

HOUSE RESEARCH

Bill Summary

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Overview

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Article 1: Game and Fish Policy

Overview

This article includes a number of policy provisions related to the state's game and fish laws. It includes the related policy recommendations from the Department of Natural Resources (DNR) and various other policy provisions, including:

- (1) permitting the use of two lines while angling (proposed in H.F. 22);
- (2) permitting nonresidents to spear (proposed in H.F. 26);
- (3) removing bow and gun casing requirements under certain conditions (a modified version of a proposal in H.F. 128);
- (4) modifications to disabled hunting and ATV use provisions (a modified version of a proposal in H.F. 150);
- (5) modifications to bear hunting provisions, including permitting the use of bait barrels and allowing stands used for bear hunting to be left overnight in a WMA under certain conditions (a modified version of a proposal in H.F. 477); removing slot limits for northern pike taken by spear (proposed in H.F. 621);
- (6) modifications to waterfowl decoy use requirements (modified versions of proposals contained in H.F. 709 and H.F. 1287);
- (7) allowing residents 90 years old and older to fish without a license (modified version of a proposal in H.F. 1712); and
- (8) others (including provisions from H.F. 304, H.F. 652, H.F. 1119, H.F. 1138, and H.F. 2122).

- 1 **General conditions for regulation of aquatic farms.** Amends § 17.4981. Exempts the commissioner from the standard rulemaking process when establishing licensing and other fees for aquaculture.
- 2 **Inspection and additional fees.** Amends § 17.4988, subd. 3. Exempts the commissioner from the standard rulemaking process when establishing licensing and other fees for aquaculture.
- 3 **Game and fish rules.** Amends § 84.027, subd. 13. Permits the commissioner to open waters for night bow fishing through emergency rule.
- 4 **Refunds.** Amends § 84.788, subd. 11. Allows registration fees for off-highway motorcycles to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.
- 5 **Refunds.** Amends § 84.798, subd. 10. Allows registration fees for off-road vehicles to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.
- 6 **Refunds.** Amends § 84.82, subd. 11. Allows registration fees for snowmobiles to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.
- 7 **Refunds.** Amends § 84.922, subd. 12. Allows registration fees for all-terrain vehicles to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.
- 8 **Refunds.** Amends § 86B.415, subd. 11. Allows registration fees for watercrafts to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.
- 9 **Deer, bear, and lifetime licenses.** Amends § 97A.075, subd. 1. Technical.
- 10 **Waterfowl feeding and resting areas.** Amends § 97A.095, subd. 2. Modifies the electric motor restriction while in waterfowl feeding and resting areas from one with 30 pounds of thrust or less to one that is 12 volts or less.
- 11 **Exemption from certain local ordinances.** Adds § 97A.137, subd. 4. Exempts wildlife management areas (WMA's) that are 160 contiguous acres or larger from local ordinances that limit the use and management of the area, and exempts WMA's that are at least 40 acres but less than 160 acres from ordinances that: restrict trapping, the discharge of archery equipment and certain firearms, or noise; require dogs to be leashed; or otherwise restrict the vegetation management of the area. States that WMA restrictions in place as of May 1, 2009, are not superseded by this section.

