

53.3 **ARTICLE 2**

53.4 **GAME AND FISH**

53.5 Section 1. Minnesota Statutes 2007 Supplement, section 10A.01, subdivision 35,
53.6 is amended to read:

53.7 Subd. 35. **Public official.** "Public official" means any:

53.8 (1) member of the legislature;

53.9 (2) individual employed by the legislature as secretary of the senate, legislative
53.10 auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or
53.11 attorney in the Office of Senate Counsel and Research or House Research;

53.12 (3) constitutional officer in the executive branch and the officer's chief administrative
53.13 deputy;

53.14 (4) solicitor general or deputy, assistant, or special assistant attorney general;

53.15 (5) commissioner, deputy commissioner, or assistant commissioner of any state
53.16 department or agency as listed in section 15.01 or 15.06, or the state chief information
53.17 officer;

53.18 (6) member, chief administrative officer, or deputy chief administrative officer of a
53.19 state board or commission that has either the power to adopt, amend, or repeal rules under
53.20 chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

53.21 (7) individual employed in the executive branch who is authorized to adopt, amend,
53.22 or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

53.23 (8) executive director of the State Board of Investment;

53.24 (9) deputy of any official listed in clauses (7) and (8);

53.25 (10) judge of the Workers' Compensation Court of Appeals;

53.26 (11) administrative law judge or compensation judge in the State Office of
53.27 Administrative Hearings or referee in the Department of Employment and Economic
53.28 Development;

53.29 (12) member, regional administrator, division director, general counsel, or operations
53.30 manager of the Metropolitan Council;

53.31 (13) member or chief administrator of a metropolitan agency;

53.32 (14) director of the Division of Alcohol and Gambling Enforcement in the
53.33 Department of Public Safety;

53.34 (15) member or executive director of the Higher Education Facilities Authority;

53.35 (16) member of the board of directors or president of Minnesota Technology, Inc.;

54.1 (17) member of the board of directors or executive director of the Minnesota State
54.2 High School League;

54.3 (18) member of the Minnesota Ballpark Authority established in section 473.755;

54.4 (19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

54.5 (20) manager of a watershed district, or member of a watershed management

54.6 organization as defined under section 103B.205, subdivision 13; ~~or~~

54.7 (21) supervisor of a soil and water conservation district; ~~or~~

54.8 (22) citizen member of the Lessard Outdoor Heritage Council established in section
54.9 97A.056.

54.10 **EFFECTIVE DATE.** This section is effective November 15, 2008, if the

54.11 constitutional amendment proposed in Laws 2008, chapter 151, is adopted by the voters.

54.12 Sec. 2. Minnesota Statutes 2006, section 17.4981, is amended to read:

54.13 **17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC**

54.14 **FARMS.**

54.15 (a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life

54.16 is not wildlife. Aquatic farms must be licensed and given classifications to prevent or
54.17 minimize impacts on natural resources. The purpose of sections 17.4981 to 17.4997 is to:
54.18 (1) prevent public aquatic life from entering an aquatic farm;
54.19 (2) prevent release of nonindigenous or exotic species into public waters without
54.20 approval of the commissioner;
54.21 (3) protect against release of disease pathogens to public waters;
54.22 (4) protect existing natural aquatic habitats and the wildlife dependent on them; and
54.23 (5) protect private aquatic life from unauthorized taking or harvest.
54.24 (b) Private aquatic life that is legally acquired and possessed is an article of interstate
54.25 commerce and may be restricted only as necessary to protect state fish and water resources.
54.26 (c) The commissioner of natural resources shall establish license and other fees as
54.27 provided in section 16A.1285, subdivision 2, that would make aquaculture licensing and
54.28 enforcement self-sustaining. The commissioner shall develop best management practices
54.29 for aquaculture to ensure the long-term sustainability of aquaculture and wetlands used for
54.30 aquaculture, including, but not limited to, fish farming in man-made ponds.

54.31 Sec. 3. Minnesota Statutes 2007 Supplement, section 17.4984, subdivision 1, is
54.32 amended to read:

54.33 Subdivision 1. **License required.** (a) A person or entity may not operate an aquatic
54.34 farm without first obtaining an aquatic farm license from the commissioner.

55.1 (b) Applications for an aquatic farm license must be made on forms provided by
55.2 the commissioner.

55.3 (c) Licenses are valid for five years and are transferable upon notification to the
55.4 commissioner.

55.5 (d) The commissioner shall issue an aquatic farm license on payment of the required
55.6 license fee under section 17.4988.

55.7 (e) A license issued by the commissioner is not a determination of private property
55.8 rights, but is only based on a determination that the licensee does not have a significant
55.9 detrimental impact on the public resource.

55.10 (f) ~~By January 15, 2008, the commissioner shall report to the senate and house~~
55.11 ~~of representatives committees on natural resource policy and finance on policy~~
55.12 ~~recommendations regarding aquaculture. The commissioner shall not issue a new license~~
55.13 ~~for aquatic farm purposes on a natural water body that has been restored or subject to a~~
55.14 ~~protective easement or other interest in land that was at least partially paid for with state or~~
55.15 ~~federal money.~~

55.16 (g) Before a new aquatic farm license is issued for a natural water body, the applicant
55.17 must notify all owners of property with direct access to the water body. The notification
55.18 must include the language of this subdivision.

55.19 **EFFECTIVE DATE.** This section is effective the day following final enactment
55.20 and applies to applications submitted after that date.

55.21 Sec. 4. Minnesota Statutes 2006, section 84.027, subdivision 15, is amended to read:

55.22 Subd. 15. **Electronic transactions.** (a) The commissioner may receive an
55.23 application for, sell, and issue any license, stamp, permit, pass, sticker, duplicate safety
55.24 training certification, registration, or transfer under the jurisdiction of the commissioner
55.25 by electronic means, including by telephone. Notwithstanding section 97A.472, electronic
55.26 and telephone transactions may be made outside of the state. The commissioner may:

55.27 (1) provide for the electronic transfer of funds generated by electronic transactions,
55.28 including by telephone;

55.29 (2) assign an identification number to an applicant who purchases a hunting or
55.30 fishing license or recreational vehicle registration by electronic means, to serve as

55.31 temporary authorization to engage in the activity requiring a license or registration until
55.32 the license or registration is received or expires;

55.33 (3) charge and permit agents to charge a fee of individuals who make electronic
55.34 transactions and transactions by telephone or Internet, including issuing fees and an
55.35 additional transaction fee not to exceed \$3.50;

56.1 (4) charge and permit agents to charge a convenience fee not to exceed three percent
56.2 of the cost of the license to individuals who use electronic bank cards for payment. An
56.3 electronic licensing system agent charging a fee of individuals making an electronic
56.4 bank card transaction in person must post a sign informing individuals of the fee. The
56.5 sign must be near the point of payment, clearly visible, include the amount of the fee, and
56.6 state: "License agents are allowed by state law to charge a fee not to exceed three percent
56.7 of the cost of state licenses to persons who use electronic bank cards for payment. The
56.8 fee is not required by state law.";

56.9 (5) establish, by written order, an electronic licensing system commission to be
56.10 paid by revenues generated from all sales made through the electronic licensing system.
56.11 The commissioner shall establish the commission in a manner that neither significantly
56.12 overrecovers nor underrecovers costs involved in providing the electronic licensing
56.13 system; and

56.14 ~~(5)~~ (6) adopt rules to administer the provisions of this subdivision.

56.15 (b) The fees established under paragraph (a), ~~clause~~ clauses (3) and (4), and
56.16 the commission established under paragraph (a), ~~clause (4)~~ (5), are not subject to the
56.17 rulemaking procedures of chapter 14 and section 14.386 does not apply.

56.18 (c) Money received from fees and commissions collected under this subdivision,
56.19 including interest earned, is annually appropriated from the game and fish fund and the
56.20 natural resources fund to the commissioner for the cost of electronic licensing.

56.21 Sec. 5. Minnesota Statutes 2006, section 84D.10, subdivision 2, is amended to read:

56.22 Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may place into
56.23 the waters of the state a watercraft or trailer with aquatic macrophytes:

56.24 (1) that are duckweeds in the family Lemnaceae;

56.25 (2) for purposes of shooting or observation blinds attached in or on watercraft in
56.26 amounts sufficient for that purpose, if the aquatic macrophytes are emergent and cut
56.27 above the waterline;

56.28 (3) that are wild rice harvested under section 84.091; or

56.29 (4) in the form of fragments of emergent aquatic macrophytes incidentally
56.30 transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl
56.31 season.

56.32 Sec. 6. Minnesota Statutes 2006, section 84D.13, subdivision 4, is amended to read:

57.1 Subd. 4. **Warnings; civil citations.** After appropriate training, conservation
57.2 officers, other licensed peace officers, and other department personnel designated by the
57.3 commissioner may issue warnings or citations to a person who:

57.4 (1) unlawfully transports prohibited invasive species or aquatic macrophytes;

57.5 (2) unlawfully places or attempts to place into waters of the state a trailer, a
57.6 watercraft, or plant harvesting equipment that has aquatic macrophytes or prohibited
57.7 invasive species attached;

57.8 (3) intentionally damages, moves, removes, or sinks a buoy marking, as prescribed
57.9 by rule, Eurasian water milfoil;

57.10 (4) fails to drain water, as required by rule, from watercraft and equipment before
57.11 leaving designated zebra mussel, spiny water flea, or other invasive plankton infested
57.12 waters; or

57.13 (5) transports infested water, in violation of rule, off riparian property.

57.14 Sec. 7. Minnesota Statutes 2006, section 85.46, subdivision 1, is amended to read:

57.15 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while
57.16riding, leading, or driving a horse on horse trails and associated day use areas on state
57.17trails, in state parks, in state recreation areas, and in state forests, a person 16 years of age
57.18or over shall carry in immediate possession ~~and visibly display on person or horse tack,~~
57.19a valid horse trail pass. The pass must be available for inspection by a peace officer, a
57.20conservation officer, or an employee designated under section 84.0835.

57.21 (b) A valid horse trail pass is not required under this section for a person riding,
57.22leading, or driving a horse only on the portion of a horse trail that is owned by the person
57.23or the person's spouse, child, parent, or guardian.

