

HOUSE RESEARCH

Bill Summary

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Overview

This bill contains various changes to the state's game and fish laws.

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- 1** **General conditions for regulation of aquatic farms.** Amends § 17.4981. Requires the commissioner to submit a report to the legislature in odd numbered years on the proposed license fees needed to make the aquaculture program self-sustaining and requires the commissioner to encourage fish farming in man-made ponds.
- 2** **License required.** Amends § 17.4984, subdivision 1. Prohibits the commissioner from issuing or renewing a license to raise minnows in a natural water body if that body is subject to a protective easement or other interest in land acquired with federal or state waterfowl stamp proceeds.
- 3** **Electronic transactions.** Amends § 84.027, subdivision 15. Allows electronic licensing agents (those licensed to sell licenses, permits, passes, etc. that are under the jurisdiction of the DNR) to charge individuals a fee of up to \$3.50 if they use their credit card provided a sign notifying individuals of the fee is posted near the point of sale and is clearly visible.
- 4** **Exceptions.** Amends § 84D.10, subdivision 2. Clarifies provisions allowing a watercraft or trailer in state waters to have attached aquatic plants when being used as a shooting or observation blind.
- 5** **Warnings; civil citations.** Amends § 84D.13, subdivision 4. Allows a conservation officer or other licensed peace officers to issue warnings and citations to persons who places a trailer, watercraft, or plant harvesting equipment that has attached aquatic plants into state waters.

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- 6 **Pass in possession.** Amends § 97B.031, subdivision 1. Exempts a person riding, leading, or driving a horse on a horse trail that the person or a family member owns from the requirement to carry a horse trail pass. Removes the requirement that a horse trail pass be visibly displayed.
- 7 **Shelter.** Amends § 97A.015 by adding subdivision 4a. Defines “shelter” for purposes of fishing regulations as any structure set on the ice of state waters to provide shelter. This definition is part of an effort to clarify fish and dark house licensing provisions after the legislature removed the requirement to license “portable” fish houses in 2007.
- 8 **Power to prevent or control wildlife disease.** Amends § 97A.045, subdivision 11. Modifies the area the commissioner must restrict wildlife feeding near tuberculosis management zones to in and within a 30-mile radius of the zone.
- 9 **Game and fish annual reports.** Amends § 97A.055, subdivision 4. Technical change needed as part of the consolidation of the turkey stamp fee and turkey license into one license fee.
- 10 **Citizen oversight subcommittees.** Amends § 97A.055, subdivision 4b. Technical change needed as part of the consolidation of the turkey stamp fee and turkey license into one license fee.
- 11 **Pheasant stamp.** Amends § 97A.075, subdivision 4. Extends, by ten years, the sunset date for using pheasant stamp funds to provide technical and promotional assistance to private landowners to implement conservation provisions of state and federal programs.
- 12 **Turkey account.** Amends § 97A.075, subdivision 5. Technical change needed as part of the consolidation of the turkey stamp fee and turkey license into one license fee.
- 13 **Refunds.** Amends § 97A.311, subdivision 5. Allows the commissioner to issue a refund to a licensee who purchased two identical licenses for the same license season in error.
- 14 **Personal possession.** Amends § 97A.405, subdivision 2. Technical change needed as part of the consolidation of the turkey stamp fee and turkey license into one license fee.
- 15 **Eligibility.** Amends § 97A.431, subdivision 2. Eliminates the minimum age requirement for obtaining a license to hunt moose.
- 16 **Eligibility.** Amends § 97A.433, subdivision 2. Eliminates the minimum age requirement for obtaining a license to hunt elk.
- 17 **Eligibility.** Amends § 97A.434, subdivision 2. Eliminates the minimum age requirement for obtaining a license to hunt prairie chicken.
- 18 **Separate selection of eligible licensees.** Amends § 97A.435, subdivision 4. Requires the commissioner of natural resources to presume that an individual applying for a special landowner-tenant turkey hunting permit is eligible in order to ensure the timely processing of applications. States that an applicant making false statements or a licensing agent that knowingly issues a license to an ineligible person is subject to the penalty provisions under section 97A.311.
- 19 **Owners or tenants of agricultural land.** Amends § 97A.441, subdivision 7. Clarifies that only a resident may obtain a free landowner license to take antlerless deer.
- 20 **Residents under age 16; small game.** Amends § 97A.451, subdivision 3. Requires residents under the age of 16 to obtain a license to hunt small game but exempts them from paying the applicable licensing fee.
- 21 **Residents under age 16; big game.** Amends § 97A.475, subdivision 2. Requires residents under the age of 16 to obtain a license to hunt big game but exempts them from paying the applicable licensing fee. Modifies big game hunting provisions for residents under the age of 16, including allowing residents ages 10 and 11 to hunt provided they are within

