

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill includes various provisions related to game and fish including a number of provisions originally passed as part of the 2010 Omnibus Game and Fish Bill (S.F. 2900) that was vetoed by the Governor, the bill includes:

- a majority of the policy provisions recommended by the Department of Natural Resource's (DNR) that were contained in this bill as introduced, including:
  - o provisions related to damage caused by elk;
  - o provisions related to fish health inspections and infested waters;
  - o provisions related to sandhill crane hunting;
  - o provisions modifying penalties related to big game;
  - o allowing free ice fishing in state parks;
  - o provisions related to the transportation of game birds; and
  - o a number of provisions providing technical clarifications and other technical changes.
- provisions from the following bills:
  - o H.F. 31, related to the possession of deer killed by motor vehicles;
  - o H.F. 124, allowing possession of a permitted handgun while bow hunting;
  - o H.F. 619, removing height restrictions for big game stands;
  - o H.F. 623, modifying the bear permit process;
  - o H.F. 620, allowing the use of a bait barrel when bear hunting;
  - o H.F. 343, modifying the use of waterfowl decoys in public waters;
  - o H.F. 599, expanding road authorities ability to control beavers;
  - o H.F. 225, limiting the number of experimental waters or special management waters designated for northern pike;
  - o H.F. 16, allowing the use of two lines when fishing;
  - o H.F. 242, removing the spearing ban on Cass Lake; and
  - o H.F. 621, allowing counties to have bounties on coyotes.
- other provisions, including increased authorities and duties for the Board of Water and Soil Resources to accommodate a walk-in access program, and limits on special management restrictions the DNR may use in the 300 series deer permit area in southeastern Minnesota.

- 1 Authorization.** Amends § 3.7371, subd. 1. Adds pasture and fences around crops and pasture to the list of items eligible for compensation due to damage caused by elk.
- 2 Compensation.** Amends § 3.7371, subd. 3. Adds pasture and fences around crops and pasture to the list of items eligible for compensation due to damage caused by elk.
- 3 Containment facility.** Amends § 17.4982, subd. 8. Modifies the definition of "containment facility" for purposes of aquaculture and fish health inspection to include facilities licensed for species on the viral hemorrhagic septicemia (VHS) susceptible list published by the United States Department of Agriculture (USDA).
- 4 Fish collector.** Adds § 17.4982, subd. 10a. Defines "fish collector" for purposes of fish health inspections.
- 5 Fish health inspection.** Amends § 17.4982, subd. 12. Modifies the definition of "fish health inspections" by adding procedures done in accordance with the processes contained in the Diagnostic Manual for Aquatic Animal Diseases. Establishes criteria for the inspections, including requiring that collection of samples be done in cooperation with the producer and that testing be done in approved labs. Modifies minimum testing requirements.
- 6 Fish health inspector.** Amends § 17.4982, subd. 13. Modifies the definition of "fish health inspector" to include an individual certified as an aquatic animal health inspector.
- 7 Fish sample collecting.** Adds § 17.4989.
- Subd. 1. Training.** States that a fish collector training class may be offered by any agency or organization with a class and syllabus approved by the commissioner. Specifies the requirements for a class.
- Subd. 2. Certification time period.** States that a fish collector certification is valid for five years and may be renewed by successfully completing training. Provides provisions for revoking and suspending certifications.
- Subd. 3. Conflict of interest.** States that a fish collector may not oversee the collection of fish from a facility or water body when the collector has a conflict of interest.
- 8 Fish health inspection.** Amends § 17.4991, subd. 3. Requires an aquatic farm propagating species susceptible to VHS that has an effluent discharge into public waters to have a fish health inspection conducted at least once every 12 months and test for VHS according to specific guidelines. Permits the commissioner to prescribe alternative testing periods and methods under certain conditions. Requires the results of fish health inspections for all fish that remain in the state to be provided to the commissioner.
- 9 Sucker eggs.** Amends § 17.4994. Removes an acreage requirement for the licensed taking of sucker eggs and permits the commissioner to limit the number of eggs taken based on the number of eggs historically taken by the licensee or other factors.
- 10 Preparation.** Amends § 84.942, subd. 1. Technical (removes obsolete language related to fish and wildlife planning).
- 11 Purposes and expenditures.** Amends § 84.95, subd. 2. Technical (removes obsolete language related to fish and wildlife planning).
- 12 Harvest of bait from invested waters.** Amends § 84D.11, subd. 2a. Prohibits the commissioner from issuing a permit to harvest bait from waters that contain certifiable diseases of fish and adds a cross reference to the new minnow taking provisions in section 97C.341 included later on in this bill.