- 12** **Portable stands.** Adds § 97A.137, subd. 5. Allows a person with a valid bear license, prior to the Saturday on or nearest to September 16, to leave a portable stand in a WMA within 100 yards of a legally tagged and registered bear bait site. Requires a person leaving such a stand to affix their name and address to the stand so that it can be seen from the ground.
- 13** **Replacement licenses.** Adds § 97A.405, subd. 4. Makes technical changes and removes a provision that allowed a person submitting an archery and firearms license for replacement to apply the value of both licenses to the replacement license fee.
- 14** **General.** Amends § 97A.421, subd. 1. Adds trapping to the list of game and fish law violations that, when convicted of violating a second time, result in the loss of the annual license.
- 15** **Owners or tenants of agricultural land.** Amends § 97A.411, subd. 3. Technical.
- 16** **Angling; Take a Kid Fishing Weekends.** Amends § 97A.445, subd. 1. Allows those age 16 or older to take a kid fishing under the DNR’s “Take a Kid Fishing Weekend” program without a license (currently only those over 18 are allowed to do so).
- 17** **Residents under age 16; fishing.** Amends § 97A.451, subd. 2. Allows a resident under age 16 to net ciscoes or whitefish for personal consumption without a license. This provision would be effective March 1, 2010.
- 18** **Residents 90 years of age or older; fishing.** Adds § 97A.451, subd. 8. Allows a resident age 90 years of age or older to fish without a license.
- 19** **Residents discharged from active service.** Amends § 97A.465, subd. 1b. Specifies that free deer licenses issued to residents with certain military service are for deer of either sex.
- 20** **Resident hunting.** Amends § 97A.475, subd. 2. Technical
- 21** **Nonresident hunting.** Amends § 97A.475, subd. 3. Technical.
- 22** **Nonresident fishing.** Amends § 97A.475, subd. 7. Adds a license fee for nonresident spearing which would be allowed under another section of the bill.
- 23** **Fish houses, dark houses, and shelters; residents.** Amends § 97A.475, subd. 11. Clarifies that a “shelter” in addition to fish and dark houses must be licensed.
- 24** **Fish houses, dark houses, and shelters; nonresident.** Amends § 97A.475, subd. 12. Clarifies that a “shelter” must be licensed and adds dark houses, which is necessary due to the addition of nonresident spearing which would be allowed under another section of the bill.
- 25** **Private fish hatcheries.** Amends § 97A.475, subd. 29. Exempts the commissioner from the standard rulemaking process when establishing licensing and other fees for private fish hatcheries.

- 26** **Generally.** Amends § 97A.525, subd. 1. Allows a person to transport a wild animal by common carrier if being shipped to a taxidermist, tanner, or fur buyer and eliminates the different requirements for nonresidents and residents (see also the repeal of § 97A.525, subd. 2 included in this bill).
- 27** **Possession of crossbows.** Amends § 97B.035, subd. 2. Removes the bow case requirements for crossbows that apply when in motor vehicles during the open season for game provided the bow is unarmed and removes the restriction when they are outdoors.
- 28** **Exception for disabled persons.** Amends § 97B.045, subd. 2. Allows a disabled person with a permit to hunt from a vehicle to transport an uncased, unloaded gun. This is currently only allowed while participating in special hunts.
- 29** **Exceptions; hunting and shooting ranges.** Adds § 97B.045, subd. 3. Provides an exception to gun casing requirements that apply when transporting a firearm. The exception would allow the transport of an uncased firearm (excluding pistols) while: on a shooting range, provided permission has been granted by the owner; while lawfully hunting on private land; or while traveling to or from a site the person intends to hunt or has hunted that day unless: (1) within an area where the discharge of a firearm has been prohibited; (2) within a city with a population over 2,500; (3) on school grounds; or (4) when otherwise restricted under § 97A.091 (existing restriction while on game refuges); § 97B.081 (existing restriction while using artificial lights (“shining”)); or § 97B.086 (existing restriction while using night vision equipment).
- 30** **Transportation of archery bows.** Amends § 97B.051. Removes existing casing requirements for bows provided they are not armed.
- 31** **Hunting from a vehicle by disabled hunters.** Amends § 97B.055, subd. 3. Allows the commissioner to issue permits to disabled persons to hunt from a vehicle that are valid for the life of the person (currently the permits can only be valid for five years) provided the commissioner determines there is no chance the person will become ineligible for a permit.
- 32** **Possession of night vision equipment.** Amends § 97B.086. Clarifies that restrictions while using night vision equipment apply to all night vision equipment and removes the exemption from the restrictions for peace officers and military personnel.
- 33** **Establishment; requirements.** Amends § 97B.111, subd. 1. Allows the commissioner to authorize a participant in a special hunt for disabled hunters to allow participants to shoot from a stationary vehicle.
- 34** **Definition.** Amends § 97B.328, subd. 3. Modifies the definition of bait for the purposes of restrictions while hunting deer.
- 35** **Baiting bears; use of drum.** Adds § 97B.4251. Permits a private landowner, or a person authorized by the landowner, to hunt bear on the person’s land using a bait barrel and provides a definition for barrels that may be used for this purpose.