57.24 Sec. 8. Minnesota Statutes 2006, section 97A.015, subdivision 32a, is amended to read:

57.25 Subd. 32a. ~~Muzzle loader~~ **Muzzleloader season.** ~~"Muzzle loader Muzzleloader~~
57.26season" means the ~~firearms~~ deer season ~~option~~ open only for legal ~~muzzle loading~~
57.27muzzleloading firearms, as prescribed by the commissioner.

57.28 Sec. 9. Minnesota Statutes 2006, section 97A.015, subdivision 41a, is amended to read:

57.29 Subd. 41a. **Regular firearms season.** "Regular firearms season" means any of
57.30the firearms deer ~~season options~~ seasons prescribed by the commissioner that begin in
57.31November, exclusive of the ~~muzzle loader~~ muzzleloader season.

58.1 Sec. 10. Minnesota Statutes 2006, section 97A.015, is amended by adding a
58.2subdivision to read:

58.3 Subd. 44a. **Shelter.** "Shelter" means any structure, other than a self-propelled motor
58.4vehicle, that is set on the ice of state waters to provide shelter.

58.5 Sec. 11. Minnesota Statutes 2006, section 97A.045, subdivision 7, is amended to read:

58.6 Subd. 7. **Duty to encourage stamp design and purchases.** (a) The commissioner
58.7shall encourage the purchase of:

58.8 (1) Minnesota migratory waterfowl stamps by nonhunters interested in migratory
58.9waterfowl preservation and habitat development;

58.10 (2) pheasant stamps by persons interested in pheasant habitat improvement;

58.11 (3) trout and salmon stamps by persons interested in trout and salmon stream and
58.12lake improvement; ~~and~~

58.13 (4) turkey stamps by persons interested in ~~wild turkey management and habitat~~
58.14improvement stamp collecting; and

58.15 (5) walleye stamps by persons interested in walleye stocking and stamp collecting.

58.16 (b) The commissioner shall make rules governing contests for selecting a design for
58.17each stamp, including those stamps not required to be in possession while taking game or
58.18fish. The commissioner shall ensure that stamp design and characteristics are consistent
58.19with the design and characteristics that are sought by pictorial stamp collectors.

58.20 Sec. 12. Minnesota Statutes 2007 Supplement, section 97A.055, subdivision 4, is
58.21amended to read:

58.22 Subd. 4. **Game and fish annual reports.** (a) By December 15 each year,
58.23the commissioner shall submit to the legislative committees having jurisdiction over
58.24appropriations and the environment and natural resources reports on each of the following:

58.25 (1) the amount of revenue from the following and purposes for which expenditures
58.26were made:

58.27 (i) the small game license surcharge under section 97A.475, subdivision 4;
58.28 (ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision
58.295 , clause (1);
58.30 (iii) the trout and salmon stamp under section 97A.475, subdivision 10;
58.31 (iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2);
58.32 (v) the ~~turkey stamp~~ wild turkey management account under section 97A.475,
58.33subdivision 5 , clause (3) 97A.075, subdivision 5; and
59.1 (vi) the deer license donations and surcharges under section 97A.475, subdivisions
59.23, paragraph (b), and 3a; and
59.3 (vii) the walleye stamp under section 97A.475, subdivision 10a;
59.4 (2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and
59.5(c), and the purposes for which these amounts were spent;
59.6 (3) money credited to the game and fish fund under this section and purposes for
59.7which expenditures were made from the fund;
59.8 (4) outcome goals for the expenditures from the game and fish fund; and
59.9 (5) summary and comments of citizen oversight committee reviews under
59.10subdivision 4b.
59.11 (b) The report must include the commissioner's recommendations, if any, for
59.12changes in the laws relating to the stamps and surcharge referenced in paragraph (a).
59.13EFFECTIVE DATE.This section is effective March 1, 2009.

59.14 Sec. 13. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

59.15 Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint
59.16subcommittees of affected persons to review the reports prepared under subdivision 4;
59.17review the proposed work plans and budgets for the coming year; propose changes
59.18in policies, activities, and revenue enhancements or reductions; review other relevant
59.19information; and make recommendations to the legislature and the commissioner for
59.20improvements in the management and use of money in the game and fish fund.
59.21 (b) The commissioner shall appoint the following subcommittees, each comprised
59.22of at least three affected persons:
59.23 (1) a Fisheries Operations Subcommittee to review fisheries funding, excluding
59.24activities related to trout and salmon stamp and walleye stamp funding;
59.25 (2) a Wildlife Operations Subcommittee to review wildlife funding, excluding
59.26activities related to migratory waterfowl, pheasant, and ~~turkey stamp~~ wild turkey
59.27management funding and excluding review of the amounts available under section
59.2897A.075, subdivision 1 , paragraphs (b) and (c);
59.29 (3) a Big Game Subcommittee to review the report required in subdivision 4,
59.30paragraph (a), clause (2);
59.31 (4) an Ecological Services Operations Subcommittee to review ecological services
59.32funding;
59.33 (5) a subcommittee to review game and fish fund funding of enforcement, support
59.34services, and Department of Natural Resources administration;
60.1 (6) a subcommittee to review the trout and salmon stamp report and address funding
60.2issues related to trout and salmon;
60.3 (7) a subcommittee to review the report on the migratory waterfowl stamp and
60.4address funding issues related to migratory waterfowl;
60.5 (8) a subcommittee to review the report on the pheasant stamp and address funding
60.6issues related to pheasants; and
60.7 (9) a subcommittee to review the report on the ~~turkey stamp~~ wild turkey management
60.8account and address funding issues related to wild turkeys; and
60.9 (10) a subcommittee to review the walleye stamp and address funding issues related

60.10 to walleye stocking.

60.11 (c) The chairs of each of the subcommittees shall form a Budgetary Oversight
60.12 Committee to coordinate the integration of the subcommittee reports into an annual
60.13 report to the legislature; recommend changes on a broad level in policies, activities, and
60.14 revenue enhancements or reductions; provide a forum to address issues that transcend the
60.15 subcommittees; and submit a report for any subcommittee that fails to submit its report
60.16 in a timely manner.

60.17 (d) The Budgetary Oversight Committee shall develop recommendations for a
60.18 biennial budget plan and report for expenditures on game and fish activities. By August 15
60.19 of each even-numbered year, the committee shall submit the budget plan recommendations
60.20 to the commissioner and to the senate and house committees with jurisdiction over natural
60.21 resources finance.

60.22 (e) Each subcommittee shall choose its own chair, except that the chair of the
60.23 Budgetary Oversight Committee shall be appointed by the commissioner and may not
60.24 be the chair of any of the subcommittees.

60.25 (f) The Budgetary Oversight Committee must make recommendations to the
60.26 commissioner and to the senate and house committees with jurisdiction over natural
60.27 resources finance for outcome goals from expenditures.

60.28 (g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the
60.29 Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010.
60.30 **EFFECTIVE DATE.** This section is effective March 1, 2009.

60.31 Sec. 14. **[97A.056] OUTDOOR HERITAGE FUND; LESSARD OUTDOOR**
60.32 **HERITAGE COUNCIL.**

60.33 Subdivision 1. **Outdoor heritage fund.** An outdoor heritage fund, under article XI,
60.34 section 15, of the Minnesota Constitution, is established as an account in the state treasury.
60.35 All money earned by the outdoor heritage fund must be credited to the fund. At least 99
61.1 percent of the money appropriated from the fund must be expended to restore, protect, and
61.2 enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

61.3 Subd. 2. **Lessard Outdoor Heritage Council.** (a) The Lessard Outdoor Heritage
61.4 Council of 12 members is created in the legislative branch, consisting of:

61.5 (1) two public members appointed by the senate Subcommittee on Committees of
61.6 the Committee on Rules and Administration;

61.7 (2) two public members appointed by the speaker of the house;

61.8 (3) four public members appointed by the governor;

61.9 (4) two members of the senate appointed by the senate Subcommittee on Committees
61.10 of the Committee on Rules and Administration; and

61.11 (5) two members of the house of representatives appointed by the speaker of the
61.12 house.

61.13 (b) Members appointed under paragraph (a) must not be registered lobbyists.
61.14 In making appointments, the governor, senate Subcommittee on Committees of the
61.15 Committee on Rules and Administration, and the speaker of the house shall consider
61.16 geographic balance, gender, age, ethnicity, and varying interests including hunting and
61.17 fishing. The governor's appointments to the council are subject to the advice and consent
61.18 of the senate.

61.19 (c) Public members appointed under paragraph (a) shall have practical experience
61.20 or expertise or demonstrated knowledge in the science, policy, or practice of restoring,
61.21 protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and
61.22 wildlife.

61.23 (d) Legislative members appointed under paragraph (a) shall include the chairs
61.24 of the legislative committees with jurisdiction over environment and natural resources

61.25finance or their designee, one member from the minority party of the senate, and one
61.26member from the minority party of the house of representatives.

61.27 (e) Members serve four-year terms and shall be initially appointed according to
61.28the following schedule of terms:

61.29 (1) two public members appointed by the governor for a term ending the first
61.30Monday in January 2011;

61.31 (2) one public member appointed by the senate Subcommittee on Committees of the
61.32Committee on Rules and Administration for a term ending the first Monday in January
61.332011;

61.34 (3) one public member appointed by the speaker of the house for a term ending
61.35the first Monday in January 2011;

62.1 (4) two public members appointed by the governor for a term ending the first
62.2Monday in January 2013;

62.3 (5) one public member appointed by the senate Subcommittee on Committees of the
62.4Committee on Rules and Administration for a term ending the first Monday in January
62.52013;

62.6 (6) one public member appointed by the speaker of the house for a term ending the
62.7first Monday in January 2013; and

62.8 (7) two members of the senate appointed by the senate Subcommittee on Committees
62.9of the Committee on Rules and Administration for a term ending the first Monday in
62.10January 2013, and two members of the house of representatives appointed by the speaker
62.11of the house for a term ending the first Monday in January 2013.

62.12 (f) Compensation and removal of public members are as provided in section
62.1315.0575. A vacancy on the council may be filled by the appointing authority for the
62.14remainder of the unexpired term.

62.15 (g) The first meeting of the council shall be convened by the chair of the Legislative
62.16Coordinating Commission no later than December 1, 2008. Members shall elect a chair,
62.17vice chair, secretary, and other officers as determined by the council. The chair may
62.18convene meetings as necessary to conduct the duties prescribed by this section.

62.19 (h) The Department of Natural Resources shall provide administrative support for
62.20the council. Up to one percent of the money appropriated from the fund may be used to
62.21cover the staffing and related administrative expenses of the department and to cover the
62.22compensation and travel expenses of council members.

