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HOUSE FILE NO. 1238

FIRST COMMITTEE ENGROSSMENT

March 2, 2009

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The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

Referred by Chair to Game, Fish and Forestry Division.

March 16, 2009

Returned to the Committee on Environment Policy and Oversight as Amended.

A bill for an act

1.1 relating to game and fish; modifying refund provisions; modifying publication
1.2 requirements; modifying restrictions in migratory feeding and resting areas;
1.3 providing certain exemptions from local law; modifying wild animal and fish
1.4 taking, possession, and licensing requirements; removing bow and gun case
1.5 requirements; authorizing certain fees; allowing all-terrain vehicle use by
1.6 the disabled along certain trails; requiring rulemaking; amending Minnesota
1.7 Statutes 2008, sections 17.4981; 17.4988, subdivision 3; 84.788, subdivision 11;
1.8 84.798, subdivision 10; 84.82, subdivision 11; 84.922, subdivision 12; 85.018,
1.9 by adding a subdivision; 86B.415, subdivision 11; 97A.051, subdivision 2;
1.10 97A.095, subdivision 2; 97A.137, by adding subdivisions; 97A.421, subdivision
1.11 1; 97A.445, subdivision 1, by adding a subdivision; 97A.451, subdivisions 2,
1.12 3; 97A.465, subdivision 1b; 97A.475, subdivisions 3, 7, 11, 12, 29; 97A.525,
1.13 subdivision 1; 97B.035, subdivision 2; 97B.041; 97B.045, subdivisions 1, 2;
1.14 97B.051; 97B.055, subdivision 3; 97B.086; 97B.111, subdivision 1; 97B.328,
1.15 subdivision 3; 97B.425; 97B.651; 97B.811, subdivisions 2, 3; 97B.931,
1.16 subdivision 1; 97C.315, subdivision 1; 97C.355, subdivision 2; 97C.371, by
1.17 adding a subdivision; 97C.385, subdivision 2; 97C.395, subdivision 1; repealing
1.18 Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97B.811, subdivision
1.19 4; 97C.405; Laws 2008, chapter 368, article 2, section 25, the effective date.

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

1.22 Section 1. Minnesota Statutes 2008, section 17.4981, is amended to read:

1.23 **17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC**
1.24 **FARMS.**

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

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

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

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

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

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

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

2.6 (c) The commissioner of natural resources shall establish license and other fees as
2.7 provided in section 16A.1285, subdivision 2, that would make aquaculture licensing
2.8 and enforcement self-sustaining. Notwithstanding section 16A.1283, the commissioner
2.9 may, by written order published in the State Register, establish the fees required by this
2.10 section. The fees are not subject to the rulemaking provisions of chapter 14, and section
2.11 14.386 does not apply. The commissioner shall develop best management practices for
2.12 aquaculture to ensure the long-term sustainability of aquaculture and wetlands used for
2.13 aquaculture, including, but not limited to, fish farming in man-made ponds.

2.14 Sec. 2. Minnesota Statutes 2008, section 17.4988, subdivision 3, is amended to read:

2.15 Subd. 3. **Inspection and additional fees.** Notwithstanding section 16A.1283, the
2.16 commissioner may, by written order published in the State Register, establish fees for the
2.17 services listed in clauses (1) to (3) and the additional fee required under subdivision 2,
2.18 paragraph (a). The fees must be set in an amount that does not recover significantly more
2.19 or less than the cost of providing the service. The fees are not subject to the rulemaking
2.20 provisions of chapter 14 and section 14.386 does not apply. The services covered under
2.21 this provision include:

2.22 (1) initial inspection of each water to be licensed;

2.23 (2) fish health inspection and certification, including initial tissue sample collection,
2.24 basic fish health assessment, viral pathogen testing, and bacteriological testing; and

2.25 (3) initial inspection for containment and quarantine facility inspections.

2.26 Sec. 3. Minnesota Statutes 2008, section 84.788, subdivision 11, is amended to read:

2.27 Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not
2.28 including any issuing fees paid under subdivision 3, paragraph (e), or section 84.027,
2.29 subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12~~
2.30 ~~months~~ 60 days of the original registration, the registration is not used or transferred, and:

2.31 (1) the off-highway motorcycle was registered incorrectly ~~by the commissioner~~
2.32 ~~or the deputy registrar;~~ or

2.33 (2) the off-highway motorcycle was registered twice, once by the dealer and once by
2.34 the customer.

