

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill contains a number of policy changes relating to game and fish being recommended by the Department of Natural Resources (DNR).

#### 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 person.** 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**      **Rice boat.** Adds § 84.027, subd. 15a. Defines “rice boat” as a nonmotorized watercraft being used for harvesting wild rice.
- 5**      **Watercraft.** Amends § 86B.005, subd. 18. Technical.

## Section

- 6**        **Waterfowl boat.** Amends § 86B.005. Defines “waterfowl boat” as a watercraft being used while hunting waterfowl.
- 7**        **Exemptions.** Amends § 86B.301, subd. 2. Technical.
- 8**        **Personal floatation or lifesaving devices.** Amends § 86B.501, subd. 1. Technical.
- 9**        **Exempt watercraft.** Amends § 86B.825, subd. 2. Technical.
- 10**       **Duties; generally.** Amends § 97A.045, subd. 1. Allows the commissioner to collect a civil penalty from an animal’s owner equal to the actual costs to the DNR to capture, take and control escaped nonnative or domestic animals that have escaped or are otherwise causing damage.
- 11**       **Summary of fish and game laws.** Amends § 97A.051, subd. 2. Removes the requirement that the DNR provide enough regulation booklets summarizing the hunting, trapping, and fishing regulations to license vendors necessary to provide each licensee with a copy of the regulations. Adds a requirement that the commissioner post a copy of the regulations summary on the department’s Web site.
- 12**       **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.
- 13**       **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.
- 14**       **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.
- 15**       **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.
- 16**       **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.
- 17**       **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.
- 18**       **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

## Section

muzzleloader.

- 19 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: firearms deer, deer by archery, deer by muzzleloader, and small game. 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.
- 20 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.
- 21 Remaining on land prohibited after notice.** Amends § 97B.001, subd. 3. Clarifies that a person may not return to land for outdoor recreation purposes once they have been personally notified to leave.
- 22 Entering posted land prohibited; signs.** Amends § 97B.001, subd. 4. Establishes a separate category of offense for those knowingly entering property that has been posted with “no trespassing” signs and clarifies that the penalty for such violations is a gross misdemeanor.
- 23 Discharging firearms in certain areas.** Amends § 97B.001, subd 7. Modifies a provision passed last session that restricted the discharge of a firearm within 500 feet of a stockade or corral so that the provision applies only when on another person’s private land or on a public road right-of-way.
- 24 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.
- 25 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.
- 26 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).
- 27 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

## Section

recruit and retain hunters.

- 28**      **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.
- 29**      **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.
- 30**      **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.
- 31**      **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.
- 32**      **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.
- 33**      **Repealer.** Repeals § 97A.451, subd. 4a (nonresident big game provisions for those under age 16).