

# House Research Act Summary

**CHAPTER:** 121

**SESSION:** 2013 Regular Session

**TOPIC:** Omnibus Game and Fish

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## Overview

This act contains a number of policy changes relating to game and fish being recommended by the Department of Natural Resources (DNR) as well as additional policy provisions, including the department's recommendations for changes to various aquatic invasive species provisions.

### Section

- 1 Game and fish rules.** Amends § 84.027, subd. 13. Clarifies that the expedited rulemaking authority that the commissioner has in cases where compliance with emergency rulemaking provisions are not allowed includes times when there is a need to adjust seasons on an annual basis based on biological and harvest data.
- 2 Federal law compliance.** Adds § 84.027, subd. 19. Allows the commissioner to establish, by written order, policies for the use and operation of power-driven mobility devices on lands and facilities administered by the DNR in order to implement the federal Americans with Disabilities Act and exempts the policies from rulemaking provisions.
- 3 Hunting licenses to critically ill persons.** Adds § 84.027, subd. 20. Permits the commissioner to allow critically ill persons, once during their lifetime, to purchase hunting licenses that are usually available through a lottery drawing if the person is participating in a program for critically ill hunters sponsored by a nonprofit. Clarifies that this includes licenses for wild turkey, deer, bear, prairie chicken and wolf, but excludes moose and elk. States that deer licenses may be for deer of either sex.
- 4 Exemptions.** Amends § 84.922, subd. 1a. Exempts ATVs registered by an Indian tribal government to a tribal member that have not been off the tribal reservation for more than 30 consecutive days from state registration requirements starting in 2014.

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- 5**      **No registration weekend.** Adds § 84.922, subd. 14. Requires the commissioner to designate one weekend each year when unregistered ATVs and nonresident ATVs without a state trail pass may be operated on state and grant-in-aid ATV trails.
- 6**      **Prohibitions on youthful operators.** Amends § 84.9256, subd. 1. Increases the eligible age to receive an ATV safety certificate to 18 (from 16). Exempts those 12 to 15 from requirements to have a driver's license in order to operate an ATV on the bank, slope, or ditch of a public road right-of-way if they have a valid ATV safety certificate and are accompanied by a parent or legal guardian on a separate ATV.
- 7**      **Pass required; fee.** Amends § 84.9275, subd. 1. Requires a tribal member exempt from ATV registration requirements to purchase a nonresident ATV state trail pass in order to ride on state or grant-in-aid ATV trails starting in 2014.
- 8**      **Operation on roads and right-of-ways.** Amends § 84.928, subd. 1. Provides an exemption from ATV restrictions to allow a person to operate a class 2 ATV on the bank, slope, or ditch of a public road right-of-way of a trunk highway in order to access a business or make a trail connection and allows left hand turns from any part of the road if it safe. Allows a road authority or the commissioner (under certain circumstances) to restrict this activity using existing authorities.
- 9**      **Service provider.** Amends § 84D.01, subd. 15a. Amends the definition of service provider to include someone who decontaminates water-related equipment. Service providers are subject to certain aquatic invasive species training requirements.
- 10**     **Commercial fishing and turtle, frog, and crayfish harvesting restrictions in infested and noninfested waters.** Amends § 84D.03, subd. 4. Changes the requirement for commercial fishing so that they are required to remove aquatic plants prior to putting equipment into water, rather than when the equipment is removed from the water.
- 11**     **Aquatic macrophytes.** Amends § 84D.09. Removes two exceptions from the prohibition on transporting aquatic plants and requires those activities to be permitted through a special permit from the commissioner.
- 12**     **Launching prohibited.** Amends § 84D.10, subd. 1. Technical.
- 13**     **Persons transporting water-related equipment.** Amends § 84D.10, subd. 4. Provides an exemption to the requirement to drain water and leave the plug open for commercial vehicles (excluding watercraft) specifically designed for water hauling that are transporting noninfested waters provided the water is not discharged to or within 100 feet of other surface waters. Also provides an exemption for a person transporting water from noninfested waters for firefighting or emergencies.
- 14**     **Inspector authority.** Amends § 84D.105, subd. 2. Allows aquatic invasive species inspection sites to serve multiple public accesses on a single water body and subjects the stations to certain requirements that currently apply to locations serving multiple water bodies.

