

1.1 A bill for an act
 1.2 relating to game and fish; modifying critical habitat private sector matching
 1.3 account provisions; providing definitions; providing for and modifying
 1.4 disposition of certain revenue; modifying restrictions on motorized watercraft
 1.5 and recreational vehicles in wildlife management areas; providing for inspection
 1.6 of equipment used to take wild animals; modifying certain penalty and fee
 1.7 amounts; modifying certain game and fish license provisions; modifying firearms
 1.8 possession provisions for persons under 16; providing for collecting antler
 1.9 sheds; modifying certain provisions for taking and possessing game and fish;
 1.10 modifying provisions for fishing contests; providing for a moratorium on use
 1.11 of public waters for aquaculture; amending Minnesota Statutes 2004, sections
 1.12 84.943, subdivision 3; 97A.015, by adding a subdivision; 97A.055, subdivision
 1.13 2; 97A.065, subdivision 2; 97A.075, subdivision 1; 97A.101, subdivision 4;
 1.14 97A.251, subdivision 1; 97A.321; 97A.445, subdivision 3; 97A.475, subdivision
 1.15 2; 97B.021, subdivision 1, by adding a subdivision; 97B.301, subdivision 7;
 1.16 97C.081, subdivisions 4, 6, 8, 9; 97C.205; 97C.355, subdivision 7; 97C.371,
 1.17 subdivision 4; Minnesota Statutes 2005 Supplement, sections 97A.405,
 1.18 subdivision 4; 97A.475, subdivision 3; 97A.551, subdivision 6; proposing coding
 1.19 for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes
 1.20 2004, section 97C.355, subdivision 6.

1.21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.22 Section 1. Minnesota Statutes 2004, section 84.943, subdivision 3, is amended to read:

1.23 Subd. 3. **Appropriations must be matched by private funds.** Appropriations
 1.24 transferred to the critical habitat private sector matching account and money credited to
 1.25 the account under section 168.1296, subdivision 5, may be expended only to the extent
 1.26 that they are matched equally with contributions ~~to the account~~ from private sources
 1.27 or by funds contributed to the nongame wildlife management account. The private
 1 contributions may be made in cash ~~or in contributions of, property,~~ land or interests in
 1.29 land ~~that are designated by the commissioner of natural resources as program acquisitions.~~
 1.30 Appropriations transferred to the account that are not matched within three years from the

2.1 date of the appropriation shall cancel to the source of the appropriation. For the purposes
 2.2 of this section, the private contributions of property, land, or interests in land that are
 2.3 retained by the commissioner shall be valued in accordance with their appraised value.

2.4 Sec. 2. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
 2.5 to read:

2.6 Subd. 14a. Deer. "Deer" means white-tailed or mule deer.

2.7 Sec. 3. Minnesota Statutes 2004, section 97A.055, subdivision 2, is amended to read:

2.8 Subd. 2. **Receipts.** The commissioner of finance shall credit to the game and fish
 2.9 fund all money received under the game and fish laws and all income from lands acquired
 2.10 by the state for game or fish purposes by purchase or gift, including receipts from:

2.11 (1) licenses and permits issued;

2.12 (2) fines and forfeited bail;

2.13 (3) sales of contraband, wild animals, and other property under the control of the
 2.14 division;

2.15 (4) fees from advanced education courses for hunters and trappers;

2.16 (5) reimbursements of expenditures by the division;

2.17 (6) contributions to the division; and

2.18 (7) revenue credited to the game and fish fund under section 297A.94, paragraph
 2.19 (e), clause (1).

2.20 Sec. 4. Minnesota Statutes 2004, section 97A.065, subdivision 2, is amended to read:

2.21 Subd. 2. **Fines and forfeited bail.** (a) Fines and forfeited bail collected from
 2.22 prosecutions of violations of: the game and fish laws or rules adopted thereunder; sections
 2.23 84.091 to 84.15 or rules adopted thereunder; sections 84.81 to 84.91 or rules adopted
 2.24 thereunder; section 169A.20, when the violation involved an off-road recreational vehicle
 2.25 as defined in section 169A.03, subdivision 16; chapter 348; and any other law relating
 2.26 to wild animals or aquatic vegetation, must be paid to the treasurer of the county where
 2.27 the violation is prosecuted. The county treasurer shall submit one-half of the receipts to
 2.28 the commissioner and credit the balance to the county general revenue fund except as
 2.29 provided in paragraphs (b); and (c); ~~and (d)~~. In a county in a judicial district under section
 2.30 480.181, subdivision 1, paragraph (b), the share that would otherwise go to the county
 2 under this paragraph must be submitted to the commissioner of finance for deposit in the
 2.32 state treasury and credited to the general fund.

~~(b) The commissioner may reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations of the game and fish laws under this section if the county board, by resolution, directs: (1) the county treasurer to submit all game and fish fines and forfeited bail to the commissioner, and (2) the county auditor to certify and submit monthly itemized statements to the commissioner.~~

~~(c)~~ (b) The county treasurer shall submit one-half of the receipts collected under paragraph (a) from prosecutions of violations of sections 84.81 to 84.91 or rules adopted thereunder, and 169A.20, except receipts that are surcharges imposed under section 357.021, subdivision 6, to the commissioner and credit the balance to the county general fund. The commissioner shall credit these receipts to the snowmobile trails and enforcement account in the natural resources fund.

~~(d)~~ (c) The county treasurer shall indicate the amount of the receipts that are surcharges imposed under section 357.021, subdivision 6, and shall submit all of those receipts to the commissioner of finance.

Sec. 5. Minnesota Statutes 2004, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. Deer, bear, and lifetime licenses. (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4), (5), (9), (11), (13), and (14), and 3, clauses (2), (3), and (7), and licenses issued under section 97B.301, subdivision 4.

(b) ~~At least~~ \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer management account and shall be used for deer habitat improvement or deer management programs.

(c) ~~At least~~ \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer and bear management account and shall be used for deer and bear management programs, including a computerized licensing system.

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild cervidae health management account and is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first time, \$750,000 is canceled to the unappropriated balance of the game and fish fund.

4.1 The commissioner must inform the legislative chairs of the natural resources finance
 4.2 committees every two years on how the money for emergency deer feeding and wild
 4.3 cervidae health management has been spent.

4.4 Thereafter, when the unencumbered balance in the appropriation for emergency deer
 4.5 feeding and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal
 4.6 year, the unencumbered balance in excess of \$2,500,000 is canceled and available for deer
 4.7 and bear management programs and computerized licensing.

