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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1238

March 2, 2009

Authored by Dill

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

March 19, 2009

Committee Recommendation and Adoption of Report:

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

March 25, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Public Safety Policy and Oversight

March 30, 2009

Committee Recommendation and Adoption of Report:

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

May 7, 2009

Returned to Author

1.1 A bill for an act

1.2 relating to game and fish; modifying refund provisions; modifying

1.3 commissioner's authority; modifying publication requirements; modifying

1.4 restrictions in migratory feeding and resting areas; providing certain exemptions

1.5 from local law; modifying wild animal and fish taking, possession, and licensing

1.6 requirements; modifying provisions relating to the possession of certain

1.7 weapons; removing bow and gun case requirements; authorizing certain fees;

1.8 requiring rulemaking; amending Minnesota Statutes 2008, sections 17.4981;

1.9 17.4988, subdivision 3; 84.027, subdivisions 13, 17; 84.788, subdivision 11;

1.10 84.798, subdivision 10; 84.82, subdivision 11; 84.922, subdivision 12; 86B.415,

1.11 subdivision 11; 97A.051, subdivision 2; 97A.075, subdivision 1; 97A.095,

1.12 subdivision 2; 97A.137, by adding subdivisions; 97A.405, subdivision 4;

1.13 97A.421, subdivision 1; 97A.441, subdivision 7; 97A.445, subdivision 1,

1.14 by adding a subdivision; 97A.451, subdivision 2; 97A.465, subdivision 1b;

1.15 97A.475, subdivisions 2, 3, 7, 11, 12, 29; 97A.525, subdivision 1; 97B.035,

1.16 subdivision 2; 97B.041; 97B.045, subdivisions 1, 2; 97B.051; 97B.055,

1.17 subdivision 3; 97B.086; 97B.111, subdivision 1; 97B.211, subdivision 1;

1.18 97B.328, subdivision 3; 97B.425; 97B.651; 97B.811, subdivisions 2, 3; 97B.931,

1.19 subdivision 1; 97C.315, subdivision 1; 97C.355, subdivision 2; 97C.371, by

1.20 adding a subdivision; 97C.385, subdivision 2; 97C.395, subdivision 1; Laws

1.21 2008, chapter 368, article 2, section 25; repealing Minnesota Statutes 2008,

1.22 sections 97A.525, subdivision 2; 97B.301, subdivisions 7, 8; 97C.405.

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

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

1.25 **17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC**
1.26 **FARMS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

2.28 Sec. 3. Minnesota Statutes 2008, section 84.027, subdivision 13, is amended to read:

2.29 Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may
2.30 adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized
2.31 under:

2.32 (1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and
2.33 areas, to select hunters for areas, to provide for tagging and registration of game and fish, to
2.34 prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife

3.1 disease, to open or close bodies of water or portions of bodies of water for night bow
3.2 fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;

3.3 (2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng
3.4 roots and wild rice and to restrict or prohibit harvesting in designated areas; and

3.5 (3) section 84D.12 to designate prohibited invasive species, regulated invasive
3.6 species, unregulated nonnative species, and infested waters.

3.7 (b) If conditions exist that do not allow the commissioner to comply with sections
3.8 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision
3.9 by submitting the rule to the attorney general for review under section 97A.0455,
3.10 publishing a notice in the State Register and filing the rule with the secretary of state and
3.11 the Legislative Coordinating Commission, and complying with section 97A.0459, and
3.12 including a statement of the emergency conditions and a copy of the rule in the notice. The
3.13 emergency conditions for opening a water body or portion of a water body for night bow
3.14 fishing under this section may include the need to temporarily open the area to evaluate
3.15 compatibility of the activity on that body of water prior to permanent rulemaking. The
3.16 notice may be published after it is received from the attorney general or five business days
3.17 after it is submitted to the attorney general, whichever is earlier.