62.23 Subd. 3. **Council recommendations.** (a) The council shall make recommendations
62.24to the legislature on appropriations of money from the outdoor heritage fund that are
62.25consistent with the Constitution and state law and that take into consideration the outcomes
62.26of, including, but not limited to, the Minnesota Conservation and Preservation Plan, that
62.27directly relate to the restoration, protection, and enhancement of wetlands, prairies, forests,
62.28and habitat for fish, game, and wildlife, and that prevent forest fragmentation, encourage
62.29forest consolidation, and expand restored native prairie. The council shall submit its
62.30initial recommendations to the legislature no later than April 1, 2009. Subsequent
62.31recommendations shall be submitted no later than January 15 each year. The council shall
62.32present its recommendations to the senate and house committees with jurisdiction over the
62.33environment and natural resources budget by February 15 in odd numbered years, and
62.34within the first four weeks of the legislative session in even numbered years. The council's
62.35budget recommendations to the legislature shall be separate from the Department of
62.36Natural Resource's budget recommendations.

63.1 (b) To encourage and support local conservation efforts, the council shall establish a
63.2conservation partners program. Local, regional, state, or national organizations may apply
63.3for matching grants for restoration, protection, and enhancement of wetlands, prairies,
63.4forests, and habitat for fish, game, and wildlife, prevention of forest fragmentation,

63.5 encouragement of forest consolidation, and expansion of restored native prairie.

63.6 (c) The council may work with the Clean Water Council to identify projects that
63.7 are consistent with both the purpose of the outdoor heritage fund and the purpose of
63.8 the clean water fund.

63.9 (d) The council may make recommendations to the Legislative-Citizen Commission
63.10 on Minnesota Resources on scientific research that will assist in restoring, protecting, and
63.11 enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife, preventing
63.12 forest fragmentation, encouraging forest consolidation, and expanding restored native
63.13 prairie.

63.14 (e) Recommendations of the council, including approval of recommendations for the
63.15 outdoor heritage fund, require an affirmative vote of at least nine members of the council.

63.16 **Subd. 4. Conflict of interest.** (a) A council member may not be an advocate for
63.17 or against a council action or vote on any action that may be a conflict of interest. A
63.18 conflict of interest must be disclosed as soon as it is discovered. The council shall follow
63.19 the policies and requirements related to conflicts of interest developed by the Office of
63.20 Grants Management under section 16B.98.

63.21 (b) For the purposes of this section, a "conflict of interest" exists when a person has
63.22 an organizational conflict of interest or direct financial interests and those interests present
63.23 the appearance that it will be difficult for the person to impartially fulfill the person's
63.24 duty. An "organizational conflict of interest" exists when a person has an affiliation with
63.25 an organization that is subject to council activities, which presents the appearance of a
63.26 conflict between organizational interests and council member duties. An "organizational
63.27 conflict of interest" does not exist if the person's only affiliation with an organization is
63.28 being a member of the organization.

63.29 **Subd. 5. Open meetings.** (a) Meetings of the council and other groups the council
63.30 may establish are subject to chapter 13D. Except where prohibited by law, the council
63.31 shall establish additional processes to broaden public involvement in all aspects of its
63.32 deliberations, including recording meetings, video conferencing, and publishing minutes.
63.33 For the purposes of this subdivision, a meeting occurs when a quorum is present and the
63.34 members receive information or take action on any matter relating to the duties of the
63.35 council. The quorum requirement for the council shall be seven members.

64.1 (b) For legislative members of the council, enforcement of this subdivision is
64.2 governed by section 3.055, subdivision 2. For nonlegislative members of the council,
64.3 enforcement of this subdivision is governed by section 13D.06, subdivisions 1 and 2.

64.4 **Subd. 6. Audit.** The council shall select an independent auditor to audit the outdoor
64.5 heritage fund expenditures every two years to ensure that the money is spent to restore,
64.6 protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

64.7 **Subd. 7. Legislative oversight.** (a) The senate and house chairs of the committees
64.8 with jurisdiction over the environment and natural resources budget shall convene a joint
64.9 hearing to review the activities and evaluate the effectiveness of the council and evaluate
64.10 the effectiveness and efficiency of the department's administration and staffing of the
64.11 council after five years but no later than June 30, 2014.

64.12 (b) By January 15, 2013, a professional outside review authority shall be chosen by
64.13 the chairs of the house of representatives and senate committees with jurisdiction over
64.14 environment and natural resources to evaluate the effectiveness and efficiency of the
64.15 department's administration and staffing of the council. A report shall be submitted to
64.16 the chairs by January 15, 2014.

64.17 **EFFECTIVE DATE.** This section is effective November 15, 2008, if the
64.18 constitutional amendment proposed in Laws 2008, chapter 151, is adopted by the voters.

64.19 Sec. 15. Minnesota Statutes 2006, section 97A.075, subdivision 1, is amended to read:

64.20 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this
64.21 subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2,
64.22 clauses (4), (5), (9), (11), (13), and (14) (5), (6), (7), (11), (13), (15), (16), and (17), and 3,
64.23 clauses (2), (3), and (7) (2), (3), (4), (9), (11), (12), and (13), and licenses issued under
64.24 section 97B.301, subdivision 4.

64.25 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and
64.26 wildlife trust fund, established in section 97A.4742, for each license issued under section
64.27 97A.473, subdivision 4, shall be credited to the deer management account and shall be
64.28 used for deer habitat improvement or deer management programs.

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

65.1 (d) Fifty cents from each deer license is credited to the emergency deer feeding
65.2 and wild cervidae health management account and is appropriated for emergency deer
65.3 feeding and wild cervidae health management. Money appropriated for emergency
65.4 deer feeding and wild cervidae health management is available until expended. When
65.5 the unencumbered balance in the appropriation for emergency deer feeding and wild
65.6 cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first
65.7 time, \$750,000 is canceled to the unappropriated balance of the game and fish fund.
65.8 The commissioner must inform the legislative chairs of the natural resources finance
65.9 committees every two years on how the money for emergency deer feeding and wild
65.10 cervidae health management has been spent.

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

65.15 Sec. 16. Minnesota Statutes 2006, section 97A.075, subdivision 4, is amended to read:

65.16 Subd. 4. **Pheasant stamp.** (a) Ninety percent of the revenue from pheasant stamps
65.17 must be credited to the pheasant habitat improvement account. Money in the account
65.18 may be used only for:

65.19 (1) the development, restoration, and maintenance of suitable habitat for ringnecked
65.20 pheasants on public and private land including the establishment of nesting cover, winter
65.21 cover, and reliable food sources;

65.22 (2) reimbursement of landowners for setting aside lands for pheasant habitat;

65.23 (3) reimbursement of expenditures to provide pheasant habitat on public and private
65.24 land;

65.25 (4) the promotion of pheasant habitat development and maintenance, including
65.26 promotion and evaluation of government farm program benefits for pheasant habitat; and

65.27 (5) the acquisition of lands suitable for pheasant habitat management and public
65.28 hunting.

65.29 (b) Money in the account may not be used for:

65.30 (1) costs unless they are directly related to a specific parcel of land under paragraph
65.31 (a), clause (1), (3), or (5), or to specific promotional or evaluative activities under
65.32 paragraph (a), clause (4); or

65.33 (2) any personnel costs, except that prior to July 1, ~~2009~~ 2019, personnel may be
65.34 hired to provide technical and promotional assistance for private landowners to implement
65.35 conservation provisions of state and federal programs.

66.1 Sec. 17. Minnesota Statutes 2006, section 97A.075, subdivision 5, is amended to read:
66.2 Subd. 5. **Turkey stamps account.** (a) ~~Ninety percent of the revenue from~~
66.3 ~~turkey stamps \$4.50 from each turkey license sold~~ must be credited to the wild turkey
66.4 management account. Money in the account may be used only for:
66.5 (1) the development, restoration, and maintenance of suitable habitat for wild
66.6 turkeys on public and private land including forest stand improvement and establishment
66.7 of nesting cover, winter roost area, and reliable food sources;
66.8 (2) acquisitions of, or easements on, critical wild turkey habitat;
66.9 (3) reimbursement of expenditures to provide wild turkey habitat on public and
66.10 private land;
66.11 (4) trapping and translocation of wild turkeys; and
66.12 (5) the promotion of turkey habitat development and maintenance, population
66.13 surveys and monitoring, and research.
66.14 (b) Money in the account may not be used for:
66.15 (1) costs unless they are directly related to a specific parcel of land under paragraph
66.16 (a), clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4),
66.17 or to specific promotional or evaluative activities under paragraph (a), clause (5); or
66.18 (2) any permanent personnel costs.
66.19 **EFFECTIVE DATE.** This section is effective March 1, 2009.

66.20 Sec. 18. Minnesota Statutes 2006, section 97A.075, is amended by adding a
66.21 subdivision to read:
66.22 Subd. 6. **Walleye stamp.** (a) Revenue from walleye stamps must be credited to the
66.23 walleye stamp account. Money in the account must be used only for stocking walleye in
66.24 waters of the state and related activities.
66.25 (b) Money in the account may not be used for costs unless they are directly related to
66.26 a specific body of water under paragraph (a), or for costs associated with supplies and
66.27 equipment to implement walleye stocking activities under paragraph (a).
66.28 **EFFECTIVE DATE.** This section is effective on March 1, 2009.

66.29 Sec. 19. Minnesota Statutes 2006, section 97A.311, subdivision 5, is amended to read:
66.30 Subd. 5. **Refunds.** (a) The commissioner may issue a refund on a license, not
66.31 including any issuing fees paid under section 97A.485, subdivision 6, if:
66.32 (1) the licensee dies before the opening of the licensed season. The original license
66.33 and a copy of the death certificate must be provided to the commissioner; ~~or~~
67.1 (2) the licensee is unable to participate in the licensed activity because the licensee is
67.2 called to active military duty or military leave is canceled during the entire open season of
67.3 the licensed activity. The original license and a copy of the military orders or notice of
67.4 cancellation of leave must be provided to the commissioner; or
67.5 (3) the licensee purchased two licenses for the same license season in error.
67.6 (b) This subdivision does not apply to lifetime licenses.

