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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 219

01/21/2021 Authored by Ecklund and Hansen, R., The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to game and fish; modifying provisions on farmed Cervidae; modifying
1.3 muzzleloader provisions; permanently allowing portable stands in certain wildlife
1.4 management areas; modifying Cervidae carcass transportation restrictions;
1.5 amending Minnesota Statutes 2020, sections 35.155, subdivisions 1, 6; 97A.015,
1.6 subdivision 51; 97A.137, subdivision 5; 97A.505, subdivision 8; 97B.031,
1.7 subdivision 1.

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

1.9 Section 1. Minnesota Statutes 2020, section 35.155, subdivision 1, is amended to read:

1.10 Subdivision 1. Running at large prohibited. (a) An owner may not allow farmed
1.11 Cervidae to run at large. The owner must make all reasonable efforts to return escaped
1.12 farmed Cervidae to their enclosures as soon as possible. The owner must immediately notify
1.13 the commissioner of natural resources of the escape of farmed Cervidae if the farmed
1.14 Cervidae are not returned or captured by the owner within 24 hours of their escape.

1.15 (b) An owner is liable for expenses of another person in capturing, caring for, and
1.16 returning farmed Cervidae that have left their enclosures if the person capturing the farmed
1.17 Cervidae contacts the owner as soon as possible.

1.18 (c) If an owner is unwilling or unable to capture escaped farmed Cervidae, the
1.19 commissioner of natural resources may destroy the escaped farmed Cervidae. The
1.20 commissioner of natural resources must allow the owner to attempt to capture the escaped
1.21 farmed Cervidae prior to destroying the farmed Cervidae. Farmed Cervidae that are not
1.22 captured by 24 hours after escape may be destroyed.

2.1 (d) A hunter licensed by the commissioner of natural resources under chapter 97A may
 2.2 kill and possess escaped farmed Cervidae in a lawful manner and is not liable to the owner
 2.3 for the loss of the animal.

2.4 (e) Escaped farmed Cervidae killed by a hunter or destroyed by the commissioner of
 2.5 natural resources must be tested for chronic wasting disease at the owner's expense.

2.6 **EFFECTIVE DATE.** This section is effective September 1, 2021.

2.7 Sec. 2. Minnesota Statutes 2020, section 35.155, subdivision 6, is amended to read:

2.8 Subd. 6. **Identification.** (a) Farmed Cervidae must be identified by means approved by
 2.9 the Board of Animal Health. The identification must include a distinct number that has not
 2.10 been used during the previous three years and must be visible to the naked eye during
 2.11 daylight under normal conditions at a distance of 50 yards. The identification for white-tailed
 2.12 deer must also include contact information of a phone number or address that enables the
 2.13 reader to readily identify the owner of escaped deer. This contact information does not need
 2.14 to be visible from a distance of 50 yards. White-tailed deer must be identified before October
 2.15 31 of the year in which the animal is born, at the time of weaning, or before movement from
 2.16 the premises, whichever occurs first. Elk and other cervids must be identified by December
 2.17 31 of the year in which the animal is born or before movement from the premises, whichever
 2.18 occurs first. As coordinated by the board, the commissioner of natural resources may destroy
 2.19 any animal that is not identified as required under this subdivision.

2.20 (b) The Board of Animal Health shall register farmed Cervidae. The owner must submit
 2.21 the registration request on forms provided by the board. The forms must include sales
 2.22 receipts or other documentation of the origin of the Cervidae. The board must provide copies
 2.23 of the registration information to the commissioner of natural resources upon request. The
 2.24 owner must keep written records of the acquisition and disposition of registered farmed
 2.25 Cervidae.

2.26 **EFFECTIVE DATE.** This section is effective September 1, 2021.

2.27 Sec. 3. Minnesota Statutes 2020, section 97A.015, subdivision 51, is amended to read:

2.28 Subd. 51. **Unloaded.** "Unloaded" means, with reference to a firearm, without ammunition
 2.29 in the barrels and magazine, if the magazine is in the firearm. A muzzle-loading firearm
 2.30 with is unloaded if:

2.31 (1) for a flintlock ignition is unloaded if, it does not have priming powder in a pan. A
 2.32 muzzle-loading firearm with;

3.1 (2) for a percussion ignition is unloaded if, it does not have a percussion cap on a nipple;

3.2 (3) for an electronic ignition system, the battery is removed and is disconnected from
 3.3 the firearm; and

3.4 (4) for an encapsulated powder charge ignition system, the primer and powder charge
 3.5 are removed from the firearm.