3.18 (c) Rules adopted under paragraph (b) are effective upon publishing in the State
3.19 Register and may be effective up to seven days before publishing and filing under
3.20 paragraph (b), if:

3.21 (1) the commissioner of natural resources determines that an emergency exists;

3.22 (2) the attorney general approves the rule; and

3.23 (3) for a rule that affects more than three counties the commissioner publishes the
3.24 rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a
3.25 rule that affects three or fewer counties the commissioner publishes the rule once in a legal
3.26 newspaper in each of the affected counties.

3.27 (d) Except as provided in paragraph (e), a rule published under paragraph (c), clause
3.28 (3), may not be effective earlier than seven days after publication.

3.29 (e) A rule published under paragraph (c), clause (3), may be effective the day the
3.30 rule is published if the commissioner gives notice and holds a public hearing on the rule
3.31 within 15 days before publication.

3.32 (f) The commissioner shall attempt to notify persons or groups of persons affected
3.33 by rules adopted under paragraphs (b) and (c) by public announcements, posting, and
3.34 other appropriate means as determined by the commissioner.

4.1 (g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is
4.2 effective for the period stated in the notice but not longer than 18 months after the rule is
4.3 adopted.

4.4 Sec. 4. Minnesota Statutes 2008, section 84.027, subdivision 17, is amended to read:

4.5 Subd. 17. **Background checks for volunteer instructors.** (a) The commissioner
4.6 may conduct background checks for volunteer instructor applicants for department safety
4.7 training and education programs, including the programs established under sections
4.8 84.791 (youth off-highway motorcycle safety education and training), 84.86 and 84.862
4.9 (youth and adult snowmobile safety training), 84.925 (youth all-terrain vehicle safety
4.10 education and training), 97B.015 (youth firearms safety training), and 97B.025 (hunter
4.11 and trapper education and training).

4.12 (b) The commissioner shall perform the background check by retrieving criminal
4.13 history data as defined in section 13.87 maintained in the criminal justice information
4.14 system (CJIS) by the Bureau of Criminal Apprehension in the Department of Public
4.15 Safety and other data sources.

4.16 (c) The commissioner shall develop a standardized form to be used for requesting a
4.17 background check, which must include:

4.18 (1) a notification to the applicant that the commissioner will conduct a background
4.19 check under this section;

4.20 (2) a notification to the applicant of the applicant's rights under paragraph (d); and

4.21 (3) a signed consent by the applicant to conduct the background check expiring one
4.22 year from the date of signature.

4.23 (d) The volunteer instructor applicant who is the subject of a background check
4.24 has the right to:

4.25 (1) be informed that the commissioner will request a background check on the
4.26 applicant;

4.27 (2) be informed by the commissioner of the results of the background check and
4.28 obtain a copy of the background check;

4.29 (3) obtain any record that forms the basis for the background check and report;

4.30 (4) challenge the accuracy and completeness of the information contained in the
4.31 report or a record; and

4.32 (5) be informed by the commissioner if the applicant is rejected because of the
4.33 result of the background check.

4.34 Sec. 5. Minnesota Statutes 2008, section 84.788, subdivision 11, is amended to read:

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

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

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

5.9 Sec. 6. Minnesota Statutes 2008, section 84.798, subdivision 10, is amended to read:

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

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

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

5.18 Sec. 7. Minnesota Statutes 2008, section 84.82, subdivision 11, is amended to read:

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

5.23 (1) the snowmobile was registered incorrectly ~~by the commissioner or the deputy~~
5.24 ~~registrar~~; or

5.25 (2) the snowmobile was registered twice, once by the dealer and once by the
5.26 customer.

5.27 Sec. 8. Minnesota Statutes 2008, section 84.922, subdivision 12, is amended to read:

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

5.32 (1) the vehicle was registered incorrectly ~~by the commissioner or the deputy~~
5.33 ~~registrar~~; or

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

6.2 Sec. 9. Minnesota Statutes 2008, section 86B.415, subdivision 11, is amended to read:

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

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

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

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

6.13 Sec. 10. Minnesota Statutes 2008, section 97A.051, subdivision 2, is amended to read:

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

6.18 (b) At the beginning of the summary, under the heading "Trespass," the
6.19 commissioner shall summarize the trespass provisions under sections 97B.001 to 97B.945,
6.20 state that conservation officers and peace officers must enforce the trespass laws, and
6.21 state the penalties for trespassing.