4.8 EFFECTIVE DATE. This section is effective July 1, 2007.

4.9 Sec. 6. Minnesota Statutes 2004, section 97A.101, subdivision 4, is amended to read:

4.10 Subd. 4. **Restrictions on airboats, watercraft, and recreational vehicles.** (a) The
 4.11 use of airboats is prohibited at all times on lakes designated for wildlife management
 4.12 purposes under this section unless otherwise authorized by the commissioner.

4.13 (b) The commissioner may restrict the use of motorized watercraft and recreational
 4.14 vehicles on lakes designated for wildlife management purposes by posting all public
 4.15 access points on the designated lake. Restrictions may include prohibitions or limitations
 4.16 on the type of allowable motorized watercraft or recreational vehicle, horsepower or
 4.17 thrust of motor, speed of operation, season or area of use, or other restrictions that the
 4.18 commissioner determines are necessary to minimize disturbances to wildlife or to protect
 4.19 wildlife habitat. Designation of areas, times, and types of restrictions to be posted shall be
 4.20 by written order published in the State Register. Posting of the restrictions is not subject to
 4.21 the rulemaking provisions of chapter 14 and section 14.386 does not apply.

4.22 Sec. 7. Minnesota Statutes 2004, section 97A.251, subdivision 1, is amended to read:

4.23 Subdivision 1. **Unlawful conduct.** A person may not:

4.24 (1) intentionally hinder, resist, or obstruct an enforcement officer, agent, or employee
 4.25 of the division in the performance of official duties;

4.26 (2) refuse to submit to inspection of ~~firearms~~ licenses, wild animals, or equipment
 4.27 used to take wild animals while in the field, ~~licenses, or wild animals~~; or

4.28 (3) refuse to allow inspection of a motor vehicle, boat, or other conveyance used
 4.29 while taking or transporting wild animals.

4.30 Sec. 8. Minnesota Statutes 2004, section 97A.321, is amended to read:

4.31 **97A.321 DOGS PURSUING OR KILLING BIG GAME.**

5.1 The owner of a dog that kills or pursues a big game animal is guilty of a petty
5.2 misdemeanor and is subject to a civil penalty of up to \$500 for each violation.

5.3 Sec. 9. Minnesota Statutes 2005 Supplement, section 97A.405, subdivision 4, is
5.4 amended to read:

5.5 Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer
5.6 hunters to change zone, license, or season options. The commissioner may issue a
5.7 replacement license if the applicant submits the original deer license and unused tags that
5.8 are being replaced and the applicant pays any increase in cost between the original and
5.9 the replacement license. When a person submits both an archery and a firearms license
5.10 for replacement, the commissioner may apply the value of both licenses towards the
5.11 replacement license fee.

5.12 (b) A replacement license may be issued only if the applicant has not used any tag
5.13 from the original license and meets the conditions of paragraph (c). The original license
5.14 and all unused tags for that license must be submitted to the issuing agent at the time
5.15 the replacement license is issued.

5.16 (c) A replacement license may be issued under the following conditions, or as
5.17 otherwise prescribed by rule of the commissioner:

5.18 (1) when the season for the license being surrendered has not yet opened; or

5.19 (2) when the person is upgrading from a regular firearms or archery deer license to a
5.20 multizone or all season deer license ~~that is valid in multiple zones.~~

5.21 (d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid
5.22 immediately upon issuance if the license being surrendered is valid at that time.

5.23 Sec. 10. Minnesota Statutes 2004, section 97A.445, subdivision 3, is amended to read:

5.24 Subd. 3. **Angling and spearing; disabled railroad and postal retirees.** A license
5.25 is not required to take fish by angling or spearing for a resident that is:

5.26 (1) a former railroad employee receiving aid disability pay ~~under the federal Railroad~~
5.27 ~~Retirement Act of 1937, United States Code, title 45, section 228b(a)5~~ 231a(a)(1)(v); or

5.28 (2) a former employee of the United States Postal Service receiving disability pay
5.29 under United States Code, title 5, section 8337.

5.30 Sec. 11. Minnesota Statutes 2004, section 97A.475, subdivision 2, is amended to read:

5.31 Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents
5.32 only, are:

5.33 (1) for persons age 18 or over and under age 65 to take small game, \$12.50;

- 6.1 (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
- 6.2 (3) to take turkey, \$18;
- 6.3 (4) for persons age 18 or over to take deer with firearms, \$26;
- 6.4 (5) for persons age 18 or over to take deer by archery, \$26;
- 6.5 (6) to take moose, for a party of not more than six persons, \$310;
- 6.6 (7) to take bear, \$38;
- 6.7 (8) to take elk, for a party of not more than two persons, \$250;
- 6.8 (9) multizone license to take antlered deer in more than one zone, \$52;
- 6.9 (10) to take Canada geese during a special season, \$4;
- 6.10 (11) all season license to take two deer throughout the state in any open deer season,
- 6.11 except as restricted under section 97B.305, \$78;
- 6.12 (12) to take prairie chickens, \$20;
- 6.13 (13) for persons at least age 12 and under age 18 to take deer with firearms during
- 6.14 the regular firearms season in any open zone or time period, \$13; and
- 6.15 (14) for persons at least age 12 and under age 18 to take deer by archery, \$13.

6.16 Sec. 12. Minnesota Statutes 2005 Supplement, section 97A.475, subdivision 3, is
6.17 amended to read:

6.18 Subd. 3. **Nonresident hunting.** Fees for the following licenses, to be issued
6.19 to nonresidents, are:

- 6.20 (1) to take small game, \$73;
- 6.21 (2) to take deer with firearms, \$135;
- 6.22 (3) to take deer by archery, the greater of:
- 6.23 (i) an amount equal to the total amount of license fees and surcharges charged to a
- 6.24 Minnesota resident to take deer by archery in the person's state or province of residence; or
- 6.25 (ii) \$135;
- 6.26 (4) to take bear, \$195;
- 6.27 (5) to take turkey, \$73;
- 6.28 (6) to take raccoon, bobcat, fox, or coyote, \$155;
- 6.29 (7) multizone license to take antlered deer in more than one zone, \$270; and
- 6.30 (8) to take Canada geese during a special season, \$4.

6.31 Sec. 13. Minnesota Statutes 2005 Supplement, section 97A.551, subdivision 6, is
6 amended to read:

6.33 Subd. 6. **Tagging and registration.** The commissioner may, by rule, require
6.34 persons taking, possessing, and transporting certain species of fish to tag the fish with

7.1 a special fish management tag and may require registration of tagged fish. A person
 7.2 may not possess or transport a fish species taken in the state for which a special fish
 7.3 management tag is required unless a tag is attached to the fish in a manner prescribed by
 7.4 the commissioner. The commissioner shall prescribe the manner of issuance and the
 7.5 type of tag as authorized under section 97C.087. The tag must be attached to the fish as
 7.6 prescribed by the commissioner immediately upon reducing the fish to possession and
 7.7 must remain attached to the fish until the fish is processed or consumed. Species for
 7.8 which a special fish management tag is required must be transported undressed, except as
 7.9 otherwise prescribed by the commissioner.