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- 15**      **Transport of water.** Adds § 84D.11, subd. 2b. Allows the commissioner to issue a permit or authorization under a license/permit to allow the transportation of water in containers or water-related equipment specifically designed to haul water.
- 16**      **Transport of aquatic macrophytes.** Adds § 84D.11, subd. 2c. Allows the commissioner to issue a permit to allow the transportation of aquatic plants to locations specified in a permit for purposes of research, education, and decontaminating equipment.
- 17**      **Special permits.** Adds § 84D.11, subd. 2d. Allows the commissioner to issue general permits to a government subdivision or the general public to conduct one or more activities regulated under the section under a single permit. Activities include: possession, importation, and other activities related to prohibited invasive species; introduction of regulated invasive species; and harvesting bait from infested waters.
- 18**      **Cumulative remedy.** Adds § 84D.13, subd. 2. Clarifies that a peace officer (as is the case for conservation officers) cannot seek additional penalties if the officer has issued a civil citation.
- 19**      **Training for offenders.** Adds § 84D.13, subd. 9. Requires someone convicted of an invasive species violation involving water-related equipment to complete the aquatic invasive species course developed by the commissioner for purposes of the aquatic invasive species decal requirement passed last session beginning July 1, 2015.
- 20**      **Wild animal exemption.** Amends § 85A.02, subd. 10. Removes a reference to chapters of law that the legislature previously repealed or renumbered (chapters 19, 97, 98, 99, 100, and 101). Exempts the Minnesota Zoological Board from chapters 35 “Animal Health,” 97A “Game and Fish,” 97B “Hunting,” and 97C “Fishing.”
- Requires the Minnesota Zoological Board to request a permit from the Board of Animal Health (BAH) for any exemption from requirements in chapter 35 or corresponding rules issued by BAH. Requires the Minnesota Zoological Board to request a permit from the Department of Natural Resources (DNR) for any exemption from requirements in chapters 97A, 97B, 97C, or corresponding rules issued by the DNR
- 21**      **Rice boat.** Adds § 86B.005, subd. 15a. Defines “rice boat” as a nonmotorized watercraft being used for harvesting wild rice.
- 22**      **Watercraft.** Amends § 86B.005, subd. 18. Technical.
- 23**      **Waterfowl boat.** Amends § 86B.005. Defines “waterfowl boat” as a watercraft being used while hunting waterfowl.
- 24**      **Training for offenders.** Adds § 86B.13, subd. 1a. Requires someone convicted of an invasive species violation involving water-related equipment to complete the aquatic invasive species course referenced above prior to operating or using water-related equipment beginning July 1, 2015.