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

6.25 Sec. 11. Minnesota Statutes 2008, section 97A.075, subdivision 1, is amended to read:

6.26 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this
6.27 subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2,
6.28 clauses (5), (6), (7), ~~(11)~~, (13), (14), and (15), ~~(16)~~, and ~~(17)~~; and 3, clauses (2), (3), (4),
6.29 ~~(9)~~ (10), (11), and (12), and ~~(13)~~; and licenses issued under section 97B.301, subdivision 4.

6.30 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and
6.31 wildlife trust fund, established in section 97A.4742, for each license issued under section
6.32 97A.473, subdivision 4, shall be credited to the deer management account and shall be
6.33 used for deer habitat improvement or deer management programs.

7.1 (c) \$1 from each annual deer license and each bear license and \$1 annually from
7.2 the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license
7.3 issued under section 97A.473, subdivision 4, shall be credited to the deer and bear
7.4 management account and shall be used for deer and bear management programs, including
7.5 a computerized licensing system.

7.6 (d) Fifty cents from each deer license is credited to the emergency deer feeding
7.7 and wild cervidae health management account and is appropriated for emergency deer
7.8 feeding and wild cervidae health management. Money appropriated for emergency
7.9 deer feeding and wild cervidae health management is available until expended. When
7.10 the unencumbered balance in the appropriation for emergency deer feeding and wild
7.11 cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first
7.12 time, \$750,000 is canceled to the unappropriated balance of the game and fish fund.
7.13 The commissioner must inform the legislative chairs of the natural resources finance
7.14 committees every two years on how the money for emergency deer feeding and wild
7.15 cervidae health management has been spent.

7.16 Thereafter, when the unencumbered balance in the appropriation for emergency deer
7.17 feeding and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal
7.18 year, the unencumbered balance in excess of \$2,500,000 is canceled and available for deer
7.19 and bear management programs and computerized licensing.

7.20 Sec. 12. Minnesota Statutes 2008, section 97A.095, subdivision 2, is amended to read:

7.21 Subd. 2. **Waterfowl feeding and resting areas.** The commissioner may, by rule,
7.22 designate any part of a lake as a migratory feeding and resting area. Before designation,
7.23 the commissioner must receive a petition signed by at least ten local resident licensed
7.24 hunters describing the area of a lake that is a substantial feeding or resting area for
7.25 migratory waterfowl, and find that the statements in the petition are correct, and that
7.26 adequate, free public access to the lake exists near the designated area. The commissioner
7.27 shall post the area as a migratory waterfowl feeding and resting area. Except as authorized
7.28 in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl
7.29 feeding and resting area, during a period when hunting of migratory waterfowl is allowed,
7.30 with watercraft or aircraft propelled by a motor, other than an electric motor ~~of less than~~
7.31 ~~30 pounds thrust~~ with battery power of 12 volts or less. The commissioner may, by rule,
7.32 further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

7.33 Sec. 13. Minnesota Statutes 2008, section 97A.137, is amended by adding a
7.34 subdivision to read:

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

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

8.8 (1) restrict trapping;

8.9 (2) restrict the discharge of archery equipment;

8.10 (3) restrict the discharge of shotguns with shot sizes of F or .22 inch diameter,
8.11 or smaller diameter shot;

8.12 (4) restrict noise;

8.13 (5) require dogs on a leash; or

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

8.16 Sec. 14. Minnesota Statutes 2008, section 97A.137, is amended by adding a
8.17 subdivision to read:

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

8.24 Sec. 15. Minnesota Statutes 2008, section 97A.405, subdivision 4, is amended to read:

8.25 **Subd. 4. Replacement licenses.** (a) The commissioner may permit licensed deer
8.26 hunters to change zone, license, or season options. The commissioner may issue a
8.27 replacement license if the applicant submits the original deer license and unused tags that
8.28 are being replaced and the applicant pays any increase in cost between the original and
8.29 the replacement license. A refund of the difference in fees may be issued when a person
8.30 changes from a regular deer license to a youth deer license. ~~When a person submits both~~
8.31 ~~an archery and a firearms license for replacement, the commissioner may apply the value~~
8.32 ~~of both licenses towards the replacement license fee.~~

8.33 (b) A replacement license may be issued only if the applicant has not used any
8.34 tag from the original license or licenses and meets the conditions of paragraph (c). The

9.1 original license or licenses and all unused tags for the licenses being replaced must be
9.2 submitted to the issuing agent at the time the replacement license is issued.

