

House Research Act Summary

CHAPTER: 290

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TOPIC: Omnibus Game and Fish

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Overview

This act contains various provisions related to the state's game and fish laws including a number of provisions brought forth by the Department of Natural Resources (DNR).

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- 1** **Conservation project.** Amends § 84.154, subd. 1. Removes obsolete language related to the Lac qui Parle River water control project.
- 2** **Commissioner may complete Lac qui Parle and Big Stone Lake projects.** Amends § 84.154, subd. 2. Removes obsolete language related to the Lac qui Parle River and Big Stone Lake water control projects.
- 3** **Powers of commissioner.** Amends § 84.154, subd. 3. Removes obsolete language.
- 4** **Off-highway vehicle and snowmobile seasonal restrictions.** Amends § 84.777, subd. 2. Adds snowmobiles to the list of vehicles prohibited from being operated on state forest lands during the firearms deer hunting season with certain exceptions. Existing restrictions on the use of snowmobiles during the firearms deer season contained in rules are repealed later on in the bill.
- 5** **Snowmobile operation during the firearms deer season.** Adds § 84.87, subd. 5. Adds a reference to the prohibition on operating snowmobiles on state forest lands added in the previous section and rules adopted by the commissioner.
- 6** **All-terrain vehicle or vehicle.** Amends § 84.92, subd. 8. Modifies the definition of an all-terrain vehicle (ATV) to mean a vehicle with low pressure or nonpneumatic tires (rather than flotation tires as provided under current law).

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- 7** **Class 1 all-terrain vehicle.** Amends § 84.92, subd. 9. Increases the maximum weight (from 1,000 to 1,200 pounds) for an ATV to be considered a “class 1” ATV.
- 8** **Class 2 all-terrain vehicle.** Amends § 84.92, subd. 9. Increases the minimum weight (from 1,000 to 1,200 pounds) for an ATV to be considered a “class 2” ATV.
- 9** **Designation of acquired sites.** Amends § 84.944, subd. 2. Technical (related to the repeal of the provision providing for muskellunge lake designations contained in the bill).
- 10** **Eminent domain.** Amends § 84.10. Removes obsolete language related to the Red Lake Game Preserve (now the Red Lake Wildlife Management Area (WMA)).
- 11** **Certain certificates accepted and validated.** Amends § 84A.50. Technical.
- 12** **Inspect.** Amends § 84D.01, subd. 8b. Adds collection and sampling to the list of activities defining “inspect” for purposes of chapter 84D (Invasive Species).
- 13** **Trap shooting sports facility grants.** Adds § 87A.10. Requires the commissioner of natural resources to administer a grant program to provide cost-share grants to local recreational shooting clubs for up to 50 percent of the cost of developing/rehabilitating trap shooting facilities for public use. Requires a facility rehabilitated/developed with a grant under this section to be open to the general public. Requires the commissioner to give preference to projects that provide the most opportunities for youth.
- 14** **Ownership of wild animals.** Amends § 97A.025. Removes reference to wild rice and other aquatic vegetation provisions from a provision pertaining to wild animals.
- 15** **Citizen oversight committees.** Amends § 97A.055, subd. 4b. Exempts the citizen oversight committees (Fisheries, Wildlife, and Budgetary) from general advisory council/committee requirements and provides authorization for the members to request reimbursement for mileage expenses. Prohibits members from receiving daily compensation.
- 16** **Hatcheries.** Amends § 97A.131. Removes reference to “game farms” in a provision permitting the DNR to acquire property and construct/operate facilities.
- 17** **Use of motorized vehicles by disabled hunters.** Amends § 97A.137, subd. 3. Adds highway-licensed vehicles and motor boats to the list of vehicles that a disabled hunter may use in WMAs under special permit.
- 18** **Crossing state land.** Adds § 97A.137, subd. 6. Allows the commissioner to grant a permit to cross WMA land to provide temporary access to federal, county or privately owned lands for resource management purposes. States that the permit is revocable any time subject to the conditions of the permit. States that the commissioner may grant permission for a private landowner or leaseholder to cross a WMA under a permit by motorized vehicle when it is the only reasonable access and it is consistent with the maintenance and management of wildlife lands.