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- 25 Exemptions.** Amends § 86B.301, subd. 2. Exempts watercraft covered by a valid license or number issued by a federally recognized Indian tribe in the state under a federally approved licensing or numbering system that is owned by a member of that tribe from state watercraft licensing requirements starting in 2015.
- 26 Personal floatation or lifesaving devices.** Amends § 86B.501, subd. 1. Technical.
- 27 Exempt watercraft.** Amends § 86B.825, subd. 2. Technical.
- 28 Cooperative farming agreements.** Amends § 97A.135, subd. 3. Adds aquatic management areas to the list of areas that the commissioner may enter into cooperative farming agreements regarding without using a competitive bidding process.
- 29 Seizure.** Amends § 97A.420, 1. Clarifies that when a hunting license is seized when the restitution value of the animal(s) is more than \$500 that, in the case of big game, all licenses to take big game are seized, and, in the case of small game, all licenses to take small game are seized.
- 30 Taking deer; disabled veterans.** Amends § 97A.441, subd. 6. Requires the commissioner to issue a permanent card to a person upon request that provides proof the person meets the 100 percent disability requirements for a free deer hunting license.
- 31 Taking small game; disabled veterans.** Amends § 97A.441, subd. 6a. Requires the commissioner to issue a permanent card to a person upon request that provides proof the person meets the 100 percent disability requirements for a free small game hunting license.
- 32 Angling; Take a Kid Fishing Weekends.** Amends § 97A.445, subd. 1. Allows a resident to take fish by spearing without a license during the Take a Kid Fishing Weekends. Allows the commissioner to establish the three-day weekends by written order published in the State Register and exempts the order from rulemaking provisions.
- 33 Residents age 16 or 17; spearing.** Adds § 97A.451, subd. 2a. Allows 16 and 17 year old residents to spear fish without spearing licenses, but they must have an angling license.
- 34 Residents and nonresidents under age 16; small game.** Amends § 97A.451, subd. 3. Aligns the resident and nonresident small game hunting provisions that apply to those under age 16 so that they are the same.
- 35 Nonresidents age 16 or over and under age 18; small game.** Amends § 97A.451, subd. 3b. Removes existing provisions that apply to nonresidents under age 16 hunting small game that have been aligned with residents in the previous section.
- 36 Residents and nonresidents under age 16; big game.** Amends § 97A.451, subd. 4. Aligns the resident and nonresident big game hunting provisions that apply to those under age 16 so that they are the same.

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- 37 Nonresident youth; angling.** Amends § 97A.451, subd. 5. Allows 16 and 17 year old nonresidents to spear fish without spearing licenses, but they must have an angling license. Allows nonresidents under age 16 to spear fish without a spearing or angling license.
- 38 Resident hunting.** Amends § 97A.475, subd. 2. Specifies that there is no fee for a resident: age 12 or younger to take turkey; or age 10, 11, or 12 to take deer by firearm, archery, or muzzleloader.
- 39 Nonresident hunting.** Amends § 97A.475, subd. 3. Reduces nonresident youth hunting fees applicable to 13- through 17-year-olds from \$15 to \$5 for the following hunting licenses: turkey, firearms deer, deer by archery, deer by muzzleloader, and small game (for those 16 or 17). Specifies that there is no fee for a nonresident: age 12 or younger to take turkey; or age 10, 11, or 12 to take deer by firearm, archery, or muzzleloader.
- 40 Minnesota sporting; super sports.** Amends § 97A.475, subd. 8. Reduces the license fee for the Minnesota sporting license (which allows the taking of fish and small game) for individuals age 18 or over (from \$92.50 to \$86.50) and for a married couple (from \$118.50 to \$110.50).
- 41 Licenses to be sold and issuing fees.** Amends § 97A.485, subd. 6. Establishes a \$1 issuing fee for the following licenses: prairie chicken; turkey; elk; moose; wolf; applications for certain hunting licenses offered through limited drawings; and certain licenses issued without a license fee. Increases the issuing fee a licensing agent may charge from \$1 (from \$.50) when an issuing fee is not specified.
- 42 Parent or guardian responsibility; violation.** Amends § 97B.0215. Modifies provisions that prohibit a guardian from knowingly allowing a minor to hunt in violation of game and fish laws so that the prohibition applies to all guardians, not just legal guardians as stated in current law.
- 43 Apprentice hunter validation requirements.** Amends § 97B.022, subd. 2. Expands the apprentice hunter validation option to nonresidents. States that an adult accompanying an individual with an apprentice hunter validations hunting turkey or prairie chicken does not have to be licensed to hunt in the same permit area or time period. States that if the adult does not have a license for the same permit area/time period the adult may not possess a firearm/bow while accompanying the apprentice hunter.
- 44 Restrictions related to motor vehicles.** Amends § 97B.055, subd. 2. Allows a person to transport an uncased bow from a motorized watercraft and take rough fish from the boat according to the nighttime restriction on motors used while bow fishing (modified later in this bill).
- 45 Special hunts.** Amends § 97B.112. Allows the commissioner to establish criteria, special seasons and limits for adult hunters (in addition to youth hunters as allowed under current law) to take big and small game by firearms or archery as part of the agency's effort to recruit and retain hunters.