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immediate reach of a parent or guardian and loosening the firearms safety certificate requirements in certain circumstances.

- 22 **Nonresidents under age 16; big game.** Amends § 97A.451 by adding subdivision 4a. Modifies big game hunting provisions for nonresidents under the age of 16, including allowing nonresidents ages 10 and 11 to hunt provided they are within immediate reach of a parent or guardian and loosening the firearms safety certificate requirements in certain circumstances.
- 23 **Resident hunting.** Amends § 97A.475, subdivision 2. Establishes a \$52 resident license fee for an all-firearm season license. Modifies turkey hunting provisions by increasing the turkey license fee for residents to reflect the consolidation of the turkey stamp fee and turkey license into one license fee and providing a youth turkey license that is \$5 less than the turkey license (youth are currently not required to purchase a turkey stamp and this would allow them to continue paying the same fee amount to hunt turkey). Clarifies that resident youth may obtain a license for the muzzleloader deer season.
- 24 **Nonresident hunting.** Amends § 97A.475, subdivision 3. Makes the following changes to the nonresident hunting provisions: increases the turkey license fee for nonresidents to reflect the consolidation of the turkey stamp fee and turkey license into one license; establishes a youth nonresident turkey hunting fee of \$12; and clarifies that nonresident youth may obtain a license for the muzzleloader deer season.
- 25 **Hunting stamps.** Amends § 97A.475, subdivision 5. Technical change needed as part of the consolidation of the turkey stamp fee and turkey license into one license fee.
- 26 **Nonresident fishing.** Amends § 97A.475, subdivision 7. Adds a fee of \$37.50 for nonresident spearing.
- 27 **Fish houses, dark houses, or shelters; residents.** Amends § 97A.475, subdivision 11. Technical change needed as part of the effort to clarify fish and dark house licensing provisions.
- 28 **Fish houses or shelters; nonresident.** Amends § 97A.475, subdivision 12. Technical changes needed as part of the effort to clarify fish and dark house licensing provisions and as part of the addition of spearing for nonresidents.
- 29 **Resident hunting outfitters.** Amends § 97A.475, subdivision 16. Adds a license fee for a master bear hunting outfitter license of \$165, and \$82.50 for each additional person added under the license.
- 30 **Licenses to be sold and issuing fees.** Amends § 97A.485, subdivision 6. Technical correction needed as a result of the elimination of using pictorial stamps as licensing documents.
- 31 **Tags required.** Amends § 97A.535, subdivision 1. Removes a requirement that a deer license be validated when validating a deer, bear, elk, or moose tag.
- 32 **Firearms safety certificate.** Amends § 97B.015, subdivision 5. Allows a youth who will turn 12 years of age during the calendar year to obtain a license to hunt big game.
- 33 **Firearms and ammunition that may be used to take big game.** Amends § 97B.031, subdivision 1. Simplifies the types of ammunition that may be used to take big game.
- 34 **Minimum draw weight.** Amends § 97B.035, subdivision 1a. Requires a bow used to take turkey to have a pull that meets or exceeds 30 pounds at or before full draw (this is currently required for big game).
- 35 **Crossbow hunting during firearms season.** Amends § 97B.036. Allows the use of crossbows to hunt bear and turkey during their respective regular firearms seasons.
- 36 **Possession of firearms and ammunition restricted in deer zones.** Amends § 97B.041.