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- 19 Refunds.** Amends § 97A.311, subd. 5. Allows the DNR to issue refunds for licenses when evidence that the license was issued incorrectly by the DNR or licensing agent is provided.
- 20 License corrections.** Amends § 97A.311. Allows the DNR to correct a license and refund the difference/charge the difference if evidence that the wrong license was issued is provided, the request is made within 30 days of issuance, and the season/licensed activity has not yet started.
- 21 Replacement turkey licenses.** Amends § 97A.405, subd. 4a. Allows a turkey hunter to make a license change to his/her turkey license.
- 22 Number of licenses issued.** Amends § 97A.434, subd. 1. Technical.
- 23 Angling and spearing; disabled residents.** Amends § 97A.441, subd. 1. States that a driver's license or ID card issued by the state with the applicable disability designation (under a new designation system proposed in this bill) is satisfactory evidence to prove eligibility for a free angling/spearing license available to certain disabled individuals.
- 24 Angling; disabled veterans.** Amends § 97A.441, subd. 5. States that a driver's license or ID card issued by the state with the applicable disability designation (under a new designation system proposed in this bill) is satisfactory evidence to prove eligibility for a free angling license available to certain disabled veterans.
- 25 Taking deer; disabled veterans.** Amends § 97A.441, subd. 6. States that a driver's license or ID card issued by the state with the applicable disability designation (under a new designation system proposed in this bill) is satisfactory evidence to prove eligibility for a free deer hunting license available to certain disabled veterans.
- 26 Taking small game; disabled veterans.** Amends § 97A.441, subd. 6a. States that a driver's license or ID card issued by the state with the applicable disability designation (under a new designation system proposed in this bill) is satisfactory evidence to prove eligibility for a free small game license available to certain disabled veterans.
- 27 Lifetime spearing license; fee.** Amends § 97A.473, subd. 2a. Reduces all the fees for lifetime spearing licenses.
- 28 Lifetime angling and spearing license; fee.** Amends § 97A.473, subd. 2b. Reduces the fee for a lifetime angling and spearing license for individuals age 16 to 50.
- 29 Lifetime sporting license; fee.** Amends § 97A.473, subd. 5. Reduces the fees for lifetime sporting licenses for all individuals except those ages 16 to 50.
- 30 Lifetime sporting with spearing option license; fee.** Amends § 97A.473, subd. 5a. Reduces the fees for lifetime sporting with spearing option licenses for all individuals except those age 51, which are increased.
- 31 Resident hunting.** Amends § 97A.475, subd. 2. Establishes youth bear hunting fees for residents as follows: no fee for those 10 through 12; and \$5 for those 13 through 17.

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- 32 Nonresident hunting.** Amends § 97A.475, subd. 3. Establishes youth bear hunting fees for nonresidents as follows: no fee for those 10 through 12; and \$5 for those 13 through 17.
- 33 Licenses to be sold and issuing fees.** Amends § 97A.485, subd. 6. Removes the \$1 issuing fee for licenses and tags issued without a fee.
- 34 Deer killed by motor vehicles.** Amends § 97A.502. Removes a requirement of the DNR to provide all road authorities with forms for tracking deer killed by motor vehicles.
- 35 Remaining on land prohibited after notice.** Amends § 97B.001, subd. 3. Modifies the trespass law to prohibit a person from returning within one year to any land they are told to leave.
- 36 Entering posted land prohibited; signs.** Amends § 97B.001, subd. 4. Clarifies the trespass law to identify the applicable gross misdemeanor penalty for a person who “knowingly” enters lands posted as no trespassing. Current law establishes a gross misdemeanor penalty for those who knowingly disregard signs prohibiting trespass or who trespass after personally being notified to leave.
- 37 Use of firearms and taking in certain areas.** Amends § 97B.001, subd. 7. Modifies the prohibition on discharging a firearm near a livestock corral/stockade to apply only for those used for confining livestock for the purpose of “normal commercial livestock holding and sorting operations” and exempts a person hunting during an established hunting season on state or local government land from the prohibition.
- 38 Scopes; visually impaired hunters.** Amends § 97B.031, subd. 5. States that a permit to have a scope on a muzzleloader is not required in order to use an electronic range finder while hunting during certain times as established in the next section.
- 39 Crossbow hunting; age 60 or over.** Adds § 97B.037. Allows a person age 60 or over to take a deer, bear, turkey, or rough fish with a crossbow.
- 40 Exceptions.** Amends § 97B.081, subd. 3. Allows the use of an electronic range finder from one-half hour before sunrise until one-half after sunset while lawfully hunting.
- 41 Possession of night vision or thermal imaging equipment.** Amends § 97B.086. Prohibits the use of thermal imaging equipment while hunting or possessing a firearm or bow.
- 42 Disturbing and taking from burrows and dens.** Amends § 97B.095. Recodifies provisions that prohibit a person from removing a fox from a den or trapping a fox within 300 feet of a den from April 1 to August 31 and that prohibit a person from taking a raccoon from a den or hollow tree.
- 43 Prohibited hunting methods.** Amends § 97B.099. Prohibits a person from taking a protected wild animal using an open fire or smoke or by cutting down a tree occupied by the animal. Similar restrictions specific to taking squirrels and raccoons are being repealed in the bill.