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

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

9.6 (2) when the person is ~~upgrading from a regular firearms or archery deer license to~~
9.7 ~~an all-season deer license;~~

9.8 (3) ~~when the person is upgrading from a regular firearms license to a multizone~~
9.9 ~~deer license; or~~

9.10 (4) ~~when the person is changing from a regular firearms deer license to a youth~~
9.11 ~~deer license.~~

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

9.14 Sec. 16. Minnesota Statutes 2008, section 97A.421, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

9.34 Sec. 17. Minnesota Statutes 2008, section 97A.441, subdivision 7, is amended to read:

10.1 Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may
10.2 issue, without a fee, a license to take an antlerless deer to a resident who is an owner or
10.3 tenant, or a nonresident who is an owner, of at least 80 acres of agricultural land, as
10.4 defined in section 97B.001, in deer permit areas that have deer archery licenses to take
10.5 additional deer under section 97B.301, subdivision 4. A person may receive only one
10.6 license per year under this subdivision. For properties with co-owners or cotenants, only
10.7 one co-owner or cotenant may receive a license under this subdivision per year. The
10.8 license issued under this subdivision is restricted to land leased for agricultural purposes
10.9 or owned by the holder of the license within the permit area where the qualifying land
10.10 is located. The holder of the license may transfer the license to the holder's spouse or
10.11 dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision
10.12 2, the holder of the license may purchase an additional license for taking deer and may
10.13 take an additional deer under that license.

10.14 (b) A person who obtains a license under paragraph (a) must allow public deer
10.15 hunting on their land during that deer hunting season, with the exception of the first
10.16 Saturday and Sunday during the deer hunting season applicable to the license issued under
10.17 section 97A.475, subdivision 2, ~~clauses (4) and (13)~~ clause (5).

10.18 Sec. 18. Minnesota Statutes 2008, section 97A.445, subdivision 1, is amended to read:

10.19 Subdivision 1. **Angling; Take a Kid Fishing Weekends.** A resident ~~over age 18~~ age
10.20 16 years or older may take fish by angling without an angling or fish house license during
10.21 one three-day consecutive period of the open water angling season and one three-day
10.22 consecutive period of the ice angling season designated by rule of the commissioner
10.23 if accompanied by a child who is under age 16. The commissioner shall publicize the
10.24 three-day periods as "Take a Kid Fishing Weekend" for the open water angling season and
10.25 "Take a Kid Ice Fishing Weekend" for the ice angling season.

10.26 Sec. 19. Minnesota Statutes 2008, section 97A.445, is amended by adding a
10.27 subdivision to read:

10.28 Subd. 1a. **Angling in a state park.** A resident may take fish by angling without
10.29 an angling license when shore fishing or wading on state-owned land within a state park.
10.30 When angling from a boat or float, this subdivision applies only to those water bodies
10.31 completely encompassed within the statutory boundary of the state park. The exemption
10.32 from an angling license does not apply to waters where a trout stamp is required.

10.33 Sec. 20. Minnesota Statutes 2008, section 97A.451, subdivision 2, is amended to read:

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

11.5 **EFFECTIVE DATE.** This section is effective March 1, 2010.

11.6 Sec. 21. Minnesota Statutes 2008, section 97A.465, subdivision 1b, is amended to read:

11.7 Subd. 1b. **Residents discharged from active service.** (a) A resident who has served
11.8 at any time during the preceding 24 months in federal active service, as defined in section
11.9 190.05, subdivision 5c, outside the United States as a member of the National Guard, or as
11.10 a reserve component or active duty member of the United States armed forces and has
11.11 been discharged from active service may take small game and fish without a license if the
11.12 resident possesses official military discharge papers. The resident must obtain the seals,
11.13 tags, and coupons required of a licensee, which must be furnished without charge.