3.1 Sec. 4. Minnesota Statutes 2008, section 84.798, subdivision 10, is amended to read:

3.2 Subd. 10. **Refunds.** The commissioner may issue a refund on a registration, not
3.3 including any issuing fees paid under subdivision 3, paragraph (b), or section 84.027,
3.4 subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12~~
3.5 ~~months~~ 60 days of the original registration ~~and the vehicle was registered incorrectly by~~
3.6 ~~the commissioner or the deputy registrar,~~ the registration is not used or transferred, and:

3.7 (1) the off-road vehicle was registered incorrectly; or

3.8 (2) the off-road vehicle was registered twice, once by the dealer and once by the
3.9 customer.

3.10 Sec. 5. Minnesota Statutes 2008, section 84.82, subdivision 11, is amended to read:

3.11 Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not
3.12 including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027,
3.13 subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12~~
3.14 ~~months~~ 60 days of the original registration, the registration is not used or transferred, and:

3.15 (1) the snowmobile was registered incorrectly ~~by the commissioner or the deputy~~
3.16 ~~registrar;~~ or

3.17 (2) the snowmobile was registered twice, once by the dealer and once by the
3.18 customer.

3.19 Sec. 6. Minnesota Statutes 2008, section 84.922, subdivision 12, is amended to read:

3.20 Subd. 12. **Refunds.** The commissioner may issue a refund on a registration, not
3.21 including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027,
3.22 subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12~~
3.23 ~~months~~ 60 days of the original registration, the registration is not used or transferred, and:

3.24 (1) the vehicle was registered incorrectly ~~by the commissioner or the deputy~~
3.25 ~~registrar;~~ or

3.26 (2) the vehicle was registered twice, once by the dealer and once by the customer.

3.27 Sec. 7. Minnesota Statutes 2008, section 85.018, is amended by adding a subdivision
3.28 to read:

3.29 Subd. 9. **All-terrain vehicles; trails; disabled.** (a) The commissioner of natural
3.30 resources shall issue a permit, without a fee, to allow a person who has a permanent
3.31 physical disability to ride an all-terrain vehicle along trails designated under paragraph
3.32 (c). The permit recipient must be:

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

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

4.5 (b) The permanent physical disability must be established by medical evidence
4.6 verified in writing by a licensed physician or chiropractor. The commissioner may
4.7 request additional information from the physician or chiropractor if needed to verify
4.8 the applicant's eligibility for the permit. In addition to providing medical evidence of a
4.9 permanent disability, the applicant must possess a valid disability parking certificate
4.10 authorized by section 169.345 or license plates issued under section 168.021.

4.11 (c) The commissioner shall review the state's trails to identify trails that would
4.12 accommodate use by the permanently disabled of all-terrain vehicles alongside the trail.
4.13 The commissioner shall designate the identified trails for all-terrain vehicle use by
4.14 the disabled and publish the designations by written order in the State Register. The
4.15 designations are not subject to the rulemaking provisions of chapter 14, and section
4.16 14.386 does not apply.

4.17 Sec. 8. Minnesota Statutes 2008, section 86B.415, subdivision 11, is amended to read:

4.18 Subd. 11. **Refunds.** The commissioner may issue a refund on a license or title, not
4.19 including any issuing fees paid under subdivision 8 or section 84.027, subdivision 15,
4.20 paragraph (a), clause (3), or 86B.870, subdivision 1, paragraph (b), if the refund request
4.21 is received within ~~12 months~~ 60 days of the original license or title, the license or title
4.22 is not used or transferred, and:

4.23 (1) the watercraft was licensed or titled incorrectly ~~by the commissioner or the~~
4.24 ~~deputy registrar;~~

4.25 (2) the customer was incorrectly charged a title fee; or

4.26 (3) the watercraft was licensed or titled twice, once by the dealer and once by the
4.27 customer.

4.28 Sec. 9. Minnesota Statutes 2008, section 97A.051, subdivision 2, is amended to read:

4.29 Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a
4.30 summary of the hunting and fishing laws and rules and deliver a sufficient supply to
4.31 ~~county auditors~~ license vendors to furnish one copy to each person obtaining a hunting,
4.32 fishing, or trapping license.

4.33 (b) At the beginning of the summary, under the heading "Trespass," the
4.34 commissioner shall summarize the trespass provisions under sections 97B.001 to 97B.945,

5.1 state that conservation officers and peace officers must enforce the trespass laws, and
5.2 state the penalties for trespassing.