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- 44 Establishment; requirements.** Amends § 97B.111, subd. 1. States that a driver's license or ID card issued by the state with the applicable disability designation (under a new designation system proposed in this bill) is satisfactory evidence to prove eligibility for special hunts for the disabled.
- 45 Wolves.** Adds § 97B.331. States that a person who unlawfully takes, transports, or possesses a wolf and has a prior conviction involving wolves is liable for a civil penalty equal to the restitution value of a wolf (currently \$500).
- 46 Elk management plan.** Amends § 97B.516. Removes the requirement that the DNR adopt an elk management plan that restricts elk to nonagricultural lands.
- 47 Commissioner may restrict taking of small game animals.** Amends § 97B.605. Expands the commissioner's authority to set seasons, limits, restrictions and areas where certain game may be taken to apply to all small game (provisions providing specific authority for certain small game species are repealed later on in the bill).
- 48 Wolf management.** Amends § 97B.646. Requires the DNR to compile, quarterly, a list of known wolf deaths based on conservation officer reports and post the list on the department's Web site.
- 49 Owners and occupants may take certain animals.** Amends § 97B.655, subd. 1. Technical.
- 50 Permits and notice; requirements.** Amends § 97B.667, subd. 3. Technical.
- 51 Local beaver control programs.** Amends § 97B.667, subd. 4. Technical.
- 52 Canada geese causing damage.** Amends § 97B.668. Permits a landowner or an agent of the landowner to scare, haze, chase or harass Canada geese that are causing damage to the person's property from March 11 to August 31. States that this section does not apply to public waters or geese on nests unless under permit.
- 53 Migratory game birds.** Amends § 97B.731, subd. 1. Provides the commissioner's authority to set areas for the taking of migratory birds.
- 54 Minnows and leeches; invasive species training required.** Adds § 97C.502. Requires minnow dealers and their employees to annually complete aquatic invasive species training provided by the DNR before taking, selling or transporting minnows and requires them to have a valid invasive species training certificate in their possession when doing so. Exempts those who only sell minnows for the dealer at a retail location from the requirements.
- Requires residents under 18 to complete aquatic invasive species training provided by the DNR before taking, selling or transporting leeches and have a valid training certificate in their possession while doing so.
- States that the section is effective March 1, 2015.
- 55 Possession, sale, and transportation of commercial fish.** Amends § 97C.821. Requires commercial fishing licensees and each apprentice working for them to annually complete

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invasive species training provided by the DNR and pass an examination in order to take, sell, or transport commercial fish. Requires them to have a valid training certificate in their possession while taking, selling, or transporting commercial fish.

States that the section is effective March 1, 2015.

- 56** **Veterans designation.** Amends § 171.07, subd. 15. Requires Driver and Vehicle Services (DVS) to issue/renew, upon request, driver's licenses or ID cards with a new 100 percent disabled veteran designation provided satisfactory evidence is provided. Provides a delayed effective date.
- 57** **Disability designation.** Adds § 171.07, subd. 17. Requires DVS to issue/renew, upon request, driver's licenses or ID cards with a disability designation to serve as proof of eligibility for various hunting and fishing privileges available to disabled individuals. Provides a delayed effective date.
- 58** **Conduct of raffles.** Amends § 349.173. Allows an organization that is licensed by the Gambling Control Board to conduct a raffle in conjunction with a wild game or fish taking event. Allows tickets combining the price for the contest and the raffle to be sold.
- 59** **Fish and Wildlife Management.** Amends Laws 2008, ch. 363, art. 5, sec. 4, subd. 7 as amended. Modifies a previous appropriation from the heritage enhancement account to allow its use for shooting sports facilities, including the Itasca County Gun Club and grants for trap shooting facilities under the new trap shooting facility grants program established in this act.
- 60** **Hybrid and narrow-leaved cattail control; Loring Park Lake.** Allows the Minneapolis Park and Recreation Board to mechanically remove and chemically control all hybrid and narrow-leaved cattails in Loring Park Lake in Hennepin County and replant the shoreland in accordance with permits issued by the DNR in 1997 and 2014. States that the authority to remove the cattails under the permits is continuous.
- 61** **Refunds; lifetime licenses.** Allows the commissioner to issue refunds for the difference between the current and new lifetime license fee reductions in the bill to individuals who purchased lifetime licenses between March 1, 2013 and the effective date of the act.
- 62** **Gray partridge bag limit; rulemaking.** Requires the commissioner to amend rules to prohibit a person from taking more than five gray partridge a day or possessing more than ten at a time. Allows the commissioner to use the good cause exemption from rulemaking provisions when making the change.
- 63** **Rulemaking; snowmobile operation during firearms deer season.** Requires the commissioner to amend rules to state that a licensed deer hunter may operate a snowmobile on state and grant-in-aid trails during the deer season and to remove reference to the rule governing snowmobile use during the open deer season which is repealed in this bill. Allows the commissioner to use the good cause exemption from rulemaking when making the change.