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

11.20 Sec. 22. Minnesota Statutes 2008, section 97A.475, subdivision 2, is amended to read:

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

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

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

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

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

11.27 (5) for persons age 18 or over to take deer with firearms during the regular firearms
11.28 season, \$26;

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

11.30 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
11.31 season, \$26;

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

11.33 (9) to take bear, \$38;

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

- 12.1 (11) ~~multizone license to take antlered deer in more than one zone, \$52;~~
- 12.2 ~~(12)~~ to take Canada geese during a special season, \$4;
- 12.3 ~~(13) all season license to take three deer throughout the state in any open deer~~
- 12.4 ~~season, except as restricted under section 97B.305, \$78;~~
- 12.5 ~~(14)~~ (12) to take prairie chickens, \$20;
- 12.6 ~~(15)~~ (13) for persons under age 18 to take deer with firearms during the regular
- 12.7 firearms season, \$13;
- 12.8 ~~(16)~~ (14) for persons under age 18 to take deer by archery, \$13; and
- 12.9 ~~(17)~~ (15) for persons under age 18 to take deer by muzzleloader during the
- 12.10 muzzleloader season, \$13.
- 12.11 Sec. 23. Minnesota Statutes 2008, section 97A.475, subdivision 3, is amended to read:
- 12.12 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued
- 12.13 to nonresidents, are:
- 12.14 (1) for persons age 18 or over to take small game, \$73;
- 12.15 (2) for persons age 18 or over to take deer with firearms during the regular firearms
- 12.16 season, \$135;
- 12.17 (3) for persons age 18 or over to take deer by archery, \$135;
- 12.18 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
- 12.19 season, \$135;
- 12.20 (5) to take bear, \$195;
- 12.21 (6) for persons age 18 and older to take turkey, \$78;
- 12.22 (7) for persons under age 18 to take turkey, \$12;
- 12.23 (8) to take raccoon or bobcat, \$155;
- 12.24 (9) ~~multizone license to take antlered deer in more than one zone, \$270;~~
- 12.25 ~~(10)~~ to take Canada geese during a special season, \$4;
- 12.26 ~~(11)~~ (10) for persons under age 18 to take deer with firearms during the regular
- 12.27 firearms season in any open season option or time period, \$13;
- 12.28 ~~(12)~~ (11) for persons under age 18 to take deer by archery, \$13; and
- 12.29 ~~(13)~~ (12) for persons under age 18 to take deer during the muzzleloader season, \$13.
- 12.30 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
- 12.31 paragraph (a), clauses (1) to ~~(9)~~ (8). An additional commission may not be assessed
- 12.32 on this surcharge.
- 12.33 Sec. 24. Minnesota Statutes 2008, section 97A.475, subdivision 7, is amended to read:

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

13.3 (1) to take fish by angling, \$37.50;

13.4 (2) to take fish by angling limited to seven consecutive days selected by the licensee,
13.5 \$26.50;

13.6 (3) to take fish by angling for a 72-hour period selected by the licensee, \$22;

13.7 (4) to take fish by angling for a combined license for a family for one or both parents
13.8 and dependent children under the age of 16, \$50.50;

13.9 (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; ~~and~~

13.10 (6) to take fish by angling for a combined license for a married couple, limited to 14
13.11 consecutive days selected by one of the licensees, \$38.50; and

13.12 (7) to take fish by spearing from a dark house, \$37.50.

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

13.16 Sec. 25. Minnesota Statutes 2008, section 97A.475, subdivision 11, is amended to read:

13.17 Subd. 11. **Fish houses ~~and~~, dark houses, and shelters; residents.** Fees for the
13.18 following licenses are:

13.19 (1) annual for a fish house ~~or~~, dark house, or shelter that is not rented, \$11.50;

13.20 (2) annual for a fish house ~~or~~, dark house, or shelter that is rented, \$26;

13.21 (3) three-year for a fish house ~~or~~, dark house, or shelter that is not rented, \$34.50; and

13.22 (4) three-year for a fish house ~~or~~, dark house, or shelter that is rented, \$78.