5.3 (c) In the summary the commissioner shall, under the heading "Duty to Render Aid,"
5.4 summarize the requirements under section 609.662 and state the penalties for failure to
5.5 render aid to a person injured by gunshot.

5.6 Sec. 10. Minnesota Statutes 2008, section 97A.095, subdivision 2, is amended to read:

5.7 Subd. 2. **Waterfowl feeding and resting areas.** The commissioner may, by rule,
5.8 designate any part of a lake as a migratory feeding and resting area. Before designation,
5.9 the commissioner must receive a petition signed by at least ten local resident licensed
5.10 hunters describing the area of a lake that is a substantial feeding or resting area for
5.11 migratory waterfowl, and find that the statements in the petition are correct, and that
5.12 adequate, free public access to the lake exists near the designated area. The commissioner
5.13 shall post the area as a migratory waterfowl feeding and resting area. Except as authorized
5.14 in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl
5.15 feeding and resting area, during a period when hunting of migratory waterfowl is allowed,
5.16 with watercraft or aircraft propelled by a motor, other than an electric motor ~~of less than~~
5.17 ~~30 pounds thrust~~ with battery power of 12 volts or less. The commissioner may, by rule,
5.18 further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

5.19 Sec. 11. Minnesota Statutes 2008, section 97A.137, is amended by adding a
5.20 subdivision to read:

5.21 Subd. 4. **Exemption from certain local ordinances.** (a) Wildlife management
5.22 areas that are established according to section 86A.05, subdivision 8; designated under
5.23 section 97A.133 or 97A.145; and 160 contiguous acres or larger are exempt from local
5.24 ordinances that limit the use and management of the unit as authorized by state law.

5.25 (b) Wildlife management areas that are established according to section 86A.05,
5.26 subdivision 8; designated under section 97A.133 or 97A.145; and at least 40 contiguous
5.27 acres and less than 160 contiguous acres are exempt from local ordinances that:

5.28 (1) restrict trapping;

5.29 (2) restrict the discharge of archery equipment;

5.30 (3) restrict the discharge of shotguns with shot sizes of number four buckshot or
5.31 smaller diameter shot;

5.32 (4) restrict noise;

5.33 (5) require dogs on a leash; or

6.1 (6) would in any manner restrict the management of the unit as authorized by
6.2 state law.

6.3 Sec. 12. Minnesota Statutes 2008, section 97A.137, is amended by adding a
6.4 subdivision to read:

6.5 Subd. 5. **Portable stands.** Prior to the Saturday on or nearest September 16, a
6.6 portable stand may be left overnight in a wildlife management area by a person with a
6.7 valid bear license who is hunting within 100 yards of a bear bait site that is legally tagged
6.8 and registered as prescribed under section 97B.425. Any person leaving a portable stand
6.9 overnight under this subdivision must affix the person's name and address to the stand in
6.10 such a manner that it can be read from the ground.

6.11 Sec. 13. Minnesota Statutes 2008, section 97A.421, subdivision 1, is amended to read:

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

6.15 (1) a second conviction occurs within three years under a license to trap fur-bearing
6.16 animals, take small game or to take fish by angling or spearing;

6.17 (2) a third conviction occurs within one year under a minnow dealer's license;

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

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

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

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

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

6.31 Sec. 14. Minnesota Statutes 2008, section 97A.445, subdivision 1, is amended to read:

6.32 Subdivision 1. **Angling; Take a Kid Fishing Weekends.** A resident ~~over age 18~~ age
6.33 16 years or older may take fish by angling without an angling or fish house license during

7.1 one three-day consecutive period of the open water angling season and one three-day
7.2 consecutive period of the ice angling season designated by rule of the commissioner
7.3 if accompanied by a child who is under age 16. The commissioner shall publicize the
7.4 three-day periods as "Take a Kid Fishing Weekend" for the open water angling season and
7.5 "Take a Kid Ice Fishing Weekend" for the ice angling season.

7.6 Sec. 15. Minnesota Statutes 2008, section 97A.445, is amended by adding a
7.7 subdivision to read:

7.8 Subd. 1a. **Angling in a state park.** A resident may take fish by angling without an
7.9 angling license within a state park. When angling from a boat or float, this subdivision
7.10 applies only to those waters completely encompassed within the state park. The exemption
7.11 from an angling license does not apply to waters where a trout stamp is required.