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- 64 Rulemaking; use of rabbits and hares to train dogs.** Requires the DNR to amend rules to state that a person may use dogs to pursue rabbits/hares without killing/capturing them except between April 16 and July 14. Allows the commissioner to use the good cause exemption from rulemaking when making the change.
- 65 Minnesota River Valley; master plan.** Requires the DNR to develop a master plan for the Minnesota River Valley area in Redwood and Renville Counties and specifies requirements for the plan.
- 66 Muskellunge minimum size limit; rulemaking.** Requires the DNR to amend its rules by March 1, 2015, to increase the minimum size limit for muskellunge in all inland waters to 54 inches in length except for muskellunge-northern pike hybrid lakes in the seven-county metropolitan area and certain lakes.
- 67 Quail recovery plan; report.** Requires the DNR to develop a feasibility study for the restoration of a wild population of quail and report on the progress to the legislature no later than January 15, 2015.
- 68 Fishing pier on Long Lake; Stearns County.** Requires the DNR to work with a nonstate entity to establish a fishing pier on Long Lake in Stearns County.
- 69 Revisor's instruction.** Instructs the Revisor to update the statutory references to the Red Lake Game Preserve statutes to reflect the repeal of some of them in the next section.
- 70 Repealer.** Repeals: § 84.154, subd. 5 (obsolete language regarding establishment of a fund for the Lac qui Parle water control project); § 84A.04, § 84A.08, and § 84A.11 (obsolete provisions related to the Red Lake Game Preserve (now WMA)); § 97A.081 (stating that the DNR may post land acquired for public hunting grounds and other purposes to identify their management purposes); § 97A.083 (duplicative requirement of DNR to allow hunting and fishing and requirement to publish information on hunting and fishing on state land); § 97A.445, subd. 3 (angling and spearing license exemption for certain disabled railroad and postal retirees); § 97A.4742, subd. 3 (requirement to report on the adequacy of lifetime license fees and make recommendations); and § 97B.061 (allowing the DNR to request that a person submit a form on the number and kinds of game animals they took during the previous year).

Repeals a number of provisions establishing authority to set seasons and prescribing requirements for the taking of various small game that are replaced with more general authority in an earlier section of the bill, including the repeal of: § 97B.611 (provisions establishing dates and methods for taking squirrels); § 97B.615 (provisions establishing date parameters for the rabbit and hare season); § 97B.621, subd. 1 and 4 (provisions establishing authority to prescribe an open season for raccoons and limits on methods of taking them (recodified elsewhere in the bill)); § 97B.625 (provisions establishing authority to set an open season for bobcats and limits on the use of snares); § 97B.631 (restrictions on taking fox from or near dens (recodified elsewhere in the bill)); § 97B.635 (authority to set seasons for fisher, badger, opossum and pine martens); § 97B.711 (authority to prescribe open seasons and restrictions for taking certain upland game birds, provisions establishing date

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parameters for the seasons and bag limits); § 97B.715, subd. 2 (possession limits for hen pheasants); § 97B.803 (authority to prescribe seasons, limits and areas for taking migratory waterfowl); § 97B.911 (authority to prescribe seasons and restrictions for taking muskrat); § 97B.915 (authority to prescribe seasons and restrictions for taking mink); § 97B.921 (authority to prescribe seasons and restrictions for taking otter); and § 97B.925 (authority to prescribe seasons and restrictions for taking beaver).

Also repeals: § 97C.011 (authority to designate musky lakes); § 97C.081, subd. 5 (allowing raffles in connection with fish contests no longer needed due to section 58); § 97C.827 (obsolete provision related to encouraging the taking of rough fish and issuing commercial fishing licenses for taking rough fish on Lake of the Woods); and Minnesota Rules part 6100.5100 (restrictions on using snowmobiles in areas open to deer hunting during the firearms deer season which are modified and codified in a previous section of the bill).