- 13 Game birds.** Amends § 97A.015, subd. 24. Modifies the definition of "game birds" to include sandhill cranes.
- 14 Undressed bird.** Amends § 97A.015, subd. 49. Modifies the definition of "undressed bird" for purposes of transporting the bird.
- 15 Unprotected birds.** Amends § 97A.015, subd. 52. Adds "Eurasian collared doves" to the list of unprotected birds.
- 16 Wild animals.** Amends § 97A.015, subd. 55. Modifies the definition of "wild animals" to clarify that the definition includes animals whether they are dead or alive.
- 17 Emergency deterrent materials assistance.** Amends § 97A.028, subd. 3. Makes destruction of crops or pasture by elk within the native elk range eligible for emergency deterrent materials assistance and increases the caps for the assistance.
- 18 Fishing may not be restricted.** Amends § 97A.101, subd. 3. Allows the taking of minnows to be restricted on waters designated for wildlife management purposes.
- 19 Refunds.** Amends § 97A.311, subd. 5. Adds a provision allowing the commissioner to issue refunds when an unnecessary license was purchased and requires all refund requests to occur within 90 days of purchase.
- 20 Owner responsibility; penalty amount.** Amends § 97A.321, subd. 1. Adds owners of dogs that mortally wound a big game animal to the list of those subject to a civil penalty of \$500. Currently, the owner of a dog that mortally wounds big game is subject to a penalty of \$100 for pursuing the big game and the current \$500 penalty applies only to the killing of big game.
- 21 Hunting big game while under revocation.** Adds § 97A.331, subd. 4a. Establishes a gross misdemeanor penalty for a person who takes big game while the person is prohibited from obtaining a license.
- 22 Personal possession.** Amends § 97A.405, subd. 2. Allows the commissioner to charge a fee to cover the costs of producing and mailing a pictorial stamp (rather than the \$2 currently being charged). Allows the commissioner to set the fee without going through the rulemaking process.
- 23 Transfer.** Amends § 97A.415, subd. 2. Allows a person to transfer a game or fish license, according to procedures established by the commissioner, to a person with a severe disability or critical illness who is participating in a hunting or fishing program sponsored by a nonprofit.
- 24 Reports.** Amends § 97A.425, subd. 3. Modifies a provision requiring licensed taxidermists to submit reports to the DNR by allowing the commissioner to approve forms, not necessarily supply forms, in order to provide flexibility to businesses using computerized systems.
- 25 Mandatory separate selection.** Adds § 97A.433, subd. 5. Requires the commissioner to hold a separate elk license selection process for 20 percent of the licenses to be available only to those who have applied for a license ten or more times and have not received a license.
- 26 License issuance.** Amends § 97A.435, subd. 1. Clarifies the commissioner's authority in setting turkey seasons.
- 27 Angling in a state park.** Amends § 97A.445, subd. 1a. Allows ice fishing without a license in state parks (currently available only to those angling from shore or a boat/float).
- 28 Preference to service members.** Amends § 97A.465, subd. 5. Expands the eligibility for preference that the commissioner may use in selecting individuals for hunting and fishing licenses and permits to

a person who has received a purple heart or who has a 100 percent service-connected disability.

- 29 Nonresident fishing.** Amends § 97A.475, subd. 7. Clarifies that the \$2 nonresident surcharge on fishing licenses does not apply to nonresidents under 16 purchasing a license at the resident rate.
- 30 Deer killed by motor vehicles.** Amends § 97A.502. Gives drivers of motor vehicles that have collided and killed a deer on public roads the priority for a possession permit to keep the deer provided the deer was not taken illegally.
- 31 Possession of unlawful animals brought into state prohibited.** Amends § 97A.505, subd. 2. Allows a person who possesses fish that were taken or possessed illegally in Canada to be charged in the same manner as if they had illegally taken or possessed the fish in the state.
- 32 Birds must be in undressed condition; exceptions.** Amends § 97A.545, subd. 5. Permits doves to be shipped and transported fully dressed in accordance with federal law which permits them to be shipped and transported fully dressed.
- 33 Parent or guardian responsibility; violation.** Adds § 97B.0215. Prohibits a parent or guardian from knowingly directing or allowing a person under age 18 to hunt without a required license, permit, training or certificate, or otherwise violate the game and fish laws.
- 34 Apprentice hunter validation requirements.** Amends § 97B.022, subd. 2. Modifies apprentice hunter validation requirements by allowing the purchase of the validation twice in a lifetime, allowing its use to obtain a hunting license in the same year, and adding bear to the list of game that may be hunted when accompanied by a licensed adult.
- 35 Scopes; visually impaired hunters.** Amends § 97B.031, subd. 5. Adds certified nurse practitioners and certified physician assistants acting under the direction of licensed physicians to verify medical evidence for purposes of special muzzleloader permits for those with visual impairments.
- 36 Possession of firearms and ammunition restricted in deer zones.** Amends § 97B.041. Prohibits muzzleloader hunters from possessing a firearm other than a legal muzzleloader or certain handguns.
- 37 Hunting from vehicle by disabled hunters.** Amends § 97B.055, subd. 3. Adds certified nurse practitioners and certified physician assistants acting under the direction of licensed physicians to verify medical evidence for purposes of special permits to hunt from vehicles for those with certain disabilities.
- 38 Hunting restricted between evening and morning.** Amends § 97B.075. Removes a provision that requires shooting hours for migratory game birds, except woodcock, on the opening day of the season to begin at 9:00 AM.
- 39 Qualifications for crossbow permits.** Amends § 97B.106, subd. 1. Adds certified nurse practitioners and certified physician assistants acting under the direction of licensed physicians to verify medical evidence for purposes of special permits to use crossbows for those with certain disabilities.
- 40 Possession of firearms prohibited.** Amends § 97B.211, subd. 1. States that the prohibition on possessing a firearm while taking deer by archery does not apply to a handgun carried under the permit to carry law.
- 41 Deer stand restrictions.** Amends § 97B.325. Removes the deer stand height restriction for permanent stands. Currently, the maximum height for deer stands is 16 feet.
- 42 Commissioner may limit the number of bear hunters.** Amends § 97B.405. Requires a person selected for a bear license to purchase the license by August 1. Requires any remaining licenses to be sold the following day on a first-come, first-served basis.