7.12 Sec. 16. Minnesota Statutes 2008, section 97A.451, subdivision 2, is amended to read:

7.13 **Subd. 2. Residents under age 16; fishing.** A resident under the age of 16 years
7.14 may take fish without a license. A person authorized to issue licenses must issue a license
7.15 to a resident under the age of 16 without a fee to net ciscoes and whitefish for personal
7.16 consumption under section 97A.475, subdivision 13.

7.17 Sec. 17. Minnesota Statutes 2008, section 97A.451, subdivision 3, is amended to read:

7.18 **Subd. 3. Residents under age 16; small game.** (a) A resident under age 16 ~~must~~
7.19 may not obtain a small game license ~~in order to~~ but may take small game by firearms or
7.20 bow and arrow without ~~paying the applicable fees under section 97A.475, subdivisions 2,~~
7.21 ~~4, and 5,~~ a license if the resident is:

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

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

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

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

7.29 (b) A resident under age 16 may take small game by trapping without a small game
7.30 license, but a resident 13 years of age or older must have a trapping license. A resident
7.31 under age 13 may trap without a trapping license, but may not register fisher, otter,
7.32 bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat,

8.1 or pine marten taken by a resident under age five must be included in the limit of the
8.2 accompanying parent or guardian.

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

8.6 (d) A resident under age 12 may apply for a prairie chicken license and may take a
8.7 prairie chicken without a firearms safety certificate if the resident is accompanied by an
8.8 adult parent or guardian who has a firearms safety certificate.

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

8.10 Sec. 18. Minnesota Statutes 2008, section 97A.465, subdivision 1b, is amended to read:

8.11 Subd. 1b. **Residents discharged from active service.** (a) A resident who has served
8.12 at any time during the preceding 24 months in federal active service, as defined in section
8.13 190.05, subdivision 5c, outside the United States as a member of the National Guard, or as
8.14 a reserve component or active duty member of the United States armed forces and has
8.15 been discharged from active service may take small game and fish without a license if the
8.16 resident possesses official military discharge papers. The resident must obtain the seals,
8.17 tags, and coupons required of a licensee, which must be furnished without charge.

8.18 (b) The commissioner shall issue, without fee, a deer license, valid for a deer of
8.19 either sex, to a resident who has served at any time during the preceding 24 months in
8.20 federal active service, as defined in section 190.05, subdivision 5c, outside the United
8.21 States as a member of the National Guard, or as a reserve component or active duty
8.22 member of the United States armed forces and has been discharged from active service.
8.23 Eligibility under this paragraph is limited to one license per resident.

8.24 Sec. 19. Minnesota Statutes 2008, section 97A.475, subdivision 3, is amended to read:

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

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

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

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

8.31 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
8.32 season, \$135;

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

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

- 9.1 (7) for persons under age 18 to take turkey, \$12;
- 9.2 (8) to take raccoon or bobcat, \$155;
- 9.3 (9) multizone license to take antlered deer in more than one zone, \$270;
- 9.4 (10) to take Canada geese during a special season, \$4;
- 9.5 (11) for persons under age 18 to take deer with firearms during the regular firearms
- 9.6 season in any open season option or time period, \$13;
- 9.7 (12) for persons under age 18 to take deer by archery, \$13; and
- 9.8 (13) for persons under age 18 to take deer during the muzzleloader season, \$13.
- 9.9 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
- 9.10 paragraph (a), clauses (1) to (9). An additional commission may not be assessed on this
- 9.11 surcharge.

9.12 Sec. 20. Minnesota Statutes 2008, section 97A.475, subdivision 7, is amended to read:

9.13 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued

9.14 to nonresidents, are:

- 9.15 (1) to take fish by angling, \$37.50;
- 9.16 (2) to take fish by angling limited to seven consecutive days selected by the licensee,
- 9.17 \$26.50;
- 9.18 (3) to take fish by angling for a 72-hour period selected by the licensee, \$22;
- 9.19 (4) to take fish by angling for a combined license for a family for one or both parents
- 9.20 and dependent children under the age of 16, \$50.50;
- 9.21 (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; ~~and~~
- 9.22 (6) to take fish by angling for a combined license for a married couple, limited to 14
- 9.23 consecutive days selected by one of the licensees, \$38.50; ~~and~~
- 9.24 (7) to take fish by spearing from a dark house, \$37.50.

9.25 (b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses

9.26 issued under paragraph (a), clause (5). An additional commission may not be assessed

9.27 on this surcharge.