7.10 Sec. 14. [97B.0001] DEFINITIONS.

7.11 Subdivision 1. Applicability. The terms defined in this section apply to this chapter.

7.12 Subd. 2. Bonus permit. "Bonus permit" means a license to take and tag deer by
 7.13 archery or firearms, in addition to deer authorized to be taken under regular firearms
 7.14 or archery licenses.

7.15 Subd. 3. Intensive deer area. "Intensive deer area" means an area of the state where
 7.16 taking a deer of either sex is allowed and where multiple bonus permits are authorized.

7.17 Subd. 4. Lottery deer area. "Lottery deer area" means an area of the state where
 7.18 taking antlerless deer is allowed only by either-sex permit and no bonus permits are
 7.19 authorized.

7.20 Subd. 5. Managed deer area. "Managed deer area" means an area of the state
 7.21 where taking a deer of either sex is allowed and where one bonus permit is authorized.

7.22 Subd. 6. Muzzleloader season. "Muzzleloader season" means the firearms
 7.23 deer season option open only for legal muzzleloading firearms, as prescribed by the
 7.24 commissioner.

7.25 Subd. 7. Regular firearms season. "Regular firearms season" means any of the
 7.26 firearms deer season options prescribed by the commissioner that begin in November,
 7.27 exclusive of the muzzleloader season.

7.28 Sec. 15. Minnesota Statutes 2004, section 97B.021, subdivision 1, is amended to read:

7.29 Subdivision 1. Restrictions. (a) Except as provided in this subdivision, a person
 7.30 under the age of 16 may not possess a firearm, ~~unless accompanied by~~ without maintaining
 7.31 unaided visual and vocal contact with a parent or guardian.

7 (b) A person under age 16 may possess a firearm ~~being accompanied by~~
 7.33 maintaining unaided visual and vocal contact with a parent or guardian:

8.1 (1) on land owned by, or occupied as the principal residence of, the person or the
8.2 person's parent or guardian;

8.3 (2) while participating in an organized target shooting program with adult
8.4 supervision;

8.5 (3) while the person is participating in a firearms safety program or traveling to
8.6 and from class; or

8.7 (4) if the person is age 14 or 15 and has a firearms safety certificate.

8.8 Sec. 16. Minnesota Statutes 2004, section 97B.021, is amended by adding a
8.9 subdivision to read:

8.10 Subd. 1a. Parent or guardian duties. A parent or guardian may not knowingly
8.11 direct, allow, or permit a person under the age of 16 to possess a firearm in violation
8. of this section.

8.13 Sec. 17. [97B.22] COLLECTING ANTLER SHEDS.

8.14 (a) A person may take and possess naturally shed antlers without a license.

8.15 (b) A person may not use equipment intended to artificially pull, sever, or otherwise
8.16 cause antlers of live deer, moose, elk, or caribou to be shed or removed.

8.17 Sec. 18. Minnesota Statutes 2004, section 97B.301, subdivision 7, is amended to read:

8.18 Subd. 7. **All season deer license.** (a) A resident may obtain an all season deer
8.19 license. ~~This license that~~ authorizes the resident to ~~take one buck by firearm or archery~~
8.20 ~~hunt during any season statewide. In addition, a resident obtaining this license may take~~
8.21 ~~one antlerless deer:~~ the archery, regular firearms, and muzzleloader seasons. The all
8.22 season license is valid for taking two deer, no more than one of which may be a legal buck.

8.23 ~~(1) by firearms in the regular firearms season if the resident first obtains an antlerless~~
8.24 ~~deer permit or if the resident takes the antlerless deer in an area where the commissioner~~
8.25 ~~has authorized taking a deer of either sex without an antlerless permit;~~

8.26 ~~(2) by archery in the archery season; or~~

8.27 ~~(3) by muzzleloader in the muzzleloader season.~~

8.28 (b) The all season deer license is valid for taking antlerless deer as follows:

8.29 (1) up to two antlerless deer may be taken during the archery or muzzleloader
8.30 seasons in any open area or during the regular firearms season in managed or intensive
8 deer areas; and

8.32 (2) one antlerless deer may be taken during the regular firearms season in a lottery
8.33 deer area, only with an either-sex permit or statutory exemption from an either-sex permit.

9.1 (c) The commissioner shall issue ~~one tag for a buck and one tag for an antlerless~~
9.2 ~~deer~~ two tags when issuing a license under this subdivision.

9.3 Sec. 19. Minnesota Statutes 2004, section 97C.081, subdivision 4, is amended to read:

9.4 Subd. 4. **Restrictions.** The commissioner may by rule establish restrictions on
9.5 fishing contests to protect fish and fish habitat, to minimize user conflicts, and for the
9.6 safety of contest participants.

9.7 Sec. 20. Minnesota Statutes 2004, section 97C.081, subdivision 6, is amended to read:

9.8 Subd. 6. **Permit application process.** (a) Beginning ~~September~~ August 1 each
9.9 year, the commissioner shall accept permit applications for fishing contests to be held in
9.10 the following year.

9.11 (b) If the number of permit applications received by the commissioner from
9.12 ~~September~~ August 1 through the last Friday in ~~October~~ September exceeds the limits
9.13 specified in subdivisions 7 and 8, the commissioner shall notify the affected applicants
9.14 that their requested locations and time period are subject to a drawing. After notification,
9.15 the commissioner shall allow the affected applicants a minimum of seven days to change
9.16 the location or time period requested on their applications, provided that the change is
9.17 not to a location or time period for which applications are already at or above the limits
9.18 specified in subdivisions 7 and 8.

9.19 (c) After the applicants have been given at least seven days to change their
9.20 applications, the commissioner shall conduct a drawing for all locations and time periods
9.21 for which applications exceed limits. First preference in the drawings shall be given
9.22 to applicants for established or traditional fishing contests, and second preference to
9.23 applicants for contests that are not established as traditional fishing contests based on the
9.24 number of times they have been unsuccessful in previous drawings. Except for applicants
9.25 of established or traditional fishing contests, an applicant who is successful in a drawing
9.26 loses all accumulated preference. "Established or traditional fishing contest" means a
9.27 fishing contest that was issued permits in 1999 and 2000 or was issued permits four out of
9.28 five years from 1996 to 2000 for the same lake and time period. Beginning with 2001,
9.29 established or traditional fishing contests must continue to be conducted at least four out
9.30 of five years for the same lake and time period to remain established or traditional.

