:

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

26.12 Sec. 54. Minnesota Statutes 2006, section 97C.355, subdivision 7, is amended to read:

26.13 Subd. 7. **Dates and times houses may remain on ice.** (a) ~~Except as provided in~~  
26.14 ~~paragraph (d)~~, A shelter, including a fish house or dark house, may not be on the ice  
26.15 unattended between 12:00 a.m. midnight and one hour before sunrise after ~~the following~~  
26.16 ~~dates~~:

26.17 (1) ~~the last day of February~~ first Monday in March, for state waters south of a line  
26.18 starting at the Minnesota-North Dakota border and formed by rights-of-way of U.S. Route  
26.19 No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along  
26.20 Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No.  
26.21 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin  
26.22 border; and

26.23 (2) the third Monday in March 15, for other state waters.

26.24 A shelter, including a fish house or dark house, on the ice in violation of this  
26.25 subdivision is subject to the enforcement provisions of paragraph (b). The commissioner  
26.26 may, by rule, change the dates in this paragraph for any part of state waters. Copies of  
26.27 the rule must be conspicuously posted on the shores of the waters as prescribed by the  
26.28 commissioner.

26.29 (b) A conservation officer must confiscate a fish house, dark house, or shelter in  
26.30 violation of paragraph (a). The officer may remove, burn, or destroy the house or shelter.  
26.31 The officer shall seize the contents of the house or shelter and hold them for 60 days. If the  
26.32 seized articles have not been claimed by the owner, they may be retained for the use of the  
26.33 division or sold at the highest price obtainable in a manner prescribed by the commissioner.

27.1 ~~(c) When the last day of February, under paragraph (a), clause (1), or March 15,~~  
27.2 ~~under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or~~  
27.3 ~~dark house, may be on the ice between 12:00 a.m. and one hour before sunrise until~~  
27.4 ~~12:00 a.m. the following Monday.~~

27.5 ~~(d) A person may have a shelter, including a fish house or dark house, on the ice~~  
27.6 ~~between 12:00 a.m. and one hour before sunrise on waters within the area prescribed in~~  
27.7 ~~paragraph (a), clause (2), but the house or shelter may not be unattended during those~~  
27.8 ~~hours.~~

27.9 Sec. 55. Minnesota Statutes 2006, section 97C.355, subdivision 7a, is amended to read:

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

27.15 Sec. 56. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 8, is  
27.16 amended to read:

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

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

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

27.24 Sec. 57. Minnesota Statutes 2006, section 97C.371, subdivision 4, is amended to read:

27.25 Subd. 4. **Open season.** The open season for spearing through the ice is ~~December 1~~  
27.26 November 15 to the last second Sunday in February ~~March~~.

27.27 Sec. 58. Minnesota Statutes 2006, section 97C.371, is amended by adding a  
27.28 subdivision to read:

27.29 Subd. 5. **Nonresidents.** Nonresidents may spear from a fish house or dark house.

27.30 Sec. 59. Minnesota Statutes 2006, section 97C.395, subdivision 1, is amended to read:

28.1 Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by  
28.2 angling are as follows:

28.3 (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and  
28.4 smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend  
28.5 to the last Sunday in February;

28.6 (2) for lake trout, from January 1 to October 31;

28.7 (3) for the winter season for lake trout on all lakes and streams, from January 15  
28.8 to March 31;

28.9 (4) for brown trout, brook trout, rainbow trout, and splake, between January 1 to  
28.10 October 31 as prescribed by the commissioner by rule except as provided in section  
28.11 97C.415, subdivision 2; and

28.12 ~~(4)~~ (5) for salmon, as prescribed by the commissioner by rule.

28.13 (b) The commissioner shall close the season in areas of the state where fish are  
28.14 spawning and closing the season will protect the resource.

28.15 Sec. 60. Minnesota Statutes 2006, section 97C.865, subdivision 2, is amended to read:

28.16 Subd. 2. **Rules.** The commissioner may adopt rules establishing requirements for  
28.17 labeling and packing fish under a fish packer's license. The commissioner shall require  
28.18 only the license number of the fish packer, the name and license number of the angler or  
28.19 person who lawfully possesses the fish, the name of the lake the fish were caught on, the  
28.20 species of fish, and the number of fish to appear on a label. The commissioner must  
28.21 not allow sauger to be labeled as walleye.

28.22 Sec. 61. **UNCASED FIREARMS REPORT.**

28.23 (a) The commissioner of natural resources shall submit a report to the legislature by  
28.24 January 1, 2009, on uncased firearms that answers the questions listed below.

28.25 (1) How many other states have laws like Minnesota's governing uncased firearms?

28.26 (2) Are there any studies that prove that uncased firearms laws like Minnesota's  
28.27 reduce firearm-related accidents?

28.28 (3) Is there evidence that more accidents occur loading and unloading firearms and  
28.29 putting firearms in and out of cases than would occur if the firearms were not required to  
28.30 be cased?