9.28 Sec. 21. Minnesota Statutes 2008, section 97A.475, subdivision 11, is amended to read:

9.29 Subd. 11. **Fish houses ~~and~~, dark houses, and shelters; residents.** Fees for the

9.30 following licenses are:

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

10.1 Sec. 22. Minnesota Statutes 2008, section 97A.475, subdivision 12, is amended to read:

10.2 Subd. 12. **Fish houses, dark houses, and shelters; nonresident.** Fees for fish
10.3 house, dark house, and shelter licenses for a nonresident are:

10.4 (1) annual, \$33;

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

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

10.7 Sec. 23. Minnesota Statutes 2008, section 97A.475, subdivision 29, is amended to read:

10.8 Subd. 29. **Private fish hatcheries.** The fees for the following licenses to be issued
10.9 to residents and nonresidents are:

10.10 (1) for a private fish hatchery, with annual sales under \$200, \$70;

10.11 (2) for a private fish hatchery, with annual sales of \$200 or more, \$210 for the base
10.12 license. The commissioner must establish an additional fee based on the acreage of the
10.13 operation. Notwithstanding section 16A.1283, the commissioner may, by written order
10.14 published in the State Register, establish the additional fee required by this subdivision.

10.15 The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386
10.16 does not apply; and

10.17 (3) to take sucker eggs from public waters for a private fish hatchery, \$400, plus
10.18 \$6 for each quart in excess of 100 quarts.

10.19 Sec. 24. Minnesota Statutes 2008, section 97A.525, subdivision 1, is amended to read:

10.20 Subdivision 1. **Residents Generally.** A ~~resident~~ person may transport wild animals
10.21 ~~within the state~~ by common carrier without being in the vehicle if the ~~resident~~ person
10.22 has the license required to take the animals and they are shipped to the ~~resident~~. ~~The~~
10.23 ~~wild animals that may be transported by common carrier are:~~ person or to a licensed
10.24 taxidermist, tanner, or fur buyer.

10.25 ~~(1) deer, bear, elk, and moose;~~

10.26 ~~(2) undressed game birds; and~~

10.27 ~~(3) fish.~~

10.28 Sec. 25. Minnesota Statutes 2008, section 97B.035, subdivision 2, is amended to read:

10.29 Subd. 2. **Possession of crossbows.** A person may not possess a crossbow outdoors
10.30 or in a motor vehicle during the open season for any game, unless the crossbow is
10.31 ~~unstrung, and in a case or in a closed trunk of~~ in a motor vehicle and the bow is not armed
10.32 with a bolt or arrow.

11.1 Sec. 26. Minnesota Statutes 2008, section 97B.041, is amended to read:

11.2 **97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED**
11.3 **IN DEER ZONES.**

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

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

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

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

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

11.15 (5) handguns possessed by a person authorized to carry a handgun under sections
11.16 624.714 and 624.715 for the purpose authorized; and

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

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

11.22 Sec. 27. Minnesota Statutes 2008, section 97B.045, subdivision 1, is amended to read:

11.23 Subdivision 1. **Restrictions.** (a) A person may not transport a firearm in a motor
11.24 vehicle unless the firearm is:

11.25 (1) unloaded and in a gun case expressly made to contain a firearm, and the case
11.26 fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened,
11.27 and without any portion of the firearm exposed;

11.28 (2) unloaded and in the closed trunk of a motor vehicle; or

11.29 (3) a handgun carried in compliance with sections 624.714 and 624.715.

11.30 (b) Notwithstanding paragraph (a), a person may transport an unloaded, uncased
11.31 firearm, excluding a pistol as defined under section 624.712, subdivision 2, unless:

11.32 (1) within an area where the discharge of a firearm has been prohibited under section
11.33 471.633;

11.34 (2) within the boundaries of a home rule charter or statutory city with a population
11.35 of 2,500 or more;

12.1 (3) on school grounds as regulated under section 609.66, subdivision 1d; or

12.2 (4) otherwise restricted under section 97A.091, 97B.081, or 97B.086.

12.3 Sec. 28. Minnesota Statutes 2008, section 97B.045, subdivision 2, is amended to read:

12.4 Subd. 2. **Exception for disabled persons.** The restrictions in subdivision 1 do
12.5 not apply to a disabled person if:

12.6 (1) the person possesses a permit under section 97B.055, subdivision 3; and

12.7 ~~(2) the person is participating in a hunt sponsored by a nonprofit organization under a~~
12.8 ~~permit from the commissioner or is hunting on property owned or leased by the person; and~~

12.9 ~~(3)~~ (2) the firearm is not loaded in the chamber until the vehicle is stationary, or is a
12.10 hinge action firearm with the action open until the vehicle is stationary.