9.31 (d) The commissioner has until ~~December~~ November 7 to approve or deny permit
9.32 applications that are submitted by 4:30 p.m. on the last Friday in ~~October~~ September. The
9.33 commissioner may approve a permit application that is received after 4:30 p.m. on the last

10.1 Friday in ~~October~~ September if approving the application would not result in exceeding
10.2 the limits in subdivisions 7 and 8.

10.3 Sec. 21. Minnesota Statutes 2004, section 97C.081, subdivision 8, is amended to read:

10.4 Subd. 8. **Limits on number of fishing contests.** (a) The number of permitted
10.5 fishing contests allowed each month on a water body shall not exceed the following limits:

10.6 (1) Lakes:

	Maximum number of permitted fishing contests	Maximum number of large permitted fishing contests	Maximum number of permitted fishing contest days
10.7 Size/acres			
10.8 less than 2,000	2	0	4
10.9 2,000-4,999	3	1	6
10.10 5,000-14,999	4	2	8
10.11 15,000-55,000	5	3	10
10.12 more than 55,000	no limit	no limit	no limit

10.13 (b) For boundary ~~waters~~ water lakes, the limits on the number of permitted fishing
10.14 contests shall be determined based on the Minnesota acreage.

10.15 (2) Rivers:

	<u>Maximum number of permitted fishing contests</u>	<u>Maximum number of large permitted fishing contests</u>	<u>Maximum number of permitted fishing contest days</u>
10.16 <u>Mississippi River:</u>			
10.17 <u>Pool 1, 2, 3, 5, 5A,</u>			
10.18 <u>6, 7, 8, 9</u>	<u>4 (each pool)</u>	<u>2 (each pool)</u>	<u>8 (each pool)</u>
10.19 <u>Pool 4</u>	<u>5</u>	<u>3</u>	<u>10</u>
10.20 <u>St. Croix River</u>	<u>2</u>	<u>1</u>	<u>4</u>
10.21 <u>Lake St. Croix</u>	<u>4</u>	<u>2</u>	<u>8</u>

10.22 Contest waters identified in the permit for Mississippi River pools are limited to
10.23 no more than one lockage upstream and one lockage downstream from the pool where
10.24 the contest access and weigh-in is located.

11.1 Contest waters for Lake St. Croix are bounded by the U.S. Highway 10 bridge at
 11.2 Prescott upstream to the Arcola Bar. Contest waters for the St. Croix River are bounded
 11.3 by the Arcola Bar upstream to the Wisconsin state line.

11.4 For all other rivers, no more than two contest permits, not to exceed four days
 11.5 combined, may be issued for any continuous segment of a river per month. Of the two
 11.6 contests permitted, only one shall be a large permitted fishing contest. Permits issued by
 11.7 the commissioner shall not exceed 60 continuous river miles.

11.8 Sec. 22. Minnesota Statutes 2004, section 97C.081, subdivision 9, is amended to read:

11.9 Subd. 9. **Permit restrictions.** (a) The commissioner may require fishing contest
 11.10 permittees to limit pre-fishing to week days only as a condition of a fishing contest permit.
 11.11 The commissioner may require proof from permittees that pre-fishing restrictions on the
 11 permit are communicated to fishing contest participants and enforced.

11.13 (b) The commissioner may require permit restrictions on the hours that a permitted
 11.14 fishing contest is conducted, including, but not limited to, starting and ending times.

11.15 (c) The commissioner may require permit restrictions on the number of parking
 11.16 spaces that may be used on a state-owned public water access site. The commissioner may
 11.17 require proof from permittees that parking restrictions on the permit are communicated to
 11.18 fishing contest participants and enforced.

11.19 (d) To prevent undue loss mortality of released fish, the commissioner may require
 11.20 restrictions for off-site weigh-ins and live releases on a fishing contest permit or may deny
 11.21 permits requesting an off-site weigh-in or live release.

11.22 (e) A person may not transfer a fishing contest permit to another person.

11.23 (f) Failure to comply with fishing contest permit restrictions may be considered
 11.24 grounds for denial of future permit applications.

11.25 Sec. 23. Minnesota Statutes 2004, section 97C.205, is amended to read:

11.26 **97C.205 ~~RULES FOR TRANSPORTING AND STOCKING FISH.~~**

11.27 (a) Except on the water body where taken, a person may not transport a live fish in a
 11.28 quantity of water sufficient to keep the fish alive, unless the fish:

11.29 (1) is being transported under an aquaculture license as authorized under sections
 11.30 17.4985 and 17.4986;

11.31 (2) is being transported for a fishing contest weigh-in under section 97C.081;

1. (3) is a minnow being transported under section 97C.515;

11.33 (4) is being transported by a commercial fishing license holder under section
 11.34 97C.821; or

12.1 (5) is being transported as otherwise authorized in this section.

12.2 (b) The commissioner may adopt rules to allow and regulate:

12.3 (1) the transportation of fish and fish eggs ~~from one body of water to another~~; and

12.4 (2) the stocking of waters with fish or fish eggs.

12.5 ~~(b)~~ (c) The commissioner shall prescribe rules designed to encourage local sporting
12.6 organizations to propagate game fish by using rearing ponds. The rules must:

12.7 (1) prescribe methods to acquire brood stock for the ponds by seining public waters;

12.8 (2) allow the sporting organizations to own and use seines and other necessary
12.9 equipment; and

12.10 (3) prescribe methods for stocking the fish in public waters that give priority to the
12.11 needs of the community where the fish are reared and the desires of the organization
12.12 operating the rearing pond.

12.13 ~~(c)~~ (d) A person age 16 or under may, for purposes of display in a home aquarium,
12.14 transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie,
12.15 white crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black,
12.16 yellow, and brown bullheads taken by angling. No more than four of each species may
12.17 be transported at any one time, and any individual fish can be no longer than ten inches
12.18 in total length.

12.19 Sec. 24. Minnesota Statutes 2004, section 97C.355, subdivision 7, is amended to read:

12.20 Subd. 7. **Dates and times houses may remain on ice.** (a) Except as provided
12.21 in paragraph (d), a shelter, including a fish house or dark house, may not be on the ice
12.22 between 12:00 a.m. and one hour before sunrise after the following dates:

12.23 (1) the last day of February, for state waters south of a line starting at the
12.24 Minnesota-North Dakota border and formed by rights-of-way of U.S. Route No. 10, then
12.25 east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway
12.26 No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route
12.27 No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and

12.28 (2) March 15, for other state waters.

12.29 A shelter, including a fish house or dark house, on the ice in violation of this
12.30 subdivision is subject to the enforcement provisions of paragraph (b). The commissioner
12.31 may, by rule, change the dates in this paragraph for any part of state waters. Copies of
12.32 the rule must be conspicuously posted on the shores of the waters as prescribed by the
12 commissioner.