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Allows a person to possess a handgun or rifle capable of firing .17 caliber rimfire cartridges during the firearms seasons for deer in areas open to deer hunting.

- 37 **Qualifications for crossbow permits.** Amends § 97B.106, subdivision 1. Clarifies that a person who is eligible for a disability permit to use a crossbow may also use a bow that is held at full draw by a mechanical device.
- 38 **Possession of firearms prohibited.** Amends § 97B.211, subdivision 1. Allows a person to possess a firearm while hunting big game except when hunting deer. This was previously only allowed while hunting bear.
- 39 **Residents or nonresidents under age 18 may take deer of either sex.** Amends § 97B.301, subdivision 6. Allows nonresidents under the age of 18 to take a deer of either sex in a lottery area without a permit (except for areas or seasons where no antlerless deer permits are offered).
- 40 **All-firearm season deer license.** Amends § 97B.301 by adding subdivision 8. Establishes an all-firearm season license for residents valid for taking two deer. States that only one of the deer taken may be a legal buck and allows the license to be valid for taking antlerless deer as prescribed by the commissioner. Requires that two tags be issued with these licenses.
- 41 **Baiting prohibited.** Amends § 97B.328. Makes a technical correction to the deer baiting restrictions by clarifying that baiting includes feed and provides a definition of “bait or feed” and allows hunters who have not participated, agreed to, or been involved with feeding or baiting on adjacent land to hunt deer on land adjacent to land where feeding or baiting has taken place.
- 42 **Commissioner may limit number of bear hunters.** Amends § 97B.405. Requires the commissioner of natural resources to allow bear hunting permit applicants to apply for more than one permit area at a time by ranking their choices. Requires applicants to submit the fee required at the time of application and allows an applicant who is not selected to either receive a refund or have the fee held and applied to a future license or permit.
- 43 **Bear hunting outfitters.** Amends § 97B.431. Requires the commissioner of natural resources to establish and adopt rules for a master bear hunting outfitter license which would allow one individual to operate as the master bear outfitter with one other person eligible to guide and bait bear under the license. Additional individuals may be added by paying an additional fee for each person added.
- 44 **Nighttime hunting restrictions.** Amends § 97B.621, subdivision 3. Limits the time period a person may take raccoons at night to one-half hour after sunset to one-half hour before sunrise.
- 45 **Seasons for certain upland game birds.** Amends § 97B.711, subdivision 1. Requires the commissioner to allow a four-week open turkey season in the fall in the area designated as turkey permit area 601 (the permit area including much of the metropolitan area).
- 46 **License required to take turkey; tagging and registration requirements.** Amends § 97B.721. Technical change needed as part of the consolidation of the turkey stamp fee and turkey license into one license fee.
- 47 **Seasons, limits, and other requirements.** Amends § 97C.001, subdivision 3. Allows the commissioner to extend the fishing season up to two weeks for fish species in experimental waters when the harvest level for the species has not been met.
- 48 **Seasons, limits, and other rules.** Amends § 97C.005, subdivision 3. Allows the commissioner to extend the fishing season up to two weeks for fish species in a special management water with the harvest level for the species has not been met.