12.11 Sec. 29. Minnesota Statutes 2008, section 97B.051, is amended to read:

12.12 **97B.051 TRANSPORTATION OF ARCHERY BOWS.**

12.13 Except as specified under section 97B.055, subdivision 2, a person may not transport
12.14 an archery bow in a motor vehicle unless the bow is: not armed with a bolt or arrow.

12.15 ~~(1) unstrung;~~

12.16 ~~(2) completely contained in a case; or~~

12.17 ~~(3) in the closed trunk or rear-most enclosed portion of a motor vehicle that is not~~
12.18 ~~accessible from the passenger compartment.~~

12.19 Sec. 30. Minnesota Statutes 2008, section 97B.055, subdivision 3, is amended to read:

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

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

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

12.29 (b) The permanent physical disability must be established by medical evidence
12.30 verified in writing by a licensed physician or chiropractor. The commissioner may
12.31 request additional information from the physician or chiropractor if needed to verify the
12.32 applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner
12.33 may, in consultation with appropriate advocacy groups, establish reasonable minimum

13.1 standards for permits to be issued under this section. In addition to providing the medical
13.2 evidence of a permanent disability, the applicant must possess a valid disability parking
13.3 certificate authorized by section 169.345 or license plates issued under section 168.021.

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

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

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

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

13.15 (g) Notwithstanding paragraph (d), the commissioner may issue a permit valid for
13.16 the entire life of the applicant if the commissioner determines that there is no chance
13.17 that an applicant will become ineligible for a permit under this section and the applicant
13.18 requests a lifetime permit.

13.19 Sec. 31. Minnesota Statutes 2008, section 97B.086, is amended to read:

13.20 **97B.086 POSSESSION OF NIGHT VISION EQUIPMENT.**

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

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

13.25 (1) unloaded;

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

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

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

13.31 (1) completely encased or unstrung; and

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

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

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

14.3 Sec. 32. Minnesota Statutes 2008, section 97B.111, subdivision 1, is amended to read:

14.4 Subdivision 1. **Establishment; requirements.** The commissioner may establish
14.5 criteria, special seasons, and limits for persons who have a physical disability to take big
14.6 game and small game with firearms and by archery in designated areas. A person hunting
14.7 under this section who has a physical disability must have a verified statement of the
14.8 disability by a licensed physician and must be participating in a program for physically
14.9 disabled hunters sponsored by a nonprofit organization that is permitted under subdivision
14.10 2. Notwithstanding section 97B.055, subdivision 3, the commissioner may authorize hunt
14.11 participants to shoot from a stationary motor vehicle. A license is not required for a person
14.12 to assist a physically disabled person hunting during a special season under this section.

14.13 Sec. 33. Minnesota Statutes 2008, section 97B.328, subdivision 3, is amended to read:

14.14 Subd. 3. **Definition.** For purposes of this section, "bait or feed" includes grains,
14.15 fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer
14.16 and that has been placed by a person. Liquid scents, salt, and minerals, ~~and bird feeders~~
14.17 ~~containing grains or nuts that are at least six feet above the ground~~ are not bait or feed.
14.18 Food that has not been placed by a person and resulting from normal or accepted farming,
14.19 forest management, wildlife food plantings, orchard management, or other similar land
14.20 management activities is not bait or feed.

14.21 Sec. 34. Minnesota Statutes 2008, section 97B.425, is amended to read:

14.22 **97B.425 BAITING BEARS.**

14.23 (a) Notwithstanding section 609.68, a person may place bait to take bear and must
14.24 display a tag at each site where bait is placed and register the sites. The commissioner
14.25 shall prescribe the method of tagging and registering the sites. The tag displayed at each
14.26 site where bait is placed must contain identification information for a licensed bear hunter
14.27 or a licensed bear outfitter. A person must have the license identification number of the
14.28 person with the bear license in their possession or be a licensed bear outfitter while
14.29 attending a bear bait station. To attract bear a person may not use a bait with:

14.30 (1) a carcass from a mammal, if the carcass contains more than 25 percent of the
14.31 intact carcass;

14.32 (2) meat from mammals, if the meat contains bones;

14.33 (3) bones of mammals;

15.1 (4) solid waste containing bottles, cans, plastic, paper, or metal;

15.2 (5) materials that are not readily biodegradable; or

15.3 (6) any part of a swine, except cured pork.