12.33 (b) A conservation officer must confiscate a fish house ~~or~~, dark house, or shelter in
12.34 violation of paragraph (a). The officer may remove, burn, or destroy the house or shelter.

13.1 The officer shall seize the contents of the house or shelter and hold them for 60 days. If the
13.2 seized articles have not been claimed by the owner, they may be retained for the use of the
13.3 division or sold at the highest price obtainable in a manner prescribed by the commissioner.

13.4 (c) When the last day of February, under paragraph (a), clause (1), or March 15,
13.5 under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or
13.6 dark house, may be on the ice between 12:00 a.m. and one hour before sunrise until
13.7 12:00 a.m. the following Monday.

13.8 (d) A person may have a shelter, including a fish house or dark house, on the ice
13.9 between 12:00 a.m. and one hour before sunrise on waters within the area prescribed in
13.10 paragraph (a), clause (2), but the house or shelter may not be unattended during those
13.11 hours.

13 Sec. 25. Minnesota Statutes 2004, section 97C.371, subdivision 4, is amended to read:

13.13 Subd. 4. **Open season.** The open season for spearing through the ice is December 1
13.14 to the ~~third~~ last Sunday in February.

13.15 Sec. 26. MORATORIUM ON LICENSING OR USE OF NEW PUBLIC WATERS
13.16 FOR AQUACULTURE.

13.17 (a) The commissioner of natural resources may not license or use public waters, as
13.18 defined in Minnesota Statutes, section 103G.005, subdivision 15, for aquaculture or the
13.19 raising of fish that were not licensed by the commissioner of natural resources or used for
13.20 that purpose by the commissioner of natural resources during the five-year period prior to
13.21 April 1, 2006, except as provided in paragraph (b).

13.22 (b) The commissioner of natural resources may annually authorize fish rearing in
13.23 new public waters prior to December 31, 2007, if the fish rearing is conducted as part of a
13.24 wetland improvement plan approved by the commissioner.

13.25 (c) This section expires December 31, 2007.

13.26 Sec. 27. REPEALER.

13.27 Minnesota Statutes 2004, section 97C.355, subdivision 6, is repealed.

APPENDIX
Repealed Minnesota Statutes: 06-5020

97C.355 DARK HOUSES AND FISH HOUSES.

Subd. 6. **Restrictions for nonresidents.** A nonresident may obtain a license for a fish house but the house may not be unattended.

A bill for an act

1.2 relating to natural resources; exempting certain snowmobiles from snowmobile
1.3 state trail sticker requirements; reducing certain game and fish license fees
1.4 for persons age 65 and older; allowing the use of scopes on muzzleloaders;
1.5 modifying restrictions on leaving decoys overnight; amending Minnesota Statutes
1.6 2004, section 97A.475, subdivisions 6, 20; Minnesota Statutes 2005 Supplement,
1.7 sections 84.8205, subdivision 1; 97B.031, subdivision 5; 97B.811, subdivision 3.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2005 Supplement, section 84.8205, subdivision 1,
1.10 is amended to read:

1.11 Subdivision 1. **Sticker required; fee.** (a) Except as provided in paragraph (b), a
1.12 person may not operate a snowmobile on a state or grant-in-aid snowmobile trail unless a
snowmobile state trail sticker is affixed to the snowmobile. The commissioner of natural
1.14 resources shall issue a sticker upon application and payment of a \$15 fee. The fee for a
1.15 three-year snowmobile state trail sticker that is purchased at the time of snowmobile
1.16 registration is \$30. In addition to other penalties prescribed by law, a person in violation
1.17 of this subdivision must purchase an annual state trail sticker for a fee of \$30. The sticker
1.18 is valid from November 1 through April 30. Fees collected under this section, except for
1.19 the issuing fee for licensing agents under this section and for the electronic licensing
1.20 system commission established by the commissioner under section 84.027, subdivision
1.21 15, shall be deposited in the state treasury and credited to the snowmobile trails and
1.22 enforcement account in the natural resources fund and must be used for grants-in-aid, trail
maintenance, grooming, and easement acquisition.

1.24 (b) A state trail sticker is not required under this section for:

2.1 (1) a snowmobile that is owned by the United States, the state of Minnesota, or a
 2.2 political subdivision of the state; or

2.3 (2) a collector snowmobile that is operated as provided in a special permit issued for
 2.4 the collector snowmobile under section 84.82, subdivision 7a.

2.5 Sec. 2. Minnesota Statutes 2004, section 97A.475, subdivision 6, is amended to read:

2.6 Subd. 6. **Resident fishing.** Fees for the following licenses, to be issued to residents
 2.7 only, are:

2.8 (1) for persons under age 65 to take fish by angling, \$17;

2.9 (2) for persons age 65 or over to take fish by angling, \$8.50;

2.10 (3) to take fish by angling, for a combined license for a married couple, \$25;

2.11 ~~(3)~~ (4) to take fish by spearing from a dark house, \$17; and

2 ~~(4)~~ (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50.

2.13 Sec. 3. Minnesota Statutes 2004, section 97A.475, subdivision 20, is amended to read:

2.14 Subd. 20. **Trapping license.** The fee for a license to trap fur-bearing animals is:

2.15 (1) for residents over age 13 and under age 18, \$6;

2.16 (2) for residents age 18 ~~and older~~ or over and under age 65, \$20; and

2.17 (3) for residents age 65 or over, \$10; and

2.18 (4) for nonresidents, \$73.

2.19 Sec. 4. Minnesota Statutes 2005 Supplement, section 97B.031, subdivision 5, is
 2.20 amended to read:

2.21 Subd. 5. ~~Scopes on muzzleloaders; visually impaired hunters.~~ (a)

2.22 ~~Notwithstanding any other law to the contrary, the commissioner may issue a special~~

2.23 ~~permit, without a fee, to~~ A person may use a muzzleloader with a scope to take deer

2.24 ~~during the muzzleloader season to a person who obtains the required licenses and who has~~

2.25 ~~a visual impairment. The scope may not have magnification capabilities.~~

2.26 ~~(b) The visual impairment must be to the extent that the applicant is unable~~

2.27 ~~to identify targets and the rifle sights at the same time without a scope. The visual~~

2.28 ~~impairment and specific conditions must be established by medical evidence verified in~~

2.29 ~~writing by a licensed physician, ophthalmologist, or optometrist. The commissioner~~

2.30 ~~may request additional information from the physician if needed to verify the applicant's~~

~~eligibility for the permit.~~

3.1 ~~(c) A permit issued under this subdivision may be valid for up to five years, based~~
3.2 ~~on the permanence of the visual impairment as determined by the licensed physician,~~
3.3 ~~ophthalmologist, or optometrist.~~