67.7 Sec. 20. Minnesota Statutes 2007 Supplement, section 97A.405, subdivision 2, is
67.8 amended to read:
67.9 Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from
67.10 an area where a licensed activity was performed must have in personal possession either:
67.11 (1) the proper license, if the license has been issued to and received by the person; or (2)
67.12 the proper license identification number or stamp validation, if the license has been sold to
67.13 the person by electronic means but the actual license has not been issued and received.
67.14 (b) If possession of a license or a license identification number is required, a person
67.15 must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper

67.16 license if the license has been issued to and received by the person; or (2) the proper
67.17 license identification number or stamp validation and a valid state driver's license, state
67.18 identification card, or other form of identification provided by the commissioner, if the
67.19 license has been sold to the person by electronic means but the actual license has not been
67.20 issued and received. A person charged with violating the license possession requirement
67.21 shall not be convicted if the person produces in court or the office of the arresting officer,
67.22 the actual license previously issued to that person, which was valid at the time of arrest,
67.23 or satisfactory proof that at the time of the arrest the person was validly licensed. Upon
67.24 request of a conservation officer or peace officer, a licensee shall write the licensee's name
67.25 in the presence of the officer to determine the identity of the licensee.

67.26 (c) If the actual license has been issued and received, a receipt for license fees, a
67.27 copy of a license, or evidence showing the issuance of a license, including the license
67.28 identification number or stamp validation, does not entitle a licensee to exercise the rights
67.29 or privileges conferred by a license.

67.30 (d) A license issued electronically and not immediately provided to the licensee shall
67.31 be mailed to the licensee within 30 days of purchase of the license. A pictorial ~~turkey~~,
67.32 migratory waterfowl, pheasant, ~~or~~ trout and salmon, or walleye stamp shall be provided to
67.33 the licensee after purchase of a stamp validation only if the licensee pays an additional \$2
67.34 fee. A pictorial turkey stamp may be purchased for a \$2 fee.

67.35 EFFECTIVE DATE. This section is effective March 1, 2009.

68.1 Sec. 21. Minnesota Statutes 2006, section 97A.431, subdivision 2, is amended to read:

68.2 Subd. 2. **Eligibility.** Persons eligible for a moose license shall be determined
68.3 under this section and commissioner's rule. A person is eligible for a moose license only
68.4 if the person:

68.5 (1) is a resident; and

68.6 ~~(2) is at least age 16 before the season opens; and~~

68.7 ~~(3) (2) has not been issued a moose license for any of the last five seasons or after~~

68.8 January 1, 1991.

68.9 Sec. 22. Minnesota Statutes 2006, section 97A.433, subdivision 2, is amended to read:

68.10 Subd. 2. **Eligibility.** Persons eligible for an elk license shall be determined under this
68.11 section and commissioner's rule. A person is eligible for an elk license only if the person:

68.12 (1) is a resident; and

68.13 ~~(2) is at least age 16 before the season opens; and~~

68.14 ~~(3) (2) has never been issued an elk license.~~

68.15 Sec. 23. Minnesota Statutes 2006, section 97A.434, subdivision 2, is amended to read:

68.16 Subd. 2. **Eligibility.** Eligibility for a prairie chicken license shall be determined by
68.17 this section and by rule adopted by the commissioner. A person is eligible for a prairie
68.18 chicken license only if the person:

68.19 ~~(1) is a resident; and~~

68.20 ~~(2) was born before January 1, 1980, or possesses a firearms safety certificate.~~

68.21 Sec. 24. Minnesota Statutes 2007 Supplement, section 97A.441, subdivision 7, is
68.22 amended to read:

68.23 Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may
68.24 issue, without a fee, a license to take an antlerless deer to a person resident who is an
68.25 owner or tenant, or a nonresident who is an owner, of at least 80 acres of agricultural land,
68.26 as defined in section 97B.001, in deer permit areas that have deer archery licenses to
68.27 take additional deer under section 97B.301, subdivision 4. A person may receive only

68.28 one license per year under this subdivision. For properties with co-owners or cotenants,
68.29 only one co-owner or cotenant may receive a license under this subdivision per year. The
68.30 license issued under this subdivision is restricted to land leased for agricultural purposes
68.31 or owned by the holder of the license within the permit area where the qualifying land
68.32 is located. The holder of the license may transfer the license to the holder's spouse or
68.33 dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision
69.12, the holder of the license may purchase an additional license for taking deer and may
69.2 take an additional deer under that license.

69.3 (b) A person who obtains a license under paragraph (a) must allow public deer
69.4 hunting on their land during that deer hunting season, with the exception of the first
69.5 Saturday and Sunday during the deer hunting season applicable to the license issued under
69.6 section 97A.475, subdivision 2, clauses (4) and (13).

69.7 Sec. 25. Minnesota Statutes 2007 Supplement, section 97A.451, subdivision 3, is
69.8 amended to read:

69.9 Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 ~~may~~
69.10 ~~not~~ must obtain a small game license ~~but may in order to~~ take small game by firearms
69.11 or bow and arrow without a license paying the applicable fees under section 97A.475,
69.12 subdivisions 2, 4, and 5, if the resident is:

69.13 (1) age 14 or 15 and possesses a firearms safety certificate;

69.14 (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or
69.15 guardian;

69.16 (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied
69.17 by a parent or guardian who possesses a small game license that was not obtained using an
69.18 apprentice hunter validation; or

69.19 (4) age 12 or under and is accompanied by a parent or guardian.

69.20 (b) A resident under age 16 may take small game by trapping without a small game
69.21 license, but a resident 13 years of age or older must have a trapping license. A resident
69.22 under age 13 may trap without a trapping license, but may not register fisher, otter,
69.23 bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat,
69.24 or pine marten taken by a resident under age five must be included in the limit of the
69.25 accompanying parent or guardian.

69.26 (c) A resident under age 12 may apply for a turkey license and may take a turkey
69.27 without a firearms safety certificate if the resident is accompanied by an adult parent or
69.28 guardian who has a firearms safety certificate.

69.29 (d) A resident under age 12 may apply for a prairie chicken license and may take a
69.30 prairie chicken without a firearms safety certificate if the resident is accompanied by an
69.31 adult parent or guardian who has a firearms safety certificate.

69.32 **EFFECTIVE DATE.** The amendments to paragraph (a) are effective March 1, 2009.

69.33 Sec. 26. Minnesota Statutes 2006, section 97A.451, subdivision 4, is amended to read:

70.1 Subd. 4. **Persons under age 16; big game.** (a) A person ~~under the age of 16~~ 12,
70.2 13, 14, or 15 may not obtain a license to take big game unless the person possesses a
70.3 firearms safety certificate. A person ~~under the age of 14~~ 12 or 13 must be accompanied
70.4 by a parent or guardian to hunt big game.

70.5 (b) A person age 10 or 11 may take big game provided the person is under the direct
70.6 supervision of a parent or guardian where the parent or guardian is within immediate
70.7 reach. Until March 1, 2009, a person age 10 or 11 may take big game under a parent or
70.8 guardian's license. Beginning March 1, 2009, a person age 10 or 11 must obtain a license
70.9 in order to take big game and may obtain the license without paying the fee required under
70.10 section 97A.475, subdivision 2.

70.11 Sec. 27. Minnesota Statutes 2006, section 97A.473, subdivision 2, is amended to read:

70.12 Subd. 2. **Lifetime angling license; fee.** (a) A resident lifetime angling license
70.13 authorizes a person to take fish by angling in the state. The license authorizes those
70.14 activities authorized by the annual resident angling license. The license does not include a
70.15 trout and salmon stamp validation, a walleye stamp validation, or other stamps required
70.16 by law.

70.17 (b) The fees for a resident lifetime angling license are:

70.18 (1) age 3 and under, \$227;

70.19 (2) age 4 to age 15, \$300;

70.20 (3) age 16 to age 50, \$383; and

70.21 (4) age 51 and over, \$203.

70.22 Sec. 28. Minnesota Statutes 2007 Supplement, section 97A.473, subdivision 5, is
70.23 amended to read:

70.24 Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license
70.25 authorizes a person to take fish by angling and hunt and trap small game in the state. The
70.26 license authorizes those activities authorized by the annual resident angling, resident
70.27 small game hunting, and resident trapping licenses. The license does not include a trout
70.28 and salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or
70.29 any other hunting stamps required by law.

70.30 (b) The fees for a resident lifetime sporting license are:

70.31 (1) age 3 and under, \$357;

70.32 (2) age 4 to age 15, \$480;

70.33 (3) age 16 to age 50, \$613; and

70.34 (4) age 51 and over, \$413.

71.1 Sec. 29. Minnesota Statutes 2006, section 97A.474, subdivision 2, is amended to read:

71.2 Subd. 2. **Nonresident lifetime angling license; fee.** (a) A nonresident lifetime
71.3 angling license authorizes a person to take fish by angling in the state. The license
71.4 authorizes those activities authorized by the annual nonresident angling license. The
71.5 license does not include a trout and salmon stamp validation, a walleye stamp validation,
71.6 or other stamps required by law.

71.7 (b) The fees for a nonresident lifetime angling license are:

71.8 (1) age 3 and under, \$447;

71.9 (2) age 4 to age 15, \$600;

71.10 (3) age 16 to age 50, \$773; and

71.11 (4) age 51 and over, \$513.

71.12 Sec. 30. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 2, is
71.13 amended to read:

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

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

71.17 (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

71.18 (3) for persons age 18 or over to take turkey, \$18 ~~\$18~~ \$23;

71.19 (4) for persons under age 18 to take turkey, \$12;

71.20 ~~(4)~~ (5) for persons age 18 or over to take deer with firearms during the regular

71.21 firearms season, \$26;

71.22 ~~(5)~~ (6) for persons age 18 or over to take deer by archery, \$26;

71.23 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader

71.24 season, \$26;

71.25 ~~(6)~~ (8) to take moose, for a party of not more than six persons, \$310;

71.26 ~~(7)~~ (9) to take bear, \$38;

71.27 ~~(8)~~ (10) to take elk, for a party of not more than two persons, \$250;

71.28 ~~(9)~~ (11) multizone license to take antlered deer in more than one zone, \$52;

71.29 ~~(10)~~ (12) to take Canada geese during a special season, \$4;

71.30 ~~(11)~~ (13) all season license to take three deer throughout the state in any open deer

71.31 season, except as restricted under section 97B.305, \$78;

71.32 ~~(12)~~ (14) to take prairie chickens, \$20;

71.33 ~~(13)~~ (15) for persons at least age 12 and under age 18 to take deer with firearms

71.34 during the regular firearms season in any open zone or time period, \$13; and

72.1 ~~(14)~~ (16) for persons at least age 12 and under age 18 to take deer by archery,

72.2 \$13; and

72.3 (17) for persons under age 18 to take deer by muzzleloader during the muzzleloader

72.4 season, \$13.

