

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H. F. 94
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Subject: Game & Fish Overlimit Violations
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Overview

This bill stems from a law passed in 2000, chapter 466, section 6, that required a report from the commissioner of the department of natural resources (DNR) on increased penalties for gross violations of taking game and fish resources.

Section

- 1 **Restitution values.** Defines "restitution value of wild animals" for purposes of this bill.
- 2 **Confiscated property.** Authorizes the seizure by an officer of all equipment used in a gross overlimit situation
- 3 **Two or more people.** Mandates joint and several liability, when two or more people are involved in a gross overlimit situation.
- 4 **Gross overlimits.** Makes all gross overlimit violations (when restitution value over \$1,000) a gross misdemeanor. The varying degrees affect the scope and length of license revocations (see sections 5 and 6 of the bill).
- 5 **License seizure.** Requires immediate seizure of the license involved by an officer when the restitution value is at least \$500. When the value is \$1,500 or more, all game and fish licenses of the violator must be seized and no duplicate license is allowed.

Subdivision 2 provides for an administrative appeal to the DNR Commissioner by an individual under license seizure. Subdivisions 3 and 4 provide for judicial review of a licensure seizure. Certain allowances are made for commercial license holders. Subdivision 6 provides for release or revocation of a license seizure

- 6 **License revocation.** Provides for after a three-year period upon conviction, and after five years for more serious violations. No court stay of these revocation provisions is allowed.
- 7 **License reinstatement.** Allows limited licenses to be reinstated by the DNR commissioner, if

no injury to the public welfare.

8 **Minnow dealers.** Describes possession for minnows not over four inches in length.

9 **Commercial netting.** Allows, under certain circumstances, incidentally taken fish in a commercial netting operation.

10 **Rules.** Requires the amendment of permanent rules by the DNR for this bill, and mandates a restitution value of \$100 for a canvasback duck, \$1,000 for a trumpeter swan, \$10 for a yellow perch of 12 inches or less, and \$1 for fish under four inches.

11 **Effective date.** March 1, 2003.