3.4 ~~(d) The permit must be in the immediate possession of the permittee when hunting~~
3.5 ~~under the special permit.~~

3.6 ~~(e) The commissioner may deny, modify, suspend, or revoke a permit issued under~~
3.7 ~~this subdivision for cause, including a violation of the game and fish laws or rules.~~

3.8 ~~(f) A person who knowingly makes a false application or assists another in making~~
3.9 ~~a false application for a permit under this subdivision is guilty of a misdemeanor. A~~
3.10 ~~physician, ophthalmologist, or optometrist who fraudulently certifies to the commissioner~~
3.11 ~~that a person is visually impaired as described in this subdivision is guilty of a~~
3.12 ~~misdemeanor.~~

3.13 Sec. 5. Minnesota Statutes 2005 Supplement, section 97B.811, subdivision 3, is
3.14 amended to read:

3.15 Subd. 3. **Restrictions on leaving decoys unattended.** During the open season
3.16 for waterfowl, a person may not leave decoys in public waters between sunset and one
3.17 hour before lawful shooting hours or leave decoys unattended during other times for
3.18 more than four consecutive hours unless:

3.19 (1) the decoys are in waters adjacent to private land under the control of the hunter;
3.20 and

3.21 (2) there is not natural emergent vegetation growing in water ~~sufficient to partially~~
3.22 ~~conceal a hunter~~ covering at least 50 percent of the surface area around the decoys.



Department of Natural Resources Fact Sheet



2006 Game and Fish Omnibus Bill

Summary (Item numbers correspond to bill sections, as introduced)

This bill will:

1. Expand the types of donations that can be accepted for the critical habitat private sector matching account.
2. Define the term "deer" in the game and fish laws.
3. Clarify deposit of various receipts into the game and fish fund.
4. Eliminate potential diversionary language related to game and fish violations and expense of keeping prisoners.
5. Clarify the deposit of portions of deer license revenue in dedicated accounts.
6. Provide additional authority to regulate motorized watercraft and motorized recreational vehicles on lakes designated for wildlife management purposes.
7. Clarify enforcement officer authority to inspect equipment used to take wild animals in the field.
8. Specify the civil penalty for dogs pursuing big game animals.
9. Clarify provisions for obtaining replacement deer licenses.
10. Correct statutory cross references to federal railroad disability provisions.
11. Authorize youth firearms deer license use in any regular season zone or time period and clarify multi zone and all season licenses.
12. Clarify nonresident multi zone license.
13. Provide additional authority to regulate transport of special fish management species (i.e. sturgeon).
14. Define certain terms related to deer hunting.
- 15-16. Clarify requirements for a parent or guardian accompanying youth under age 16 hunting with a firearm, and providing penalties for a parent or guardian who knowingly allows a youth under age 16 to unlawfully possess a firearm.
17. Clarify that it is legal to collect naturally shed antlers and prohibit use of devices intended to artificially pull antlers.
18. Modify the all season deer license to allow the "buck" tag to be used for taking a deer of either sex under certain conditions.
- 19-22. Modify fishing contest provisions to expand purposes for developing rules; move application deadline earlier; define "traditional" contests; provide specific criteria for contests on rivers; and clarify authorities for permit restrictions.
23. Establish and clarify restrictions and authorities for transporting live fish.
24. Clarify that restrictions related to removal of fish houses and dark houses apply to any type of shelter on the ice.
25. Make closure of the spearing season consistent with the 2005 change in closure of the angling season.
26. Establish a temporary moratorium on the use of new public waters for fish rearing.
27. Repeal the provision preventing a nonresident from leaving a fish house unattended on the ice.

It is needed because:

(1) Expanding the types of donations that can be accepted for the critical habitat private sector matching account will allow acceptance of additional contributions for critical habitat protection.

Background: This proposal would expand the types of private donations that could be accepted to include personal property of any kind. Donated property that was not critical habitat could be liquidated by the DNR and the cash proceeds matched and deposited in the Critical Habitat Private Sector Matching Account. The Critical Habitat Matching Program equally matches private donations of cash, land or interests in land or funds contributed to the nongame wildlife management account (M.S. 84.943, Subd. 3) with state dollars appropriated to the Critical Habitat Private Sector Matching Account. Cash donations and state matching dollars are used to acquire or improve critical habitat in Minnesota. State matching dollars include appropriations from bonding and the Environmental Trust Fund and proceeds from the \$30 annual fee for the Critical Habitat License Plate.

(2) Defining the term “deer” in the game and fish statutes to mean white-tailed and mule deer will clarify that non-native species of deer are not protected by the game and fish laws.

Background: By specifically defining the term “deer” to mean white-tailed and mule deer, this proposal will assure that non-native deer species are not protected under the game and fish laws. Currently, the game and fish laws use the term “deer” generically. There are increasing occurrences in the field of non-native species of deer (such as fallow deer, sika deer, etc.) that have escaped from captivity being found living in the wild in Minnesota. There has been confusion about whether these deer are protected by the game and fish laws. This proposal will make it clear that they are not.

(3) Clarifying deposits of certain receipts in the game and fish fund will continue the existing practice of depositing natural resource receipts from wildlife management and aquatic management areas in the game and fish fund.

Background: This provision clarifies the existing practice of depositing receipts from wildlife and aquatic management areas acquired by purchase or gift into the game and fish fund. These include receipts from easements, leases, and licenses on wildlife and aquatic management area lands and proceeds from the

sale of natural resources (timber, sand, gravel, rock, peat, black dirt, minerals, crops etc.) from wildlife and aquatic management areas.

(4) Eliminating language related to using game and fish fund money to pay for the expense of keeping prisoners will eliminate the potential for using game and fish license receipts in a way that could be considered a “diversion” of these funds under federal law.

Background: This proposal will repeal language allowing use of game and fish license dollars to be used for the cost of keeping prisoners and will eliminate the potential for such use to be found by the federal government as a diversion of hunter and angler license fees. No payments have been made from the game and fish fund since 1993 for the keeping of prisoners prosecuted for the violation of game and fish laws. Federal law requires that states may get their apportionments of federal excise taxes from hunting and fishing equipment only if they have passed laws for conservation of fish and wildlife, including a prohibition against the diversion of license fees paid by hunters and anglers to purposes other than administration of the state fish and wildlife agency and its programs. A previous amendment of this statute in 2003, that changed “must” pay to “may” pay and clarified that payment could only be made for game and fish law violations, was still found insufficient to assure non-diversion according to the findings of federal auditors in 2005. The county general revenue fund currently gets half of the fines and forfeited bail collected from prosecutions of violations of the game and fish laws or rules (97A.065, Subd. 2(a)). That provision is not changed by this proposal.