72.5 **EFFECTIVE DATE.** The amendments to clauses (3) and (4) are effective March

72.6 1, 2009.

72.7 Sec. 31. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 3, is

72.8 amended to read:

72.9 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued

72.10 to nonresidents, are:

72.11 (1) for persons age 18 and older or over to take small game, \$73;

72.12 (2) for persons age 18 and older or over to take deer with firearms during the regular

72.13 firearms season, \$135;

72.14 (3) for persons age 18 and older to take deer by archery, \$135;

72.15 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader

72.16 season, \$135;

72.17 ~~(4)~~ (5) to take bear, \$195;

72.18 ~~(5)~~ (6) for persons age 18 and older to take turkey, ~~\$73~~ \$78;

72.19 (7) for persons under age 18 to take turkey, \$12;

72.20 ~~(6)~~ (8) to take raccoon or bobcat, \$155;

72.21 ~~(7)~~ (9) multizone license to take antlered deer in more than one zone, \$270;

72.22 ~~(8)~~ (10) to take Canada geese during a special season, \$4;

72.23 ~~(9)~~ (11) for persons at least age 12 and under age 18 to take deer with firearms during

72.24 the regular firearms season in any open zone season option or time period, \$13; and

72.25 ~~(10)~~ (12) for persons at least age 12 and under age 18 to take deer by archery,

72.26 \$13; and

72.27 (13) for persons under age 18 to take deer during the muzzleloader season, \$13.

72.28 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under

72.29 paragraph (a), clauses (1) to ~~(7)~~ (9). An additional commission may not be assessed

72.30 on this surcharge.

72.31 **EFFECTIVE DATE.** The amendments to paragraph (a), clauses (6) and (7), are

72.32 effective March 1, 2009.

72.33 Sec. 32. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 3a,

72.34 is amended to read:

73.1 Subd. 3a. **Deer license surcharge.** A person may agree to add a donation of \$1, \$3,

73.2 or \$5 to the fees for annual resident and nonresident licenses to take deer by firearms or

73.3 archery established under subdivisions 2, clauses ~~(4), (5), (9), and (11)~~ (5), (6), (7), (11),

73.4 and (13), and 3, clauses (2), (3), ~~and (7)~~ (4), and (9). Beginning March 1, 2008, fees for

73.5bonus licenses to take deer by firearms or archery established under section 97B.301,
73.6subdivision 4 , must be increased by a surcharge of \$1. An additional commission may not
73.7be assessed on the donation or surcharge and the following statement must be included in
73.8the annual deer hunting regulations: "The deer license donations and surcharges are being
73.9paid by hunters for deer management, including assisting with the costs of processing deer
73.10donated for charitable purposes."

73.11 Sec. 33. Minnesota Statutes 2006, section 97A.475, subdivision 5, is amended to read:
73.12 Subd. 5. **Hunting stamps.** Fees for the following stamps and stamp validations are:
73.13 (1) migratory waterfowl stamp, \$7.50; and
73.14 (2) pheasant stamp, \$7.50; ~~and~~
73.15 ~~(3) turkey stamp validation, \$5.~~
73.16 **EFFECTIVE DATE.** This section is effective March 1, 2009.

73.17 Sec. 34. Minnesota Statutes 2006, section 97A.475, is amended by adding a
73.18subdivision to read:
73.19 **Subd. 10a. Walleye stamp validation.** A person may agree to purchase a walleye
73.20stamp validation for \$5.
73.21 **EFFECTIVE DATE.** This section is effective March 1, 2009.

73.22 Sec. 35. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 16,
73.23is amended to read:
73.24 Subd. 16. **Resident bear hunting guides outfitters.** (a) The fee for a resident
73.25bear hunting outfitter license ~~to guide bear hunters~~ is \$82.50 and is available only to
73.26a Minnesota resident individual.
73.27 (b) The fee for a resident master bear hunting outfitter license is \$165. The fee to
73.28add an additional person under the license is \$82.50 per person.

73.29 Sec. 36. Minnesota Statutes 2006, section 97A.485, subdivision 6, is amended to read:
73.30 Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell
73.31licenses under this section must issue the following licenses for the license fee and the
73.32following issuing fees:
74.1 (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
74.2 (2) Minnesota sporting, the issuing fee is \$1; ~~and~~
74.3 (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing
74.4animals, the issuing fee is \$1;
74.5 (4) for a stamp validation that is not issued simultaneously with a license, an issuing
74.6fee of 50 cents may be charged at the discretion of the authorized seller;
74.7 (5) for ~~stamps~~ stamp validations issued simultaneously with a license, there is no fee;
74.8 (6) for licenses, seals, tags, or coupons issued without a fee under section 97A.441
74.9or 97A.465, an issuing fee of 50 cents may be charged at the discretion of the authorized
74.10seller;
74.11 (7) for lifetime licenses, there is no fee; and
74.12 (8) for all other licenses, permits, renewals, or applications or any other transaction
74.13through the electronic licensing system under this chapter or any other chapter when an
74.14issuing fee is not specified, an issuing fee of 50 cents may be charged at the discretion
74.15of the authorized seller.
74.16 (b) ~~An issuing fee may not be collected for issuance of a trout and salmon stamp if~~
74.17~~a stamp validation is issued simultaneously with the related angling or sporting license.~~
74.18Only one issuing fee may be collected when selling more than one ~~trout and salmon~~ stamp
74.19in the same transaction after the end of the season for which the stamp was issued.

74.20 (c) The agent shall keep the issuing fee as a commission for selling the licenses.
74.21 (d) The commissioner shall collect the issuing fee on licenses sold by the
74.22 commissioner.
74.23 (e) A license, except stamps, must state the amount of the issuing fee and that the
74.24 issuing fee is kept by the seller as a commission for selling the licenses.
74.25 (f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:
74.26 (1) for licenses to take big game, 75 cents; and
74.27 (2) for other licenses, 50 cents.
74.28 (g) The commissioner may issue one-day angling licenses in books of ten licenses
74.29 each to fishing guides operating charter boats upon receipt of payment of all license
74.30 fees, excluding the issuing fee required under this section. Copies of sold and unsold
74.31 licenses shall be returned to the commissioner. The commissioner shall refund the charter
74.32 boat captain for the license fees of all unsold licenses. Copies of sold licenses shall be
74.33 maintained by the commissioner for one year.

74.34 Sec. 37. Minnesota Statutes 2006, section 97A.535, subdivision 1, is amended to read:

75.1 Subdivision 1. **Tags required.** (a) A person may not possess or transport deer,
75.2 bear, elk, or moose taken in the state unless a tag is attached to the carcass in a manner
75.3 prescribed by the commissioner. The commissioner must prescribe the type of tag that has
75.4 the license number of the owner, the year of its issue, and other information prescribed by
75.5 the commissioner.

75.6 (b) The tag ~~and the license~~ must be validated at the site of the kill as prescribed by
75.7 the commissioner.

75.8 (c) Except as otherwise provided in this section, the tag must be attached to the
75.9 deer, bear, elk, or moose at the site of the kill before the animal is removed from the
75.10 site of the kill.

75.11 (d) The tag must remain attached to the animal until the animal is processed for
75.12 storage.

75.13 (e) A person may move a lawfully taken deer, bear, elk, or moose from the site of the
75.14 kill without attaching the validated tag to the animal only while in the act of manually
75.15 or mechanically dragging, carrying, or carting the animal across the ground and while
75.16 possessing the validated tag on their person. A motor vehicle may be used to drag the
75.17 animal across the ground. At all other times, the validated tag must be attached to the
75.18 deer, bear, elk, or moose:

75.19 (1) as otherwise provided in this section; and

75.20 (2) prior to the animal being placed onto and transported on a motor vehicle, being
75.21 hung from a tree or other structure or device, or being brought into a camp or yard or
75.22 other place of habitation.

75.23 Sec. 38. Minnesota Statutes 2006, section 97B.015, subdivision 5, is amended to read:

75.24 Subd. 5. **Firearms safety certificate.** The commissioner shall issue a firearms
75.25 safety certificate to a person that satisfactorily completes the required course of instruction.

75.26 A person must be at least age 11 to take the firearms safety course and may receive a
75.27 firearms safety certificate, but the certificate is not valid for hunting until the year the
75.28 person reaches age 12. A person who is age 11 and has a firearms safety certificate may
75.29 purchase a ~~deer, bear, turkey, or prairie chicken~~ license to take big game that will ~~become~~
75.30 be valid when for hunting during the entire regular season for which the license is valid if
75.31 the person reaches will reach age 12 during that calendar year. A firearms safety certificate
75.32 issued to a person under age 12 by another state as provided in section 97B.020 is not
75.33 valid for hunting in Minnesota until the person reaches age 12. The form and content of
75.34 the firearms safety certificate shall be prescribed by the commissioner.

76.1 Sec. 39. Minnesota Statutes 2007 Supplement, section 97B.031, subdivision 1, is
76.2 amended to read:
76.3 Subdivision 1. **Firearms and ammunition that may be used to take big game.** ~~(a)~~
76.4 A person may take big game with a firearm only if:
76.5 (1) the rifle, shotgun, and handgun used is a caliber of at least ~~.23~~ .22 inches and
76.6 with centerfire ignition;
76.7 (2) the firearm is loaded only with single projectile ammunition;
76.8 (3) a projectile used is a caliber of at least ~~.23~~ .22 inches and has a soft point or is
76.9 an expanding bullet type;
76.10 ~~(4) the ammunition has a case length of at least 1.285 inches;~~
76.11 ~~(5) (4) the muzzle loader muzzleloader used is incapable of being loaded at the~~
76.12 ~~breech;~~
76.13 ~~(6) (5) the smooth-bore muzzle loader muzzleloader used is a caliber of at least~~
76.14 ~~.45 inches; and~~
76.15 ~~(7) (6) the rifled muzzle loader muzzleloader used is a caliber of at least .40 inches.~~
76.16 ~~(b) Notwithstanding paragraph (a), clause (4), a person may take big game with a~~
76.17 ~~ten millimeter cartridge that is at least 0.95 inches in length, a .45 Winchester Magnum~~
76.18 ~~cartridge, a .50 A. E. (Action Express) handgun cartridge, or a 56 46 Spencer, 56 50~~
76.19 ~~Spencer, or 56 56 Spencer cartridge.~~

76.20 Sec. 40. Minnesota Statutes 2007 Supplement, section 97B.035, subdivision 1a,
76.21 is amended to read:

76.22 Subd. 1a. **Minimum draw weight.** A bow used to take big game or turkey must
76.23 have a pull that meets or exceeds 30 pounds at or before full draw.