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

3.7 Sec. 4. Minnesota Statutes 2020, section 97A.137, subdivision 5, is amended to read:

3.8 Subd. 5. **Portable stands.** (a) Prior to the Saturday on or nearest September 16, a portable
 3.9 stand may be left overnight in a wildlife management area by a person with a valid bear
 3.10 license who is hunting within 100 yards of a bear bait site that is legally tagged and registered
 3.11 as prescribed under section 97B.425. Any person leaving a portable stand overnight under
 3.12 this subdivision must affix a tag with: (1) the person's name and address; (2) the licensee's
 3.13 driver's license number; or (3) the "MDNR#" license identification number issued to the
 3.14 licensee. The tag must be affixed to the stand in a manner that it can be read from the ground.

3.15 (b) From November 1 through December 31, a portable stand may be left overnight by
 3.16 a person possessing a license to take deer in a wildlife management area located in whole
 3.17 or in part north and west of a line described as follows:

3.18 State Trunk Highway 1 from the west boundary of the state to State Trunk Highway 89;
 3.19 then north along State Trunk Highway 89 to Fourtown; then north on County State-Aid
 3.20 Highway 44, Beltrami County, to County Road 704, Beltrami County; then north on County
 3.21 Road 704 to Dick's Parkway State Forest Road; then north on Dick's Parkway to County
 3.22 State-Aid Highway 5, Roseau County; then north on County State-Aid Highway 5 to
 3.23 Warroad; then north on State Trunk Highway 11 to State Trunk Highway 313; then north
 3.24 on State Trunk Highway 313 to the north boundary of the state.

3.25 A person leaving a portable stand overnight under this paragraph must affix a tag with: (1)
 3.26 the person's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#"
 3.27 license identification number issued to the licensee. The tag must be affixed to the stand so
 3.28 that it can be read from the ground and must be made of a material sufficient to withstand
 3.29 weather conditions. A person leaving a portable stand overnight in a wildlife management
 3.30 area under this paragraph may not leave more than two portable stands in any one wildlife
 3.31 management area. Unoccupied portable stands left overnight under this paragraph may be
 3.32 used by any member of the public. ~~This paragraph expires December 31, 2019.~~

3.33 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2019.

4.1 Sec. 5. Minnesota Statutes 2020, section 97A.505, subdivision 8, is amended to read:

4.2 Subd. 8. **Importing ~~hunter-harvested~~ Cervidae carcasses.** (a) Importing
 4.3 ~~hunter-harvested~~ Cervidae carcasses procured by any means into Minnesota is prohibited
 4.4 except for cut and wrapped meat, quarters or other portions of meat with no part of the
 4.5 spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers
 4.6 attached to skull caps that are cleaned of all brain tissue. ~~Hunter-harvested~~

4.7 (b) Cervidae carcasses ~~taken~~ originating from outside of Minnesota may be transported
 4.8 on a direct route through the state by nonresidents.

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

4.10 Sec. 6. Minnesota Statutes 2020, section 97B.031, subdivision 1, is amended to read:

4.11 Subdivision 1. **Permissible firearms and ammunition; big game and wolves.** A person
 4.12 may take big game and wolves with a firearm only if:

4.13 (1) ~~the~~ any rifle, shotgun, ~~and~~ or handgun used is a caliber of at least .22 inches and ~~with~~
 4.14 has centerfire ignition;

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

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

4.18 (4) ~~the~~ any muzzleloader used ~~is incapable of being~~ has the projectile loaded only at the
 4.19 ~~breech~~ muzzle;

4.20 (5) ~~the~~ any smooth-bore muzzleloader used is a caliber of at least .45 inches; and

4.21 (6) ~~the~~ any rifled muzzleloader used is a caliber of at least .40 inches.

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