(5) Clarifying deposits of portions of deer license revenue in dedicated accounts will make statutory language consistent with recommendations of the big game citizens’ oversight subcommittee.

Background: This provision clarifies dedication of certain deer license revenue into various dedicated accounts: 1) deer management account; 2) deer and bear management and computerized licensing account, and 3) emergency deer feeding and wild cervid health management account. Current law provides that, of the revenue from each deer and bear hunting license, at least \$1.00 shall be used for deer and bear management programs, including computerized licensing. Fifty cents from each deer license is appropriated for emergency deer feeding and wild cervidae health management (Minn. Stat. Sec. 97A.075, Subd. 1(c)).

The Big Game Subcommittee of the Budget Oversight Committee interprets the language as “an additional fifty cents” that should be placed in the emergency feeding and cervid health account, while the full \$1.00 should continue to be deposited in the deer-bear account. That differs from the DNR’s interpretation of current law, but this initiative would change the law to be consistent with the citizens’ Big Game Subcommittee recommendation. This section has a delayed effective date to the start of the next biennium to allow for adjustments in appropriations associated with this change.

(6) Providing additional authority to regulate motorized watercraft and motorized recreational vehicles on lakes designated for wildlife management purposes will provide additional authority for regulating the type, size, time or area of use of motorized vehicles on designated wildlife lakes to minimize wildlife disturbance or habitat damage.

Background: The proposed language clarifies the authority of the commissioner to selectively restrict motorized uses on these designated lakes to minimize wildlife disturbance or protect wildlife habitat. Under existing law (Minn. Stat. Sec. 97A.101, subd. 4) the commissioner may “...restrict the use of motorized watercraft and recreational vehicles on lakes designated for wildlife management purposes...” While the law clearly allows the use of motors to be restricted, it does not give clear authority to apply selective restrictions such as the type, size, time, or area of use of motorized watercraft and recreational vehicles.

(7) Clarifying enforcement officer authority to inspect equipment used to take wild animals in the field will clearly provide authority for officers to inspect, while in the field, equipment used to take fish and wildlife.

Background: Current law allows Conservation Officers to inspect firearms, licenses, or wild animals while in the field. To enforce provisions of the game and fish laws, Conservation Officers need to be able to inspect other types of equipment used to take wild animals, such as ammunition, lures, decoys, nets, spears, arrows and other items that are specifically regulated by state law.

(8) Specifying the civil penalty for dogs pursuing big game animals will set a specific statutory civil penalty amount rather than providing a statutory maximum.

Background: This change will amend the “dogs pursuing or killing big game” statute to specify the civil penalty in statute as “\$500,” rather than “up to \$500.” This removes ambiguity from the amount of the penalty and is consistent with similar civil citation penalty language changes in recent years.

(9) Clarifying provisions for obtaining replacement deer licenses is a technical change to procedures for upgrading deer licenses.

Background: This proposal is a technical amendment to clarify a provision on upgrading deer licenses that was changed in the 2005 session. The 2005 amendment to law allowed upgrading to “...a deer license valid in multiple zones.” This proposal would amend that language to clearly specify that “deer licenses valid in multiple zones” means a “multi zone or all season deer license.”

(10) Amending statutory cross references to federal railroad disability provisions is a technical change to correct obsolete statutory references to federal law.

Background: This is a technical correction to citation of federal law in section 97A.445(3) for railroad retirement disability that was changed more than 20 years ago.

(11) Authorizing youth firearms deer license use in any regular firearms season option and clarifying multi zone and all season will expand hunting options and opportunities for holders of youth licenses and make statutory deer license terminology consistent.

Background: This proposal would make a youth firearms deer license for the firearms season valid for all of the regular firearms zone/season options. The current youth firearms deer license (age 12 to 17) limits an applicant to one option for firearms hunting among seven choices (Zone 1, Zone 2, Zone 3A, Zone 3B, Zone 4A, Zone 4B, or Muzzleloader). This proposal would make the youth license valid in all regular firearms season zones and times, not including the muzzleloader season. A total of 55,000 youth under age 18 currently purchase firearms deer licenses each year. Many of these youth are currently opting to purchase more expensive multiple zone licenses rather than the youth license. Assuming that most of those under this option would select the reduced-price youth license, there will be fiscal impacts (see Financial Implications section on last page). This section also makes technical changes standardizing references to all season and multi zone licenses.

(12) Clarifying the nonresident multi zone license will make statutory deer license terminology consistent.

Background: This proposal makes a technical change standardizing references to the nonresident multi zone deer license.

(13) Providing authority to regulate transportation of special fish management species will provide more flexibility for transporting lake sturgeon or other species designated under this law.

Background: This proposal would provide authority for DNR to do rules to allow more options for transport of "special fish management species." Currently this provision refers to lake sturgeon and current law requires that designated special fish management species must be transported in an undressed condition (head, tail, fins and skin intact). This proposal would allow DNR to prescribe other allowable methods, such as allowing transport of fish dressed by licensed fish packers.

(14) Defining certain terms related to deer hunting will clarify deer limits and restrictions on taking legal bucks and antlered deer during different seasons and types of permit areas.

Background: This proposal defines the three types of "deer areas" for purposes of taking antlerless deer, defines "bonus" permits, and defines the types of firearms seasons. By defining these terms, it allows reference to them elsewhere in statute when referring to allowable activities under various license and season options. Several years ago the DNR modified the system for managing antlerless deer harvest in the state. Formerly (since the inception of either-sex deer permits in 1976), all permit areas were "lottery" areas. The only way for a hunter to legally take an antlerless deer was to first apply for and receive an either-sex permit. Now, in "managed" and "intensive" deer areas, which currently include much of the state, a person can take a deer of either sex with a license purchased over-the-counter and can purchase bonus deer permits.

(15-16) Clarifying requirements for a parent or guardian accompanying a youth under age 16 hunting with a firearm, and providing penalties for a parent or guardian who knowingly allows youth under age 16 to unlawfully possess a firearm will provide more clarity on requirements for accompaniment of youthful hunters and will increase accountability for the accompanying adult.

Background: This proposal will clarify requirements for accompaniment of youth by parents or guardians while hunting, and is similar to current language specifying requirements for being afield together when hunting small game as a party. The proposal also provides a penalty for a parent or guardian who knowingly allows or directs a youth to possess a firearm in violation of this section. This penalty proposal is similar to provisions for adults allowing the illegal operation of snowmobiles or all-terrain vehicles located in sections 84.872(2), 84.9256(3), and 84.91(1)(a) and (b).