15.4 (b) A private landowner or person authorized by the private landowner may use a
15.5 barrel to bait bear on the person's private land. The barrel must be securely chained or
15.6 cabled to a tree so that it cannot be moved from the site by a bear and the barrel may
15.7 not include a mechanical device for dispensing feed. The barrel must be marked with
15.8 the name and address of the person who registered the bait site. For purposes of this
15.9 paragraph, "barrel" means a 30 gallon or larger drum.

15.10 Sec. 35. Minnesota Statutes 2008, section 97B.651, is amended to read:

15.11 **97B.651 UNPROTECTED MAMMALS AND BIRDS.**

15.12 Subdivision 1. **Taking unprotected mammals and birds.** Mammals that are
15.13 unprotected wild animals and unprotected birds may be taken at any time and in any
15.14 manner, except with artificial lights, or by using a motor vehicle in violation of section
15.15 97B.091. Poison may not be used to take unprotected mammals or unprotected birds
15.16 unless the safety of humans and domestic livestock is ensured. Unprotected mammals and
15.17 unprotected birds may be possessed, bought, sold, or transported in any quantity, except
15.18 importation or exportation is restricted as provided in subdivision 2.

15.19 Subd. 2. **Taking and possessing live coyotes.** A person may not export a live
15.20 coyote out of the state or import a live coyote into the state unless authorized under a
15.21 permit from the commissioner.

15.22 Sec. 36. Minnesota Statutes 2008, section 97B.811, subdivision 2, is amended to read:

15.23 Subd. 2. **Hours for placing decoys.** Except as provided in subdivisions 3 and 4,
15.24 a person may not place decoys in public waters or on public lands more than ~~one hour~~
15.25 two hours before lawful shooting hours for waterfowl.

15.26 Sec. 37. Minnesota Statutes 2008, section 97B.811, subdivision 3, is amended to read:

15.27 Subd. 3. **Restrictions on leaving decoys unattended.** During the open season
15.28 for waterfowl, a person may not leave decoys in public waters between sunset and one
15.29 hour before lawful shooting hours or leave decoys unattended during other times for
15.30 more than four consecutive hours unless:

15.31 (1) the decoys are in waters ~~adjacent to~~ completely surrounded by private land
15.32 that is under the control of the hunter, and a single landowner and there is no public
15.33 access to the water.

16.1 ~~(2) there is not natural vegetation growing in water sufficient to partially conceal~~
16.2 ~~a hunter.~~

16.3 Sec. 38. Minnesota Statutes 2008, section 97B.931, subdivision 1, is amended to read:

16.4 Subdivision 1. **Restrictions.** A person may not tend a trap set for wild animals
16.5 between 10:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 10:00 p.m. a person on foot
16.6 may use a portable artificial light to tend traps. While using a light in the field, the person
16.7 may not possess or use a firearm other than a handgun or rifle capable of firing only
16.8 rimfire cartridges of .17 or .22 caliber including .22 magnum.

16.9 Sec. 39. Minnesota Statutes 2008, section 97C.315, subdivision 1, is amended to read:

16.10 Subdivision 1. **Lines.** An angler may ~~not use more than one line except:~~

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

16.12 ~~(2) the commissioner may, by rule, authorize the use of two lines in areas designated~~
16.13 ~~by the commissioner in Lake Superior.~~

16.14 Sec. 40. Minnesota Statutes 2008, section 97C.355, subdivision 2, is amended to read:

16.15 Subd. 2. **License required.** A person may not leave a dark house ~~or~~₂ fish house, or
16.16 shelter unattended on the ice at any time between midnight and one hour before sunrise
16.17 unless the house or shelter is licensed and has a the license tag attached to the exterior in a
16.18 readily visible location, except as provided in this subdivision. The commissioner must
16.19 issue a tag with a dark house ~~or~~₂ fish house, or shelter license, marked with a number to
16.20 correspond with the license and the year of issue. A dark house ~~or~~₂ fish house, or shelter
16.21 license is not required of a resident on boundary waters where the adjacent state does not
16.22 charge a fee for the same activity.

16.23 Sec. 41. Minnesota Statutes 2008, section 97C.371, is amended by adding a
16.24 subdivision to read:

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

16.26 Sec. 42. Minnesota Statutes 2008, section 97C.385, subdivision 2, is amended to read:

16.27 Subd. 2. **Summer Angling limits must be same as and spearing limits.** (a) If the
16.28 commissioner reduces the limit of a species of game fish taken by spearing in any waters
16.29 under section 97A.045, subdivision 2, the commissioner must reduce the limit for taking
16.30 of the species by angling in the waters during the following open season for angling.