- 36** **Unprotected mammals and birds.** Amends § 97B.651. Prohibits a person from importing or exporting a live coyote unless authorized by a permit from the commissioner.
- 37** **Hours for placing decoys.** Amends § 97B.811, subd. 2. Extends the hours for placing decoys when hunting waterfowl, to two hours before lawful shooting (it currently is one hour).
- 38** **Restrictions on leaving decoys unattended.** Amends § 97B.811, subd. 3. Modifies an exemption from waterfowl decoy restrictions for private landowners.
- 39** **Restrictions.** Amends § 97B.931, subd. 1. Expands the types of handguns that a person may not have in possession while using a light when tending traps.
- 40** **Lines.** Amends § 97C.315, subd. 1. Permits an angler to use two lines while taking fish (currently only allowed while fishing through the ice) if the angler purchases a second line endorsement for \$10.
- 41** **Prohibition on returning certain netted rough fish to waters.** Adds § 97C.346. Prohibits a person from releasing certain rough fish (carp and buffalo) that are netted back into the water.
- 42** **License required.** Amends § 97C.355, subd. 2. Clarifies that a “shelter” in addition to fish and dark houses must be licensed.
- 43** **Nonresidents.** Amends § 97C.371, subd. 5. Permits a nonresident to take fish by spearing.
- 44** **Angling and spearing limits.** Amends § 97C.385, subd. 2. Removes northern pike slot limits for spearing.
- 45** **Dates for certain species.** Amends § 97C.395, subd. 1. Extends the winter season for lake trout in lakes located entirely within the BWCA to January 1 to March 31 (currently the season is from January 15 to March 31).
- 46** **Residents under age 16; small game.** Amends Laws 2008, ch. 368, art. 2, § 25. Extends the effective date, by one year, of a requirement passed last session that would require residents under age 16 to get a free license to hunt small game.
- 47** **Elk management plan.** Requires the commissioner to develop, present to the Kittson, Marshall, and Roseau County boards, and implement an elk management plan within 90 days of enactment. If the commissioner fails to develop, present, and implement the plan, the commissioner must establish an open season for elk in the counties to begin in 2009 and continue until the elk population is 30 or less in both Marshall and Kittson Counties.
- 48** **Rulemaking.** Requires the commissioner to amend or adopt rules that establish minimum size limits for muskies on inland waters that establish a 48 inch statewide minimum size limit for muskies and tiger muskies, except for certain lakes managed specifically for tiger muskies in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, in which case the size limit must be 40 inches. Exempts the rules from the standard rulemaking process under the good

cause exemption.

- 49** **Let's Go Fishing.** Appropriates \$150,000 in fiscal years 2010 and 2011 for a grant to Let's Go Fishing of Minnesota.
- 50** **Repealer.** Repeals: § 97A.525, subd. 2 (establishing requirements for transporting wild animals by common carrier for nonresidents); § 97B.301, subd. 7 & 8 (deer season provisions no longer needed due to simplification effort); § 97C.405 (existing muskie size limits); and Minnesota Laws 2008, ch. 368, art. 2, § 25, the effective date.

Article 2: State Land Administration

Overview

This article contains a number of provisions related to the administration of state land.

- 1** **Establishment of boundary lines relating to certain state landholdings.** Amends § 84.0273. Permits the commissioner to sell, by private sale, surplus lands not needed for natural resource purposes (except school trust lands) to adjoining landowners and leaseholders to resolve trespass issues affecting ownership interests of the state or adjoining landowners.
- 2** **Camp Ripley buffer easements.** Adds § 84.0277. Permits the commissioner to acquire perpetual conservation easements from willing landowners consistent with Camp Ripley's Army compatible use buffer project, a three-mile zone around Camp Ripley. Establishes payment formulas to be used in calculating the payments.
- 3** **Arrowhead Region Trails, in Cook, Lake, St. Louis, Pine, Carlton, Koochiching, and Itasca Counties.** Amends § 85.015, subd. 13. Renames the Northshore Trail the C. J. Ramstad Memorial Trail.
- 4** **Timber sales; land leases and uses.** Amends § 282.04, subd. 1. Permits a county auditor, with approval of the county board, to grant permits, licenses, or leases of tax-forfeited land to be used for facilities needed to recover iron-bearing oxides from tailings basins or stockpiles, or for a buffer area needed for a mining operation. Raises the maximum time period for such a permit and similar permits from 15 to 25 years.
- 5** **Acquisition and management.** Amends Laws 1996, ch. 407, § 32, subd. 3. Permits the DNR to lands for the Iron Range off-highway vehicle recreation area.
- 6** **Lake Shetek State Park, Murray County.** Amends Laws 2008, ch. 368, art. 1, § 21, subd. 4. Corrects a legal description.
- 7** **Moose Lake State Park, Carlton County.** Amends Laws 2008, ch. 368, art. 1, § 21, subd. 5. Corrects a legal description.
- 8** **Additions to state parks.** Expands the boundaries of Fort Snelling State Park and Mille Lacs Kathio State Park.