13.23 Sec. 26. Minnesota Statutes 2008, section 97A.475, subdivision 12, is amended to read:

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

13.26 (1) annual, \$33;

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

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

13.29 Sec. 27. Minnesota Statutes 2008, section 97A.475, subdivision 29, is amended to read:

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

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

14.1 (2) for a private fish hatchery, with annual sales of \$200 or more, \$210 for the base
 14.2 license. The commissioner must establish an additional fee based on the acreage of the
 14.3 operation. Notwithstanding section 16A.1283, the commissioner may, by written order
 14.4 published in the State Register, establish the additional fee required by this subdivision.
 14.5 The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386
 14.6 does not apply; and

14.7 (3) to take sucker eggs from public waters for a private fish hatchery, \$400, plus
 14.8 \$6 for each quart in excess of 100 quarts.

14.9 Sec. 28. Minnesota Statutes 2008, section 97A.525, subdivision 1, is amended to read:

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

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

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

14.17 ~~(3) fish.~~

14.18 Sec. 29. Minnesota Statutes 2008, section 97B.035, subdivision 2, is amended to read:

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

14.22 Sec. 30. Minnesota Statutes 2008, section 97B.041, is amended to read:

14.23 **97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED**
 14.24 **IN DEER ZONES.**

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

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

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

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

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

15.3 (5) handguns possessed by a person authorized to carry a handgun under sections
15.4 624.714 and 624.715 for the purpose authorized; and

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

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

15.10 Sec. 31. Minnesota Statutes 2008, section 97B.045, subdivision 1, is amended to read:

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

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

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

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

15.18 (b) Notwithstanding paragraph (a), a person may transport an unloaded, uncased
15.19 firearm, excluding a pistol as defined in paragraph (c), in a motor vehicle while at a
15.20 shooting range, as defined under section 87A.01, subdivision 3, where the person has
15.21 received permission from the lawful owner or possessor to discharge firearms; lawfully
15.22 hunting on private or public land; or travelling to or from a site the person intends to hunt
15.23 lawfully that day or has hunted lawfully that day, unless:

15.24 (1) within the seven-county metropolitan area as defined in section 473.121,
15.25 subdivision 4;

15.26 (2) within an area where the discharge of a firearm has been prohibited under section
15.27 471.633;

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

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

15.31 (5) otherwise restricted under section 97A.091, 97B.081, or 97B.086.

15.32 (c) For the purposes of this section, a "pistol" includes a weapon designed to be fired
15.33 by the use of a single hand and with an overall length less than 26 inches, or having a
15.34 barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel
15.35 of a length less than 16 inches in the case of a rifle:

16.1 (1) from which may be fired or ejected one or more solid projectiles by means
 16.2 of a cartridge or shell or by the action of an explosive or the igniting of flammable or
 16.3 explosive substances; or

16.4 (2) for which the propelling force is a spring, elastic band, carbon dioxide, air or
 16.5 other gas, or vapor.

16.6 "Pistol" does not include a device firing or ejecting a shot measuring .18 of an inch, or
 16.7 less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun, or nail gun
 16.8 used in the construction industry or children's pop guns or toys.

16.9 Sec. 32. Minnesota Statutes 2008, section 97B.045, subdivision 2, is amended to read:

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

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

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

16.15 ~~(3) (2) the firearm is not loaded in the chamber until the vehicle is stationary, or is a~~
 16.16 hinge action firearm with the action open until the vehicle is stationary.

16.17 Sec. 33. Minnesota Statutes 2008, section 97B.051, is amended to read:

16.18 **97B.051 TRANSPORTATION OF ARCHERY BOWS.**

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

16.21 ~~(1) unstrung;~~

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

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

16.25 Sec. 34. Minnesota Statutes 2008, section 97B.055, subdivision 3, is amended to read:

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

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

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

17.3 (b) The permanent physical disability must be established by medical evidence
17.4 verified in writing by a licensed physician or chiropractor. The commissioner may
17.5 request additional information from the physician or chiropractor if needed to verify the
17.6 applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner
17.7 may, in consultation with appropriate advocacy groups, establish reasonable minimum
17.8 standards for permits to be issued under this section. In addition to providing the medical
17.9 evidence of a permanent disability, the applicant must possess a valid disability parking
17.10 certificate authorized by section 169.345 or license plates issued under section 168.021.