- 43 Baiting bears; use of drum.** Amends § 97B.425. Permits a private landowner, or a person authorized by the landowner, to hunt bear on the person's land using a drum with bait and provides a criteria for drums that may be used for this purpose.
- 44 Taking elk causing damage or nuisance.** Adds § 97B.515 subd. 4. Allows the commissioner to issue licenses to take elk that are causing damage or nuisance between August 15 and March 1. Allows the commissioner to issue the licenses to individuals chosen from a list of elk hunters who have indicated an interest in responding to damage/nuisance situations on their elk license application. Exempts a hunter licensed under this provision from the once in a lifetime elk license provision under section 97A.433, subdivision 2, clause (2).
- 45 Removal of beavers, beaver dams, and lodges by road authorities.** Adds § 97B.667. Permits a road authority to remove, kill, or have killed a beaver associated with a beaver lodge that is causing damage or threatening a public road, requires notification of the DNR within ten days. Allows the road authority to implement a beaver control program after consultation with the DNR.
- 46 Sandhill crane license required.** Adds § 97B.732. Requires a license in order to take sandhill crane.
- 47 Migratory waterfowl seasons and limits.** Amends § 97B.803. Removes the prohibition on beginning the regular duck hunting season before the Saturday closest to October 1. The season would still be required to be consistent with federal law.
- 48 Restrictions on leaving decoys unattended.** Amends § 97B.811, subd. 3. Removes an existing exemption from waterfowl decoy restrictions that permits a hunter to leave decoys on public waters between sunset and two hours before lawful shooting hours, or leave decoys unattended for more than three hours provided the waters are adjacent to private land controlled by the hunter and there is not sufficient natural vegetation to conceal a hunter.
- 49 Seasons, limits, and other rules.** Amends § 97C.005, subd. 3. Permits the commissioner to make midseason adjustments to daily possession or size limits based on harvest, angling pressure, and population data to manage special management waters in the 1837 Ceded Territory in compliance with the court orders in *Mille Lacs Band of Chippewa v. Minnesota*, 119 S. Ct. 1187 (1999).
- 50 Northern pike experimental and special management waters.** Adds § 97C.007. Caps, at 60, the combined number of lakes designated for northern pike as experimental waters or special management waters (currently there is no limit). Requires the lakes to be selected from lakes already designated (in rules as of January 1, 2011) as experimental waters or special management waters as lakes with northern pike slot limits. Requires the designations to continue for at least ten years, at which time the commissioner must determine whether the designation should be discontinued based on scientific studies. (Currently, experimental waters or special management waters may be designated by the commissioner after public notice and comment. The commissioner may establish special regulations, such as seasons, methods, limits, and other requirements for taking fish on these designated waters.)
- 51 Contests requiring a permit.** Amends § 97C.081, subd. 3. Clarifies when fishing contest permits are required.
- 52 Contests without a permit.** Adds § 97C.081, subd. 2. Clarifies when fishing contest permits are not required.
- 53 Application for tag.** Amends § 97C.087, subd. 2. Clarifies that special fish management tags (sturgeon tags) may be applied for once each calendar year.
- 54 Transporting and stocking fish.** Amends § 97C.205. Permits the commissioner to prohibit the transportation of live fish by a person age 16 or younger for home aquarium purposes due to an

emergency fish disease. Allows the commissioner to do so by written order published in the State Register.