76.24 Sec. 41. Minnesota Statutes 2007 Supplement, section 97B.036, is amended to read:

76.25 **97B.036 CROSSBOW HUNTING DURING FIREARMS DEER SEASON.**

76.26 Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer,
76.27 bear, or turkey by crossbow during the respective regular firearms deer season seasons.
76.28 The transportation requirements of section 97B.051 apply to crossbows during the regular
76.29 firearms deer, bear, or turkey season. Crossbows must meet the requirements of section
76.30 97B.106, subdivision 2 . A person taking deer, bear, or turkey by crossbow under this
76.31 section must have a valid firearms ~~deer~~ license to take the respective game.

76.32 Sec. 42. Minnesota Statutes 2006, section 97B.041, is amended to read:

77.1 **97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED**
77.2 **IN DEER ZONES.**

77.3 A person may not possess a firearm or ammunition outdoors during the period
77.4 beginning the fifth day before the open firearms season and ending the second day after
77.5 the close of the season within an area where deer may be taken by a firearm, except:
77.6 (1) during the open season and in an area where big game may be taken, a firearm
77.7 and ammunition authorized for taking big game in that area may be used to take big game
77.8 in that area if the person has a valid big game license in possession;
77.9 (2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;
77.10 (3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot
77.11 or steel shot;
77.12 (4) a handgun or rifle ~~and only short, long, and long rifle cartridges that are caliber~~
77.13 ~~of .22 inches capable of firing only rimfire cartridges of .17 and .22 caliber, including~~
77.14 .22 magnum caliber cartridges;
77.15 (5) handguns possessed by a person authorized to carry a handgun under sections

77.16 624.714 and 624.715 for the purpose authorized; and

77.17 (6) on a target range operated under a permit from the commissioner.

77.18 This section does not apply during an open firearms season in an area where deer
77.19 may be taken only by muzzleloader, except that muzzleloading firearms lawful for the
77.20 taking of deer may be possessed only by persons with a valid license to take deer by
77.21 muzzleloader during that season.

77.22 **EFFECTIVE DATE.** This section is effective August 1, 2008.

77.23 Sec. 43. Minnesota Statutes 2006, section 97B.071, is amended to read:

77.24 **97B.071 BLAZE ORANGE REQUIREMENTS.**

77.25 (a) Except as provided in rules adopted under paragraph (c), a person may not hunt
77.26 or trap during the open season where deer may be taken by firearms under applicable laws
77.27 and ordinances, unless the visible portion of the person's cap and outer clothing above the
77.28 waist, excluding sleeves and gloves, is blaze orange. Blaze orange includes a camouflage
77.29 pattern of at least 50 percent blaze orange within each foot square. This section does not
77.30 apply to migratory waterfowl hunters on waters of this state or in a stationary shooting
77.31 location or to trappers on waters of this state.

77.32 (b) Except as provided in rules adopted under paragraph (c), and in addition to
77.33 the requirement in paragraph (a), a person may not take small game other than turkey,
77.34 migratory birds, raccoons, and predators, except ~~when hunting with nontoxic shot or while~~
78.1 trapping, unless a visible portion of at least one article of the person's clothing above the
78.2 waist is blaze orange. This paragraph does not apply to a person hunting by falconry.

78.3 (c) The commissioner may, by rule, prescribe an alternative color in cases where
78.4 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public
78.5 Law 103-141.

78.6 (d) A violation of paragraph (b) shall not result in a penalty, but is punishable only
78.7 by a safety warning.

78.8 Sec. 44. Minnesota Statutes 2006, section 97B.106, subdivision 1, is amended to read:

78.9 Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may
78.10 issue a special permit, without a fee, to take big game, small game, or rough fish with a
78.11 crossbow to a person that is unable to hunt or take rough fish by archery because of a
78.12 permanent or temporary physical disability. A crossbow permit issued under this section
78.13 also allows the permittee to use a bow with a mechanical device that draws, releases, or
78.14 holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

78.15 (b) To qualify for a crossbow permit under this section, a temporary disability
78.16 must render the person unable to hunt or fish by archery for a minimum of two years
78.17 after application for the permit is made. The permanent or temporary disability must
78.18 be established by medical evidence, and the inability to hunt or fish by archery for the
78.19 required period of time must be verified in writing by a licensed physician or chiropractor.
78.20 A person who has received a special permit under this section because of a permanent
78.21 disability is eligible for subsequent special permits without providing medical evidence
78.22 and verification of the disability.

78.23 (c) The person must obtain the appropriate license.

78.24 Sec. 45. Minnesota Statutes 2006, section 97B.211, subdivision 1, is amended to read:

78.25 Subdivision 1. **Possession of firearms prohibited.** ~~Except when hunting bear,~~ A
78.26 person may not take ~~big game~~ deer by archery while in possession of a firearm.

78.27 Sec. 46. Minnesota Statutes 2006, section 97B.301, subdivision 1, is amended to read:

78.28 Subdivision 1. **Licenses required.** A person may not take deer without a license.

78.29 A person must have a firearms deer license to take deer with firearms during the regular
78.30 firearms season, a muzzleloader license to take deer with a muzzleloader during the
78.31 muzzleloader season, and an archery deer license to take deer by archery except as
78.32 provided in this section.

79.1 Sec. 47. Minnesota Statutes 2006, section 97B.301, subdivision 2, is amended to read:
79.2 Subd. 2. **Limit of one deer.** ~~Except as provided in subdivisions 3 and 4,~~ A person
79.3 may obtain one regular firearms season deer license, one muzzleloader season deer
79.4 license, and one archery season deer license in the same license year, but may take only
79.5 not tag more than one deer except as provided in subdivisions 3 and 4.

79.6 Sec. 48. Minnesota Statutes 2006, section 97B.301, subdivision 4, is amended to read:
79.7 Subd. 4. **Taking more than one deer.** (a) The commissioner may, by rule, allow
79.8 a person to take more than one deer. The commissioner shall prescribe the conditions
79.9 for taking the additional deer including:
79.10 (1) taking by firearm, muzzleloader, or archery;
79.11 (2) obtaining additional licenses; ~~and~~
79.12 (3) payment of a fee not more than the fee for a firearms deer license; and
79.13 (4) the total number of deer that an individual may take.
79.14 (b) ~~In Kittson, Lake of the Woods, Marshall, Pennington, and Roseau Counties, a~~
79.15 ~~person may obtain one firearms deer license and one archery deer license in the same~~
79.16 ~~license year, and may take one deer under each license. The commissioner may limit the~~
79.17 ~~use of this provision in certain years to protect the deer population in the area.~~

79.18 Sec. 49. Minnesota Statutes 2006, section 97B.301, subdivision 6, is amended to read:
79.19 Subd. 6. **Residents or nonresidents under age 18 may take deer of either sex.**
79.20 A resident or nonresident under the age of 18 may take a deer of either sex except in
79.21 those antlerless permit areas and seasons where no antlerless permits are offered. In
79.22 antlerless permit areas where no antlerless permits are offered, the commissioner may
79.23 provide a limited number of youth either sex permits to residents or nonresidents under
79.24 age 18, under the procedures provided in section 97B.305, and may give preference to
79.25 residents or nonresidents under the age of 18 that have not previously been selected.
79.26 This subdivision does not authorize the taking of an antlerless deer by another member
79.27 of a party under subdivision 3.

79.28 Sec. 50. Minnesota Statutes 2006, section 97B.301, is amended by adding a
79.29 subdivision to read:
79.30 **Subd. 8. Sale of multiple zone or multiple season licenses.** If the commissioner
79.31 adopts rules on deer zones, or seasons that eliminate the need for purchasing an all season
79.32 deer or multizone license, then the commissioner is not required to offer all season deer or
79.33 multizone licenses for sale.

80.1 Sec. 51. Minnesota Statutes 2007 Supplement, section 97B.328, is amended to read:
80.2 **97B.328 BAITING PROHIBITED.**
80.3 **Subdivision 1. Hunting with aid of bait or feed prohibited.** (a) A person may
80.4 not hunt deer:
80.5 (1) with the aid or use of bait or feed; or
80.6 (2) in the vicinity of bait or feed if the person knows or has reason to know that
80.7 bait or feed is present; ~~or,~~
80.8 (3) in the vicinity of where the person has placed bait or caused bait to be placed
80.9 within the previous ten days.

80.10 ~~(b) This restriction does not apply to:~~

80.11 Subd. 2. **Removal of bait.** An area is considered baited for ten days after the

80.12 complete removal of all bait or feed.

80.13 Subd. 3. **Definition.** For purposes of this section, "bait or feed" includes grains,

80.14 fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer and

80.15 that has been placed by a person. Liquid scents, salt, minerals, and bird feeders containing

80.16 grains or nuts that are at least six feet above the ground are not bait or feed.

80.17 ~~(1)~~ Food resulting from normal or accepted farming, forest management, wildlife

80.18 food plantings, orchard management, or other similar land management activities; ~~or~~

80.19 is not bait or feed.

80.20 Subd. 4. **Exception for bait or feed on adjacent land.** ~~(2)~~ A person otherwise

80.21 in compliance with this section who is hunting on ~~the person's own~~ private or public

80.22 property, ~~when~~ that is adjacent to property where bait or feed is present is not in violation

80.23 of this section if the person has not participated in, been involved with, or agreed to

80.24 baiting or feeding wildlife on ~~the adjacent land owned by another person~~ property.

80.25 Sec. 52. Minnesota Statutes 2006, section 97B.401, is amended to read:

80.26 **97B.401 BEAR LICENSE REQUIRED.**

80.27 A person may not take bear without a bear license except as provided in section

80.28 97B.415 to protect property. A person may not place bait for bears on or after the Friday

80.29 nearest August 14 unless the person has a bear license or is operating under the direction

80.30 of a person with a valid bear license.