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

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

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

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

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

17.26 Sec. 35. Minnesota Statutes 2008, section 97B.086, is amended to read:

17.27 **97B.086 POSSESSION OF NIGHT VISION EQUIPMENT.**

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

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

17.32 (1) unloaded;

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

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

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

18.3 (1) completely encased or unstrung; and

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

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

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

18.9 Sec. 36. Minnesota Statutes 2008, section 97B.111, subdivision 1, is amended to read:

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

18.19 Sec. 37. Minnesota Statutes 2008, section 97B.211, subdivision 1, is amended to read:

18.20 Subdivision 1. **Possession of firearms prohibited.** (a) A person may not take deer
18.21 by archery while in possession of a firearm.

18.22 (b) Paragraph (a) does not apply to a handgun carried in compliance with section
18.23 624.714.

18.24 Sec. 38. Minnesota Statutes 2008, section 97B.328, subdivision 3, is amended to read:

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

19.1 Sec. 39. Minnesota Statutes 2008, section 97B.425, is amended to read:

19.2 **97B.425 BAITING BEARS.**

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

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

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

19.13 (3) bones of mammals;

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

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

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

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

19.23 Sec. 40. Minnesota Statutes 2008, section 97B.651, is amended to read:

19.24 **97B.651 UNPROTECTED MAMMALS AND BIRDS.**

19.25 Subdivision 1. Taking unprotected mammals and birds. Mammals that are
19.26 unprotected wild animals and unprotected birds may be taken at any time and in any
19.27 manner, except with artificial lights, or by using a motor vehicle in violation of section
19.28 97B.091. Poison may not be used to take unprotected mammals or unprotected birds
19.29 unless the safety of humans and domestic livestock is ensured. Unprotected mammals and
19.30 unprotected birds may be possessed, bought, sold, or transported in any quantity, except
19.31 importation or exportation is restricted as provided in subdivision 2.

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

20.1 Sec. 41. Minnesota Statutes 2008, section 97B.811, subdivision 2, is amended to read:

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

20.5 Sec. 42. Minnesota Statutes 2008, section 97B.811, subdivision 3, is amended to read:

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

20.10 ~~(1) the decoys are in waters adjacent to~~ completely surrounded by private land under
 20.11 ~~the control of the hunter; and~~ and there is no public access to the water.

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

20.14 Sec. 43. Minnesota Statutes 2008, section 97B.931, subdivision 1, is amended to read:

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

20.20 Sec. 44. Minnesota Statutes 2008, section 97C.315, subdivision 1, is amended to read:

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

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

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

20.25 Sec. 45. Minnesota Statutes 2008, section 97C.355, subdivision 2, is amended to read:

20.26 Subd. 2. **License required.** A person may not leave a dark house ~~or,~~ fish house, or
 20.27 shelter unattended on the ice at any time between midnight and one hour before sunrise
 20.28 unless the house or shelter is licensed and has ~~a~~ the license tag attached to the exterior in a
 20.29 readily visible location, except as provided in this subdivision. The commissioner must
 20.30 issue a tag with a dark house ~~or,~~ fish house, or shelter license, marked with a number to
 20.31 correspond with the license and the year of issue. A dark house ~~or,~~ fish house, or shelter

21.1 license is not required of a resident on boundary waters where the adjacent state does not
21.2 charge a fee for the same activity.