- 55 Lines.** Amends § 97C.315, subd. 1. Permits an angler to use two lines while taking fish from the shore, a dock, a pier, or from an anchored watercraft. (Currently an angler may use one line on open waters, but may use two lines when taking fish through the ice.)
- 56 Certain aquatic life prohibited for bait.** Amends § 97C.341. Permits the commissioner to authorize the use of game fish eggs as bait and expands the definition of bait for purposes of the ban on bait from waters infected with VHS to include any bait used for taking wild animals. Permits the commissioner to allow the taking of cisco and rainbow smelt taken under rules adopted by the commissioner that are to be used as bait in Lake Superior or as bait processed to inactivate VHS. Requires frozen or dead fish brought into the state to be accompanied by paperwork, available for inspection, stating what water body the fish are from, a valid negative fish health certification, and other information.
- 57 Certification that frozen or dead fish bait are disease free.** Adds § 97C.342.
- Subd. 1. Definitions.** Defines "water body" and "commercial license" for purposes of disease certification of frozen or dead fish.
- Subd. 2. Bait restrictions.** Requires frozen or dead fish that are VHS susceptible species, cisco, and smelt that are used for bait to originate from waters that are certified disease free. States that certifications are valid for one year.
- Subd. 3. Testing requests.** Requires a list of water bodies requiring a fish health certification for commercial bait harvest to be provided by the commissioner each year by March 1.
- Subd. 4. Certification fees.** Permits the commissioner to establish fees for services and the testing required to issue health certifications for a water body without going through the formal rulemaking process. Provides a list of the services to be covered.
- Subd. 5. Transportation permit requirements.** Requires a commercial harvester of fish harvesting from a certified disease free water body to obtain a live fish importation, transportation, and stocking permit good for 30 days. Requires the harvester to contact the DNR within 24 hours of exercising the permit.
- Subd. 6. Reporting requirements.** Requires a commercial harvester to retain records for each lot of frozen bait sold. Specifies the content of the records and requires that they be completed within 24 hours of packaging and labeling each lot. Requires the records to be retained for three years and open to inspection by the commissioner.
- Subd. 7. Labeling requirements.** Requires frozen bait to be labeled and specifies the information required to be on the label.
- Subd. 8. Persons using frozen or dead bait.** Requires a person using frozen or dead bait on waters of the state to have all the labeling required under the previous subdivision in their possession.
- States that the section is effective the day following final enactment.
- 58 Powers and duties.** Amends § 103B.101, subd. 9. Expands the duties of the Board of Water and Soil Resources to include coordination of water and soil resources implementation activities and approval of contracts and easements. Permits the board to conduct or participate in local, state, or federal projects or programs that preserve or enhance water and soil resources and enter into and administer agreements with landowners and local governments.

- 59 Coyote conflict management option.** Adds § 348.125. Allows a county board, by resolution, to offer a bounty for coyotes. Allows the resolution to apply to the whole or a portion of the county, specify the months the bounty is in place, and the amount of the bounty.
- 60 State walk-in access program.** Amends § 604A.24. Classifies land enrolled in a state-sponsored walk-in access program as eligible for liability protections available in sections 604A.22 to 604A.23 which provides duty and liability exemptions for those making their lands available for recreational purposes without charge.
- 61 Rulemaking.** Requires the commissioner to amend Minnesota Rules, parts 6242.0900, subpart 1, and 6242.1000, subpart 1, to allow game farm licensees to use approved report and sales receipt formats.
- 62 Rulemaking; spearing on Cass Lake.** Requires the commissioner to amend rules to allow a person to spear on Cass Lake and prohibits the commissioner from adopting restrictions on spearing northern pike on Cass Lake using existing authorities.
- 63 Deer hunting rules.** Prohibits the commissioner from adopting rules for the series 300 deer permit areas in southeastern Minnesota (formerly zone 3) that impose antler point restrictions (other than the legal buck restriction requiring at least one antler of three inches or more) or prohibit party hunting. Requires the commissioner to amend rules to allow a nine-day (rather than a seven-day) season option A in series 300 permit areas.
- 64 Lake Florida fishing restrictions.** Prohibits fishing on Lake Florida in the area of the outlet and carp trap one month prior to the fishing opener.
- 65 Repealer.** Repeals § 84.942, subdivisions 2, 3, and 4 (requiring periodic updates to the comprehensive fish and wildlife management plan); § 97A.015, subdivisions 26b, 27b, and 27c (definitions for "intensive deer area," "lottery deer area," and "managed deer area"); § 97A.435, subd. 5 (provisions regarding the spring turkey season); § 97B.511 (the height restriction for permanent stands used to hunt moose); 97B.515, subd. 3 (the height restriction for permanent stands used to hunt elk); § 97B.811, subd. 4 (waterfowl decoy restrictions); and § 97C.081, subd. 2 (fishing contest provisions).