- 9** **Deletions from state parks.** Removes land from Lake Bemidji State Park and Great River Bluffs State Park.
- 10** **Rum River Wild and Scenic River Area.** Requires the commissioner to remove a portion of land near the Rum River from the Wild and Scenic River Area.
- 11** **Wind energy lease.** Requires the commissioner to enter into a 30-year lease of state land with the Mt. Iron Economic Development Authority for the installation of up to four wind turbines and access roads.
- 12** **Veterans Cemetery.** Requires the commissioner to work with the commissioner of veterans affairs to locate sites throughout the state that would be appropriate for a new veterans cemetery.
- 13** **Lake Vermilion easements.** Requires the commissioner to grant easements across state land administered by the DNR to private landowners on Bass Bay on the north shore of Lake Vermilion to access Mud Creek Road (County Highway 408).
- 14** **Signs.** Requires the commissioner to adopt a design to rename the Northshore Trail to the C.J. Ramstad Memorial Trail, and erect signs after the availability of nonstate funds has been identified to cover all the costs of designing, erecting, and maintaining the signs.

Article 3: Land Sales

Overview

This article authorizes the sale, conveyance, and exchange of land and contains other related provisions.

- 1 to 18** **Sale, conveyance, or exchange of lands.** Permits public and private sales, and the exchange of certain lands in locations as described in the bill.
- 19** **Apportionment of proceeds; tax-forfeited lands; Itasca County.** Permits Itasca County to deposit the proceeds from the sale of tax-forfeited lands into a tax-forfeited land replacement trust fund established in 2006 and allows the principle and interest in the account to be used only to replace tax-forfeited lands sold to Minnesota Steel Industries for lands better suited for retention by the county, and requires the lands purchased to become subject to a trust in favor of the governmental subdivision where they are located and be for forest management purposes and dedicated as a memorial forest.
- 20 to 32** **Sale, conveyance, or exchange of lands.** Permits public and private sales, and conveyance of certain lands in locations as described in the bill.
- 33** **Veterans cemetery.** Requires the commissioner to work with the commissioner of veterans affairs to locate sites throughout the state that would be appropriate for a new veterans cemetery.
- 34** **Effective date.** States that sections 1 to 33 are effective the day following final enactment.

Article 4: Forest and Timber Management

Overview

This article includes changes to timber sale requirements for the biennium and authorizes forest management pilot project.

- 1 **Appraised volume timber sales; fiscal years 2010 and 2011.** Requires the commissioner of natural resources to increase the amount of timber products sold from state lands based on the appraiser's estimate of the timber volume described in the permit during fiscal years 2010 and 2011. Requires the commissioner to evaluate these timber sales and other methods used to sell timber from state lands in order to identify the most effective and efficient method or methods in protecting the fiduciary interest of the state and submit a report to the legislature by January 15, 2011.
- 2 **Forest management lease-pilot project.** Allows the commissioner to lease state-owned forest lands for forest management purposes as a pilot project. Requires a lessee to comply with the timber harvesting and forest management guidelines developed by the Forest Resources Council under section 89A.05 and provide public access. States that "state-owned forest lands" under this section include school trust lands and university land granted to the state by Congress. Requires the commissioner to submit a report to the legislature by December 15, 2009, that includes an implementation plan for the pilot project that begins no later than July 1, 2010. Requires an annual report to the legislature once the plan is implemented.