(17) Clarifying that it is legal to collect naturally shed antlers and prohibiting use of devices intended to artificially pull antlers will provide clear statutory authorization on collecting and possessing naturally shed antlers of deer, moose, elk and caribou.

Background: This proposal will make it clear in law that it is legal to collect and possess naturally shed antlers. It will also establish a prohibition on using fencing, netting, or other equipment intended to artificially pull, sever, or otherwise cause antlers of deer, moose, elk or caribou to be shed or removed.

(18) Modifying the all-season deer license to allow the "buck" tag to be used for taking a deer of either sex under certain conditions will provide more flexibility for use of this license to take additional antlerless deer.

Background: This proposal would change the all-season buck tag to an either-sex tag in managed and intensive deer permit areas. Currently, the DNR is encouraging hunters to harvest more antlerless deer while at the same time a growing segment of the deer hunting public is interested in increasing the survival of bucks so that more of them reach an age of maturity where they have larger antlers. Deer populations are at or near record levels and this changes will help to address both concerns by allowing use of a tag that was formerly "bucks only" for an antlerless deer. The all-season buck license was created in 2000 (97A.475, Subd. 2(11); 97B.301 Subd. 7) and allows a person to hunt during the archery, firearms, and muzzleloader seasons. Originally, the all-season license allowed taking only one deer (a legal buck), did not allow purchase of bonus permits, and prohibited party hunting. Consequently, very few all-season licenses were sold in 2000 and 2001. The all-season license has now been changed to allow for the harvest of two deer, to allow purchase of bonus permits, and to allow party hunting. In 2005, 59,000 all-season licenses were sold.

(19-22) Modifying fishing contest provisions will provide expanded purposes for regulating contests, move up the time for accepting applications for contests, define in statute the existing working definition of "traditional" contest, establish separate water body size criteria for rivers, and clarify authority for permit restrictions on releasing fish.

Background: This proposal: adds minimizing user conflicts as a purpose for rules; moves the application deadline for tournament permits up by one month; defines the term "traditional contests" as it has been interpreted by DNR for purposes of 97C.081, Subd. 6(c); defines separate size criteria for rivers; and clarifies authorities for permit restrictions on release of fish.

During the 2001 legislative session, Minn. Stat. Sec. 97C.081 was modified as recommended by a contest task force composed of contest organizers and recreational anglers. Changes included criteria for conducting contests without a permit, creating a permit application process, and setting limits on the number of contests allowed per month based on lake size. Currently, applications for fishing contests for the next calendar year are accepted beginning September 1. Contest organizers have requested that the permit application period be moved up by one month to help them with their planning for upcoming contests. Current law also provides certain preference to "established or traditional" contests. However, traditional contests have not been defined in law or rule. This initiative would codify the working definition that has been used by DNR for established or traditional contests since 2001.

Current size criteria for water bodies with fishing contests were designed for contests occurring on lakes. This is problematic for contests originating on rivers because those water bodies are typically more linear and defined in river miles, rather than acres. This initiative would define the number of contests permitted for most rivers in terms of river length. Exceptions to that would include the Mississippi River from lock and dam #1 in the Twin Cities downstream to the Iowa border and the St. Croix River and Lake St. Croix (part of lock and dam pool #3). Current statutes are confusing related to authorities for permit restrictions designed to minimize mortality of released fish.

(23) Establishing and clarifying restrictions and authorities for transporting live fish will codify portions of transportation restrictions formerly in rule and will provide additional authority for the commissioner to regulate transport of live fish.

Background: This proposal restricts transportation of live fish in water sufficient to keep the fish alive, except on the water body where taken or where allowed by license, permit or other statutory exception. It also provides additional authority for the commissioner to allow or regulate the transportation of fish. Past practice and interpretation of the DNR through rule has been that it is illegal to transport live fish, except by license, permit or statutory exception. The recent capture and transport of a state record largemouth bass led to a closer examination of existing and needed regulations for transporting live fish. The statutory authorities supporting current rules were not clear. This proposal would clearly establish allowable transport of live fish and would give DNR the flexibility to continue to work with a citizens' advisory committee on record fish to come up with potential options related to transport of record fish.

(24) Clarifying that restrictions on removing fish houses and dark houses apply to any shelter on the ice will improve enforcement of regulations on removing structures from the ice and litter.

Background: This proposal includes any shelter left on the ice under the same restrictions for removal and confiscation of fish houses or dark houses under current law.

(25) Closing the season for spearing fish through the ice at the same time as closing the ice angling season will make seasons consistent for taking fish by angling and by spearing through the ice.

Background: In 2005, the closing date for angling seasons for walleye, sauger, northern pike, muskellunge, and largemouth and smallmouth bass was changed from the third Sunday in February to the last Sunday in February. The open season for spearing through the ice was inadvertently left as the third Sunday in February. This proposal would make the closure of the season for spearing fish through the ice, consistent with the closure of the ice angling season.

(26) Establishing a temporary moratorium on use of new public waters for fish rearing will restrict use of water bodies that have not been licensed for private aquaculture or used by DNR for fish-rearing in the past five years.

Background: This proposal will establish a moratorium through 2007 on licensing of private aquaculture use of new wetlands or use by DNR of new wetlands for fish rearing that have not been used

for that purpose in the past five years. The impacts of fish in wetlands are complex and DNR is currently in the middle of a technical review and public consultation process to establish new criteria for licensing wetlands for aquaculture. Some aquaculture uses of wetlands may actually improve wetland condition, so the goal is to establish assessment, monitoring and licensing criteria in a way that, to the greatest extent possible, maintains or restores the value of those wetlands for waterfowl and other aquatic life. This moratorium will provide time to work through that technical and public process and come back with recommendations during the 2007 legislative session.

(27) Repealing the prohibition on nonresidents leaving a fish house unattended will allow nonresidents to leave fish houses on the ice under the same restrictions as residents.

Background: Current law allows nonresidents to have fish houses, but does not allow the houses to be left unattended. This proposal makes conditions for leaving fish houses on ice the same for residents and nonresidents.

Financial Implications:

The provision of the bill allowing youth deer licenses to be valid in any regular firearms season zone or time period will have financial implications. For example, in 2004: 1,835 youth under age 18 purchased multi-zone firearms licenses for \$53 who under this proposal would now likely purchase a \$14 youth license (difference of \$39); 1,543 youth purchased an all-season license for \$79, most of whom would now likely purchase a youth archery and a youth firearms license for \$28 (difference of \$51). If these assumptions are accurate, the projected annual loss of revenue would be approximately \$150,000. However, youth participation is key to the future of deer hunting and all deer license revenues combined are currently over \$20 million annually. The DNR feels this relatively small short term loss of revenue is worth the investment in potential future deer hunters and license sales.

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