28.31 (4) Are there any studies to prove that having a cased gun law reduces other criminal  
28.32 violations? For example, there are thousands of tickets written for uncased guns every  
28.33 year; is this the activity the state is trying to stop or is the state trying to reduce other  
28.34 crimes? Is there any proof that by issuing tickets Minnesota is stopping other crimes?

29.1 (5) If the state cannot verify that it is reducing accidents or reducing other criminal  
29.2 violations by writing uncased gun tickets, why is the state writing them?

29.3 (6) If the state is reducing other wildlife crimes such as shooting from the roadway,  
29.4 how is it doing this?

29.5 (b) The report must comply with Minnesota Statutes, sections 3.195 and 3.197, and  
29.6 be submitted to the chairs of the house and senate committees with jurisdiction over the  
29.7 environment and natural resources. The commissioner may include additional information  
29.8 that the commissioner feels is important to this issue.

29.9 **Sec. 62. COCK PHEASANT BAG LIMIT; RULEMAKING.**

29.10 The commissioner of natural resources shall amend Minnesota Rules, part  
29.11 6234.0400, subpart 2, to allow a person to take up to three cock pheasants per day after the  
29.12 16th day of the pheasant season. The commissioner may use the good cause exemption  
29.13 under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rule and  
29.14 Minnesota Statutes, section 14.386, does not apply, except as provided under Minnesota  
29.15 Statutes, section 14.388.

29.16 **Sec. 63. BEAR HUNTING PERMIT DRAWING; RULEMAKING.**

29.17 The commissioner of natural resources shall adopt rules to comply with the changes  
29.18 made to Minnesota Statutes, section 97B.405. The commissioner may use the good cause  
29.19 exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt  
29.20 the rules. Minnesota Statutes, section 14.386, does not apply except as provided in  
29.21 Minnesota Statutes, section 14.388.

29.22 **Sec. 64. NONRESIDENT SPEAR FISHING; RULEMAKING.**

29.23 The commissioner of natural resources shall adopt rules, including amending  
29.24 Minnesota Rules, part 6262.0600, to allow taking fish by spear by nonresidents. The  
29.25 commissioner may use the good cause exemption under Minnesota Statutes, section  
29.26 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section 14.386,  
29.27 does not apply except as provided under Minnesota Statutes, section 14.388.

29.28 **Sec. 65. WILD TURKEY HUNTING MANAGEMENT RECOMMENDATIONS.**

29.29 The commissioner of natural resources, in consultation with the National  
29.30 Wild Turkey Federation, shall, by January 15, 2009, provide the legislature with  
29.31 recommendations for future management of hunting wild turkeys in Minnesota.

30.1       Sec. 66. **WALLEYE STOCKING ON LEECH LAKE.**

30.2             While continuing to study the effects of cormorant control on Leech Lake and the  
30.3 lack of natural reproduction of the walleye, the commissioner of natural resources shall  
30.4 stock Leech Lake with 25,000,000 walleye fry in calendar year 2009 and with 25,000,000  
30.5 walleye fry in calendar year 2010 unless the commissioner can show evidence that the  
30.6 stocking is harmful to the lake's natural walleye population or that the fishery has fully  
30.7 recovered.

30.8       Sec. 67. **RULES.**

30.9             The commissioner of natural resources shall adopt rules in compliance with the  
30.10 changes to Minnesota Statutes, sections 97C.205 and 97C.865, subdivision 2. The rules  
30.11 required by this section are exempt from the rulemaking provisions of Minnesota Statutes,  
30.12 chapter 14. The rules are subject to Minnesota Statutes, section 14.386, except that  
30.13 notwithstanding Minnesota Statutes, section 14.386, paragraph (b), the rules continue  
30.14 in effect until repealed or superseded by other law or rule. As part of this rulemaking,  
30.15 the commissioner shall:

30.16             (1) amend Minnesota Rules, part 6262.3250, by deleting item A and amending the  
30.17 part so that labels required under item D are consistent with the new requirements in  
30.18 Minnesota Statutes, section 97C.865, subdivision 2; and

30.19             (2) amend Minnesota Rules, part 6262.0100, to allow the possession of fish on  
30.20 special management or experimental waters for a meal, as provided in Minnesota Statutes,  
30.21 section 97C.205.

30.22       Sec. 68. **APPROPRIATION.**

30.23             \$102,000 in fiscal year 2009 is appropriated from the game and fish fund to the  
30.24 commissioner of natural resources for the development of aquaculture best management  
30.25 practices. The base in fiscal year 2010 is \$150,000. The base for fiscal year 2011 is \$0.

30.26       Sec. 69. **REPEALER.**

30.27             Minnesota Statutes 2006, section 97A.411, subdivision 2, and Minnesota Rules,  
30.28 parts 6232.0200, subpart 4; 6232.0300, subpart 4; and 6234.0100, subpart 4, are repealed.