80.31 Sec. 53. Minnesota Statutes 2006, section 97B.405, is amended to read:

80.32 **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

81.1 (a) The commissioner may limit the number of persons that may hunt bear in an

81.2 area, if it is necessary to prevent an overharvest or improve the distribution of hunters.

81.3 The commissioner may establish, by rule, a method, including a drawing, to impartially

81.4 select the hunters for an area. The commissioner shall give preference to hunters that have

81.5 previously applied and have not been selected.

81.6 (b) In the case of a drawing, the commissioner shall allow a person to apply for a

81.7 permit in more than one area at the same time and rank the person's choice of area.

81.8 Sec. 54. Minnesota Statutes 2006, section 97B.425, is amended to read:

81.9 **97B.425 BAITING BEARS.**

81.10 Notwithstanding section 609.68, a person may place bait to take bear and must

81.11 display a tag at each site where bait is placed and register the sites. The commissioner

81.12 shall prescribe the method of tagging and registering the sites. The tag displayed at each

81.13 site where bait is placed must contain identification information for a licensed bear hunter

81.14 or a licensed bear outfitter. A person must have the license identification number of the

81.15 person with the bear license in their possession or be a licensed bear outfitter while

81.16 attending a bear bait station. To attract bear a person may not use a bait with:

81.17 (1) a carcass from a mammal, if the carcass contains more than 25 percent of the

81.18 intact carcass;

81.19 (2) meat from mammals, if the meat contains bones;

81.20 (3) bones of mammals;

81.21 (4) solid waste containing bottles, cans, plastic, paper, or metal;

81.22 (5) materials that are not readily biodegradable; or

81.23 (6) any part of a swine, except cured pork.

81.24 Sec. 55. Minnesota Statutes 2006, section 97B.431, is amended to read:

81.25 **97B.431 BEAR HUNTING GUIDES/OUTFITTERS.**

81.26 (a) A person may not place bait for bear, or guide hunters to take bear, for
81.27 compensation without a bear hunting guide outfitter license. A bear hunting guide outfitter
81.28 is not required to have a license to take bear unless the guide outfitter is attempting
81.29 to shoot a bear. The commissioner shall adopt rules for qualifications for issuance and
81.30 administration of the licenses.

81.31 (b) The commissioner shall establish a resident master bear hunting outfitter license
81.32 under which one person serves as the bear hunting outfitter and one other person is eligible
81.33 to guide and bait bear. Additional persons may be added to the license and are eligible to
81.34 guide and bait bear under the license, provided the additional fee under section 97A.475,
82.1 subdivision 16, is paid for each person added. The commissioner shall adopt rules for
82.2 qualifications for issuance and administration of the licenses.

82.3 Sec. 56. Minnesota Statutes 2006, section 97B.621, subdivision 3, is amended to read:

82.4 Subd. 3. **Nighttime hunting restrictions.** To take raccoons between one-half hour
82.5 after sunset and one-half hour before sunrise, a person:

82.6 (1) must be on foot;

82.7 (2) may use an artificial light only if hunting with dogs;

82.8 (3) ~~may not use a rifle other than one of a .22 inch caliber with .22 short, long, or~~
82.9 ~~long rifle, rimfire ammunition~~ may use a handgun or rifle capable of firing only rimfire
82.10 cartridges of .17 or .22 caliber, including .22 magnum; and

82.11 (4) may not use shotgun shells with larger diameter of shot than No. 4 shot.

82.12 Sec. 57. Minnesota Statutes 2006, section 97B.711, subdivision 1, is amended to read:

82.13 Subdivision 1. **Seasons for certain upland game birds.** (a) The commissioner
82.14 may, by rule, prescribe an open season in designated areas between September 16 and
82.15 January 3 for:

82.16 (1) pheasant;

82.17 (2) ruffed grouse;

82.18 (3) sharp tailed grouse;

82.19 (4) Canada spruce grouse;

82.20 (5) prairie chicken;

82.21 (6) gray partridge;

82.22 (7) bob-white quail; and

82.23 (8) turkey.

82.24 (b) The commissioner may by rule prescribe an open season for turkey in the spring.

82.25 (c) The commissioner shall allow a four-week fall season for turkey in the area
82.26 designated as turkey permit area 601 as of the 2008 season. All applicable local and state
82.27 regulations apply.

82.28 Sec. 58. Minnesota Statutes 2006, section 97B.721, is amended to read:

82.29 **97B.721 LICENSE AND STAMP VALIDATION REQUIRED TO TAKE**
82.30 **TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.**

82.31 (a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person
82.32 may not take a turkey without possessing a turkey license ~~and a turkey stamp validation.~~

83.1 (b) ~~The requirement in paragraph (a) to have a turkey stamp validation does not~~
83.2 ~~apply to persons under age 18.~~ An unlicensed adult age 18 or older may assist a licensed
83.3 wild turkey hunter. The unlicensed adult may not shoot or possess a firearm or bow while
83.4 assisting a hunter under this paragraph and may not charge a fee for the assistance.

83.5 (c) The commissioner may by rule prescribe requirements for the tagging and
83.6 registration of turkeys.

83.7 **EFFECTIVE DATE.** This section is effective March 1, 2009.

83.8 Sec. 59. Minnesota Statutes 2006, section 97C.205, is amended to read:

83.9 **97C.205 TRANSPORTING AND STOCKING FISH.**

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

83.12 (1) is being transported under an aquaculture license as authorized under sections
83.13 17.4985 and 17.4986;

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

83.15 (3) is a minnow being transported under section 97C.505 or 97C.515;

83.16 (4) is being transported by a commercial fishing license holder under section
83.17 97C.821 ; or

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

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

83.20 (1) the transportation of fish and fish eggs; and

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

83.22 (c) The commissioner must allow the possession of fish on special management or
83.23 experimental waters to be prepared as a meal on the ice or on the shore of that water
83.24 body if the fish:

83.25 (1) were lawfully taken;

83.26 (2) have been packaged by a licensed fish packer; and

83.27 (3) do not otherwise exceed the statewide possession limits.

83.28 ~~(e)~~ (d) The commissioner shall prescribe rules designed to encourage local sporting
83.29 organizations to propagate game fish by using rearing ponds. The rules must:

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

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

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

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

84.7 Sec. 60. **[97C.303] CONSERVATION ANGLING LICENSE.**

84.8 Subdivision 1. Availability. The commissioner shall make available a conservation
84.9 angling license according to this section. Conservation angling licenses shall be offered
84.10 for resident individuals and resident married couples.

84.11 Subd. 2. Daily and possession limits. Daily and possession limits for fish taken
84.12 under a conservation angling license are one-half the daily and possession limits for the
84.13 corresponding fish taken under a standard angling license, rounded down to the next
84.14 whole number if necessary.

84.15 Subd. 3. License fee. The fee for a conservation angling license issued under this
84.16 section is two-thirds of the corresponding standard angling license fee under section
84.17 97A.475, subdivision 6, rounded to the nearest whole dollar.

84.18 **EFFECTIVE DATE.** This section is effective March 1, 2009.

84.19 Sec. 61. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 2, is

84.20 amended to read:

84.21 Subd. 2. **License required.** A person may not ~~take fish from~~ leave a dark house
84.22 or fish house ~~that is left~~ unattended on the ice ~~overnight at any time between midnight~~
84.23 ~~and one hour before sunrise~~ unless the house is licensed and has a license tag attached
84.24 to the exterior in a readily visible location, except as provided in this subdivision. The
84.25 commissioner must issue a tag with a dark house or fish house license, marked with a
84.26 number to correspond with the license and the year of issue. A dark house or fish house
84.27 license is not required of a resident on boundary waters where the adjacent state does not
84.28 charge a fee for the same activity.

84.29 Sec. 62. Minnesota Statutes 2006, section 97C.355, subdivision 4, is amended to read:

84.30 Subd. 4. **Distance between houses.** A person may not erect a dark house ~~or~~ fish
84.31 house, or shelter within ten feet of an existing dark house ~~or~~ fish house, or shelter.

84.32 Sec. 63. Minnesota Statutes 2006, section 97C.355, subdivision 7, is amended to read:

85.1 Subd. 7. **Dates and times houses may remain on ice.** (a) ~~Except as provided in~~
85.2 ~~paragraph (d),~~ A shelter, including a fish house or dark house, may not be on the ice
85.3 ~~unattended between 12:00 a.m. midnight~~ and one hour before sunrise after ~~the following~~
85.4 ~~dates:~~

85.5 (1) ~~the last day of February~~ first Monday in March, for state waters south of a line
85.6 starting at the Minnesota-North Dakota border and formed by rights-of-way of U.S. Route
85.7 No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along
85.8 Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No.
85.9 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin
85.10 border; and

85.11 (2) the third Monday in March 15, for other state waters.

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

85.17 (b) A conservation officer must confiscate a fish house, dark house, or shelter in
85.18 violation of paragraph (a). The officer may remove, burn, or destroy the house or shelter.
85.19 The officer shall seize the contents of the house or shelter and hold them for 60 days. If the
85.20 seized articles have not been claimed by the owner, they may be retained for the use of the
85.21 division or sold at the highest price obtainable in a manner prescribed by the commissioner.

85.22 ~~(c) When the last day of February, under paragraph (a), clause (1), or March 15,~~
85.23 ~~under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or~~
85.24 ~~dark house, may be on the ice between 12:00 a.m. and one hour before sunrise until~~
85.25 ~~12:00 a.m. the following Monday.~~

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

85.30 Sec. 64. Minnesota Statutes 2006, section 97C.355, subdivision 7a, is amended to read:

85.31 Subd. 7a. **Houses left overnight.** A fish house ~~or~~ dark house, or shelter left on the
85.32 ice overnight must be marked with reflective material on each side of the house structure.
85.33 The reflective material must measure a total area of no less than two square inches on each
85.34 side of the house structure. ~~Violation of this subdivision is not subject to subdivision 8~~
85.35 ~~or section 97A.301.~~

86.1 Sec. 65. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 8, is
86.2 amended to read:

86.3 Subd. 8. **Confiscation of unlawful structures; civil penalty.** (a) Structures on the
86.4 ice in violation of this section may be confiscated and disposed of, retained by the division,
86.5 or sold at the highest price obtainable, in a manner prescribed by the commissioner.

86.6 (b) In addition to other penalties provided by law, the owner of a structure left on the
86.7 ice in violation of this section is subject to a civil penalty under section 115A.99.

86.8 (c) This subdivision also applies to structures left on state public access sites for
86.9 more than 48 hours past the deadlines specified in subdivision 7.