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- 49** **Transporting and stocking fish.** Amends § 97C.205. Allows a person to possess fish on special management or experimental waters that will be prepared as a meal if the fish were lawfully taken, packaged by a licensed fish packer, and do not otherwise exceed the daily possession limits.
- 50** **Conservation angling license.** Adds § 97C.303.
- Subd. 1. Availability.** Requires the commissioner of natural resources to establish a conservation angling license for residents and nonresidents, including married couples, nonresident families, and a 14-day nonresident married couple license.
- Subd. 2. Daily and possession limits.** States that the daily and possession limits for conservation angling licenses is one-half of the daily and possession limits for the corresponding fish taken (rounded down to the nearest whole number if applicable).
- Subd. 3. License fee.** States that the license fee for a conservation angling license is two-thirds of the corresponding angling fee rounded to the nearest whole dollar amount.
- 51** **Lines.** Adds § 97C.315, subdivision 1. Allows an angler to use two lines when taking fish on open water if the angler purchases a second line endorsement for \$5.
- 52** **License required.** Amends § 97C.355, subdivision 2. Technical change needed as part of the effort to clarify fish and dark house licensing provisions.
- 53** **Distance between houses.** Amends § 97C.355, subdivision 4. Technical change needed as part of the effort to clarify fish and dark house licensing provisions.
- 54** **Dates and times houses may remain on ice.** Amends § 97C.355, subdivision 7. Lengthens the timeframe that a shelter may be left overnight on the ice from the last day of February to the first Monday in March for state waters south of highway 2, and to the third Monday in March for other waters.
- 55** **Houses left overnight.** Amends § 97C.355, subdivision 7a. Technical change needed as part of the effort to clarify fish and dark house licensing provisions.
- 56** **Confiscation of unlawful structures; civil penalty.** Amends § 97C.355, subdivision 8. Extends the same civil penalty assessed to those leaving structures on the ice past the removal date to structures left at public access sites for more than 48 hours past ice removal deadlines.
- 57** **Open season.** Amends § 97C.371, subdivision 4. Expands the open season for spear fishing to November 15 to the second Sunday in March (it had been from December 1 to the last Sunday in February).
- 58** **Nonresidents.** Adds § 97C.371, subdivision 5. States that nonresidents may spear from a fish or dark house.
- 59** **Dates for certain species.** Amends § 97C.395, subdivision 1. Establishes a winter season for lake trout, in all lakes and streams, from January 15 to March 31.
- 60** **Rules.** Amends § 97C.865, subdivision 2. Prohibits the commissioner from requiring information on fish labels put on by a fish packer except for certain information and prohibits sauger from being labeled as walleye.
- 61** **Uncased firearms report.** Requires the commissioner of natural resources to submit a report to the legislature on uncased firearms that answers the questions listed below by January 1, 2009 .

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

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

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

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

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

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

62 Cock pheasant bag limit; rulemaking. Requires the commissioner to amend Minnesota Rules, part 6234.0400, subpart 2, to allow a person to take up to three cock pheasants per day after the 16th day of the pheasant season and allows the commissioner to use the good cause exemption from rulemaking.

63 Bear hunting permit drawing; rulemaking. Requires the commissioner of natural resources to adopt rules to allow bear hunting permit applicants to apply for more than one permit area at a time by ranking their choices. Allows the commissioner to use the good cause exemption from rulemaking.

64 Nonresident spear fishing; rulemaking. Requires the commissioner of natural resources to adopt rules to allow nonresidents to spear fish. Allows the commissioner to use the good cause exemption from rulemaking.

65 Wild turkey hunting management recommendations. Requires the commissioner, in consultation with the National Wild Turkey Federation, to provide recommendations to the legislature on the future management of hunting wild turkeys by January 15, 2009 .

66 Walleye stocking on Leech Lake . Requires the commissioner of natural resources to stock Leech Lake with 25,000,000 walleye fry in calendar years 2008 and 2009 unless the commissioner can show evidence that such stocking is harmful to the lakes natural walleye population or that the fishery has fully recovered.

67 Rules. Requires the commissioner of natural resources to adopt rules in compliance with the changes to provisions regarding fish packing label requirements and the possession of fish on special management and experimental waters that will be prepared as a meal. Exempts these rules from rulemaking requirements.

68 Appropriation. Provides an appropriation of \$102,000 in fiscal year 2009 to the commissioner of natural resources from the game and fish fund for the development of aquaculture best management practices. States that the base for fiscal year 2010 is \$150,000 and zero for fiscal year 2011.

69 Repealer. Repeals § 97A.411, subdivision 2 (t echnical correction needed as a result of the

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elimination of using pictorial stamps as licensing documents); and Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4 (technical corrections needed as part of the changes to the deer baiting provisions); and 6234.0100, subpart 4 (regarding limits on shooting grouse near vehicles).