21.3 Sec. 46. Minnesota Statutes 2008, section 97C.371, is amended by adding a
21.4 subdivision to read:

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

21.6 Sec. 47. Minnesota Statutes 2008, section 97C.385, subdivision 2, is amended to read:

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

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

21.13 Sec. 48. Minnesota Statutes 2008, section 97C.395, subdivision 1, is amended to read:

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

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

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

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

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

21.24 (5) for brown trout, brook trout, rainbow trout, and splake, between January 1 to
21.25 October 31 as prescribed by the commissioner by rule except as provided in section
21.26 97C.415, subdivision 2;

21.27 ~~(5)~~ (6) for the winter season for brown trout, brook trout, rainbow trout, and splake
21.28 on all lakes, from January 15 to March 31; and

21.29 ~~(6)~~ (7) for salmon, as prescribed by the commissioner by rule.

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

22.1 Sec. 49. Laws 2008, chapter 368, article 2, section 25, the effective date, is amended to
22.2 read:

22.3 **EFFECTIVE DATE.** The amendments to paragraph (a) are effective March 1,
22.4 ~~2009~~ 2010.

22.5 **EFFECTIVE DATE.** This section is effective retroactively from March 1, 2009.

22.6 Sec. 50. **ELK MANAGEMENT PLAN.**

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

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

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

22.13 (3) begin implementing the plan.

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

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

22.19 Sec. 51. **RULEMAKING.**

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

22.23 (1) establish a 48-inch statewide minimum size restriction for muskellunge and
22.24 muskellunge-northern pike hybrids in inland waters, except for the lakes listed in clause

22.25 (2) that are managed specifically for muskellunge-northern pike hybrids in Carver, Dakota,
22.26 Hennepin, Ramsey, Scott, and Washington Counties; and

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

	<u>LAKE</u>	<u>COUNTY</u>
22.31	<u>Bryant</u>	<u>Hennepin</u>
22.32	<u>Bush</u>	<u>Hennepin</u>
22.33	<u>Calhoun</u>	<u>Hennepin</u>

23.1	<u>Cedar</u>	<u>Hennepin</u>
23.2	<u>Cedar</u>	<u>Scott</u>
23.3	<u>Clear</u>	<u>Washington</u>
23.4	<u>Crystal</u>	<u>Dakota</u>
23.5	<u>Crystal</u>	<u>Hennepin</u>
23.6	<u>Eagle</u>	<u>Carver</u>
23.7	<u>Elmo</u>	<u>Washington</u>
23.8	<u>Gervais</u>	<u>Ramsey</u>
23.9	<u>Island</u>	<u>Ramsey</u>
23.10	<u>Isles</u>	<u>Hennepin</u>
23.11	<u>Johanna</u>	<u>Ramsey</u>
23.12	<u>Nokomis</u>	<u>Hennepin</u>
23.13	<u>Orchard</u>	<u>Dakota</u>
23.14	<u>Phalen</u>	<u>Ramsey</u>
23.15	<u>Pierson</u>	<u>Carver</u>
23.16	<u>Silver</u>	<u>Ramsey</u>
23.17	<u>Wasserman</u>	<u>Carver</u>
23.18	<u>Weaver</u>	<u>Hennepin</u>

23.19 **(b) The commissioner may use the good cause exemption under Minnesota Statutes,**
23.20 **section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section**
23.21 **14.386, does not apply except as provided in Minnesota Statutes, section 14.388.**

23.22 **Sec. 52. REPEALER.**

23.23 **Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97B.301, subdivisions 7**
23.24 **and 8; and 97C.405, are repealed.**

97A.525 TRANSPORTATION OF WILD ANIMALS BY COMMON CARRIER.

Subd. 2. **Nonresidents.** A nonresident may transport wild animals by common carrier without being in the vehicle if the nonresident has the license required to take the animals and they are shipped to the nonresident.

97B.301 DEER LICENSES AND LIMITS.

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

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

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

Subd. 8. **Sale of multiple zone or multiple season licenses.** If the commissioner adopts rules on deer zones, or seasons that eliminate the need for purchasing an all season deer or multizone license, then the commissioner is not required to offer all season deer or multizone licenses for sale.

97C.405 MUSKELLUNGE SIZE LIMITS.

(a) Except as allowed under paragraph (b), if a person catches a muskellunge less than 40 inches long, the person must immediately release the fish into the waters.

(b) The commissioner may designate lakes north of Trunk Highway No. 210 where muskellunge less than 40 inches, but not less than 30 inches long, may be retained.