**Section**

- 46**      **Certain aquatic life prohibited for bait.** Amends § 97C.341. Allows the commissioner to adopt rules to authorize the use of game fish eggs as bait in Lake Superior and its tributaries.
- 47**      **Period when use prohibited.** Amends § 97C.345, subd. 1. Modifies dates when spearing fish is prohibited.
- 48**      **Possession.** Amends § 97C.345, subd. 1. Modifies dates when a spear may be possessed on or near waters.
- 49**      **Taking rough fish by spearing.** Amends § 97C.375. Allows suckers to be taken by spear from the last Saturday in April through the last Sunday in February.
- 50**      **Season.** Amends § 97C.376, subd. 1. Establishes an early bow fishing season south of State Highway 210 that begins the Monday after the last Sunday in February and goes until the Friday before the last Saturday in April. Allows the bow fishing to be done during any time of day, but limits it to only fishing from a boat while on a lake or on the Mississippi, Minnesota, or St. Croix Rivers.
- 51**      **Possession of bows and arrows.** Amends § 97C.376, subd. 3. Modifies spearing possession provisions to adjust to the new early bow fishing season established in the previous section.
- 52**      **Nighttime restrictions on motors.** Amends § 97C.376, subd. 3. Removes the requirement that a person bow fishing using a gasoline-powered motor must use a four-stroke engine powered generator from sunset to sunrise. States that the noise limits while bow fishing must not exceed 65 decibels on the A scale measured from 50 feet or an equivalent noise level at other distances in a pass-by test specified by the commissioner. States that the noise limits must be determined according to existing test procedures approved by the commissioner. States that these requirements do not preclude the enforcement of other laws related to motorboat noise.
- 53**      **Antler point restrictions.** Prohibits the DNR from imposing antler point restrictions in areas outside the Series 300 deer permit areas without legislative approval.
- 54**      **Rulemaking; game fish eggs as bait.** Requires the commissioner to amend Minnesota Rules to permit the purchase and sale of spawn bags only if the bags are made of fish eggs from a licensed aquaculture facility or from a source outside of the state that has been certified disease-free and have been preserved and labeled as required. Also requires the commissioner to amend rules to allow eggs from trout harvested from Lake Superior or its tributaries to be used to make spawn bags that may only be used in Lake Superior or its tributaries. Allows the commissioner to use the good cause exemption from rulemaking in making these amendments.
- 55**      **Rulemaking; wildlife restitution value for sandhill cranes.** Requires the commissioner to establish a restitution value of \$200 for a sandhill crane in Minnesota Rules and allows the commissioner to use the good cause exemption from rulemaking to do so.

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- 56 Rulemaking; spearing rough fish.** Requires the commissioner to amend Minnesota Rules to make seasons for spearing rough fish consistent with the changes made in the act.
- 57 Rulemaking; removing spearing restrictions.** Requires the DNR to amend its rules to remove restrictions on taking fish by spear on specified lakes. Authorizes use of the “good cause” rulemaking process to make this change.
- 58 Revisor’s instruction.** Requires the revisor to replace the term “duck boat” with “waterfowl boat” wherever it appears in Minnesota Rules, part 6110.1200, subpart 3.
- 59 Repealer.** Repeals: § 84D.01, subd. 22 (definition of zebra mussel); § 97A.451, subd. 4a (nonresident big game provisions for those under age 16); § 97C.346 (ban on returning carp and buffalo taken by netting back into the water); and Laws 2011, First Spec. Sess. ch. 2, art. 5, § 69, (establishing restrictions on the commissioner of natural resources if the commissioner adopted rules that imposed antler point restrictions in certain deer permit areas in southeastern Minnesota).