17.1 (b) The commissioner shall not limit the size of a northern pike allowed to be taken
17.2 by spear.

17.3 Sec. 43. Minnesota Statutes 2008, section 97C.395, subdivision 1, is amended to read:

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

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

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

17.10 (3) for the winter season for lake trout on all lakes located outside or partially within
17.11 the Boundary Waters Canoe Area, from January 15 to March 31;

17.12 (4) for the winter season for lake trout on all lakes located entirely within the
17.13 Boundary Waters Canoe Area, from January 1 to March 31;

17.14 (5) for brown trout, brook trout, rainbow trout, and splake, between January 1 to
17.15 October 31 as prescribed by the commissioner by rule except as provided in section
17.16 97C.415, subdivision 2;

17.17 ~~(5)~~ (6) for the winter season for brown trout, brook trout, rainbow trout, and splake
17.18 on all lakes, from January 15 to March 31; and

17.19 ~~(6)~~ (7) for salmon, as prescribed by the commissioner by rule.

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

17.22 Sec. 44. **ELK MANAGEMENT PLAN.**

17.23 (a) Within 90 days of the effective date of this section, the commissioner of natural
17.24 resources shall:

17.25 (1) develop an elk management plan consistent with the requirements under
17.26 Minnesota Statutes, section 97B.516;

17.27 (2) present the elk management plan to the Kittson, Marshall, and Roseau County
17.28 Boards; and

17.29 (3) begin implementing the plan.

17.30 (b) If the commissioner fails to meet all the requirements in paragraph (a), the
17.31 commissioner shall establish an open season for elk in Kittson, Marsha11, and Roseau
17.32 Counties to begin in 2009 and continue until the elk population reaches 30 or less in
17.33 Marshall County and 30 or less in Kittson County.

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

18.1 Sec. 45. **RULEMAKING.**

18.2 (a) The commissioner of natural resources shall adopt or amend rules to establish
18.3 minimum size limits for muskellunge on inland waters consistent with the provisions
18.4 of this section. The commissioner must:

18.5 (1) establish a 48-inch statewide minimum size restriction for muskellunge and
18.6 muskellunge-northern pike hybrids in inland waters, except for the lakes listed in clause
18.7 (2) that are managed specifically for muskellunge-northern pike hybrids in Carver, Dakota,
18.8 Hennepin, Ramsey, Scott, and Washington Counties; and

18.9 (2) establish a 40-inch minimum size restriction for muskellunge-northern pike
18.10 hybrids in the following lakes in Carver, Dakota, Hennepin, Ramsey, Scott, and
18.11 Washington Counties:

	<u>LAKE</u>	<u>COUNTY</u>
18.12	<u>Bryant</u>	<u>Hennepin</u>
18.13	<u>Bush</u>	<u>Hennepin</u>
18.14	<u>Calhoun</u>	<u>Hennepin</u>
18.15	<u>Cedar</u>	<u>Hennepin</u>
18.16	<u>Cedar</u>	<u>Scott</u>
18.17	<u>Clear</u>	<u>Washington</u>
18.18	<u>Crystal</u>	<u>Dakota</u>
18.19	<u>Crystal</u>	<u>Hennepin</u>
18.20	<u>Eagle</u>	<u>Carver</u>
18.21	<u>Elmo</u>	<u>Washington</u>
18.22	<u>Gervais</u>	<u>Ramsey</u>
18.23	<u>Island</u>	<u>Ramsey</u>
18.24	<u>Isles</u>	<u>Hennepin</u>
18.25	<u>Johanna</u>	<u>Ramsey</u>
18.26	<u>Nokomis</u>	<u>Hennepin</u>
18.27	<u>Orchard</u>	<u>Dakota</u>
18.28	<u>Phalen</u>	<u>Ramsey</u>
18.29	<u>Pierson</u>	<u>Carver</u>
18.30	<u>Silver</u>	<u>Ramsey</u>
18.31	<u>Wasserman</u>	<u>Carver</u>
18.32	<u>Weaver</u>	<u>Hennepin</u>

18.34 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
18.35 section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section
18.36 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

18.37 Sec. 46. **REPEALER.**

18.38 (a) Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97B.811, subdivision
18.39 4; and 97C.405, are repealed.

- 19.1 (b) Laws 2008, chapter 368, article 2, section 25, the effective date, is repealed the
19.2 day following final enactment.