86.10 Sec. 66. Minnesota Statutes 2006, section 97C.371, subdivision 4, is amended to read:

86.11 Subd. 4. **Open season.** The open season for spearing through the ice is ~~December 1~~
86.12 November 15 to the last Sunday in February.

86.13 Sec. 67. Minnesota Statutes 2006, section 97C.395, subdivision 1, is amended to read:

86.14 Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by
86.15 angling are as follows:

86.16 (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and
86.17 smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend
86.18 to the last Sunday in February;

86.19 (2) for lake trout, from January 1 to October 31;

86.20 (3) for the winter season for lake trout on all lakes, from January 15 to March 31;

86.21 (4) for brown trout, brook trout, rainbow trout, and splake, between January 1 to
86.22 October 31 as prescribed by the commissioner by rule except as provided in section
86.23 97C.415, subdivision 2 ; ~~and~~

86.24 (5) for the winter season for brown trout, brook trout, rainbow trout, and splake on
86.25 all lakes, from January 15 to March 31; and

86.26 ~~(4)~~ (6) for salmon, as prescribed by the commissioner by rule.

86.27 (b) The commissioner shall close the season in areas of the state where fish are
86.28 spawning and closing the season will protect the resource.

86.29 Sec. 68. Minnesota Statutes 2006, section 97C.401, subdivision 2, is amended to read:

86.30 Subd. 2. **Walleye; northern pike.** (a) Except as provided in paragraph (b), a person
86.31 may ~~take~~ have no more than one walleye larger than 20 inches and one northern pike
86.32 larger than 30 inches ~~daily~~ in possession.

86.33 (b) The restrictions in paragraph (a) do not apply to boundary waters.

87.1 **EFFECTIVE DATE.** This section is effective March 1, 2009.

87.2 Sec. 69. Minnesota Statutes 2006, section 97C.865, subdivision 2, is amended to read:

87.3 Subd. 2. **Rules.** The commissioner may adopt rules establishing requirements for
87.4 labeling and packing fish under a fish packer's license. The commissioner shall require
87.5 only the license number of the fish packer, the name and license number of the angler
87.6 or person who lawfully possesses the fish, the name of the lake on which the fish were
87.7 caught, the species of fish, and the number of fish to appear on a label. The commissioner
87.8 must not allow sauger to be labeled as walleye.

87.9 Sec. 70. Minnesota Statutes 2006, section 624.20, subdivision 1, is amended to read:

87.10 Subdivision 1. **Regulation.** (a) As used in sections 624.20 to 624.25, the term
87.11 "fireworks" means any substance or combination of substances or article prepared
87.12 for the purpose of producing a visible or an audible effect by combustion, explosion,

87.13 deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in
87.14 which explosives are used, the type of balloons which require fire underneath to propel
87.15 them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers other
87.16 than those specified in paragraph (c), or other fireworks of like construction, and any
87.17 fireworks containing any explosive or inflammable compound, or any tablets or other
87.18 device containing any explosive substance and commonly used as fireworks.

87.19 (b) The term "fireworks" shall not include toy pistols, toy guns, in which paper caps
87.20 containing 25/100 grains or less of explosive compound are used and toy pistol caps
87.21 which contain less than 20/100 grains of explosive mixture.

87.22 (c) The term also does not include wire or wood sparklers of not more than 100
87.23 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial
87.24 and contain 75 grams or less of chemical mixture per tube or a total of ~~200~~ 500 grams
87.25 or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers
87.26 which include paper streamers, party poppers, string poppers, snappers, and drop pops,
87.27 each consisting of not more than twenty-five hundredths grains of explosive mixture. The
87.28 use of items listed in this paragraph is not permitted on public property. This paragraph
87.29 does not authorize the purchase of items listed in it by persons younger than 18 years
87.30 of age. The age of a purchaser of items listed in this paragraph must be verified by
87.31 photographic identification.

87.32 (d) A local unit of government may impose an annual license fee for the retail
87.33 sale of items authorized under paragraph (c). The annual license fee of each retail seller
87.34 that is in the business of selling only the items authorized under paragraph (c) may not
88.1 exceed \$350, and the annual license of each other retail seller may not exceed \$100. A
88.2 local unit of government may not:

88.3 (1) impose any fee or charge, other than the fee authorized by this paragraph, on the
88.4 retail sale of items authorized under paragraph (c);

88.5 (2) prohibit or restrict the display of items for permanent or temporary retail sale
88.6 authorized under paragraph (c) that comply with National Fire Protection Association
88.7 Standard 1124 (2003 edition); or

88.8 (3) impose on a retail seller any financial guarantee requirements, including bonding
88.9 or insurance provisions, containing restrictions or conditions not imposed on the same
88.10 basis on all other business licensees.

88.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

88.12 **Sec. 71. MASTER ANGLER PROPOSAL; APPROPRIATION.**

88.13 (a) By January 15, 2009, the commissioner of natural resources, after consultation
88.14 with the director of Explore Minnesota Tourism and interested stakeholders, shall submit a
88.15 proposal to improve, expand, and promote the master angler program.

88.16 (b) \$10,000 in fiscal year 2009 from the game and fish fund is appropriated to the
88.17 commissioner of natural resources for development of the proposal in paragraph (a).

88.18 **Sec. 72. BEAR HUNTING PERMIT DRAWING; RULEMAKING.**

88.19 The commissioner of natural resources shall adopt rules to comply with the changes
88.20 made to Minnesota Statutes, section 97B.405. The commissioner may use the good cause
88.21 exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt
88.22 the rules. Minnesota Statutes, section 14.386, does not apply except as provided in
88.23 Minnesota Statutes, section 14.388.

88.24 **Sec. 73. WILD TURKEY HUNTING MANAGEMENT RECOMMENDATIONS.**

88.25 The commissioner of natural resources, in consultation with the National
88.26 Wild Turkey Federation, shall, by January 15, 2009, provide the legislature with

88.27 recommendations for future management of hunting wild turkeys in Minnesota.

88.28 **Sec. 74. RULES.**

88.29 The commissioner of natural resources shall adopt rules in compliance with the
88.30 changes to Minnesota Statutes, sections 97C.205 and 97C.865, subdivision 2. The rules
88.31 required by this section are exempt from the rulemaking provisions of Minnesota Statutes,
88.32 chapter 14. The rules are subject to Minnesota Statutes, section 14.386, except that
88.33 notwithstanding Minnesota Statutes, section 14.386, paragraph (b), the rules continue
89.1 in effect until repealed or superseded by other law or rule. As part of this rulemaking,
89.2 the commissioner shall:

89.3 (1) amend Minnesota Rules, part 6262.3250, by deleting item A and amending the
89.4 part so that labels required under item D are consistent with the new requirements in
89.5 Minnesota Statutes, section 97C.865, subdivision 2; and

89.6 (2) amend Minnesota Rules, part 6262.0100, to allow the possession of fish on
89.7 special management or experimental waters for a meal, as provided in Minnesota Statutes,
89.8 section 97C.205.

89.9 **Sec. 75. DISABLED HUNTING REPORT.**

89.10 By January 1, 2009, the commissioner of natural resources shall report to the
89.11 chairs of the senate and house of representatives committees with jurisdiction over the
89.12 environment and natural resources on changes, including any statutory changes, necessary
89.13 to simplify the process for obtaining disabled hunting permits and for landowners to allow
89.14 hunts on their land for the disabled. The commissioner shall work with nonprofit groups
89.15 and other interested parties in simplifying the process.

89.16 **Sec. 76. MINNESOTA MOOSE MANAGEMENT AND RESEARCH PLAN.**

89.17 The commissioner of natural resources shall consult with research scientists, wildlife
89.18 managers, tribal interests, other agencies with moose research and management expertise,
89.19 and other key stakeholder groups on the development of a moose management and
89.20 research plan for Minnesota. The plan shall address moose populations and habitats,
89.21 including, but not limited to, the northwest Minnesota herd; likely causes of observed
89.22 changes and trends; moose habitat and hunting management; and monitoring, research, and
89.23 evaluation needs. The plan shall establish future moose management and research goals
89.24 and strategies within the context of habitat and climate trends in Minnesota. By January
89.25 15, 2009, the commissioner shall provide a progress report on the plan to the senate and
89.26 house of representatives committees with jurisdiction over natural resource policy.

89.27 **Sec. 77. WALLEYE STOCKING.**

89.28 The commissioner of natural resources shall stock 22,500,000 additional walleye fry
89.29 in calendar year 2009 and 22,500,000 additional walleye fry in calendar year 2010. This
89.30 stocking shall be in a lake where the commissioner is studying the effects of cormorant
89.31 control and the lack of natural reproduction of the walleye. The commissioner of natural
89.32 resources may stock the lake at the commissioner's discretion in calendar year 2011.

89.33 **Sec. 78. UNCASSED FIREARMS REPORT.**

90.1 (a) The commissioner of natural resources shall submit a report funded by the game
90.2 and fish fund to the legislature by January 1, 2009, on uncased firearms for the purposes
90.3 of hunting, predator control, and trapping.

90.4 (b) The report must comply with Minnesota Statutes, sections 3.195 and 3.197, and
90.5 be submitted to the chairs of the house and senate committees with jurisdiction over the
90.6 environment and natural resources. The commissioner may include additional information

90.7 that the commissioner feels is important to this issue.

90.8 **Sec. 79. COCK PHEASANT BAG LIMIT; RULEMAKING.**

90.9 The commissioner of natural resources shall amend Minnesota Rules, part
90.10 6234.0400, subpart 2, to allow a person to take up to three cock pheasants per day and
90.11 nine in possession beginning on December 1, until the end of the pheasant season. The
90.12 commissioner may use the good cause exemption under Minnesota Statutes, section
90.13 14.388, subdivision 1, clause (3), to adopt the rule and Minnesota Statutes, section 14.386,
90.14 does not apply, except as provided under Minnesota Statutes, section 14.388.

90.15 **Sec. 80. OUTDOOR EDUCATION WORKING GROUP.**

90.16 (a) The commissioner of natural resources shall coordinate a working group with the
90.17 commissioner of education to report recommendations to the legislature on the teaching of
90.18 outdoor education in grades 7 through 12.

90.19 (b) Each commissioner shall designate members of the working group and shall
90.20 include at least one parent, one representative of higher education, one outdoor educator,
90.21 and one representative from a sportsman or wildlife organization. The appointments and
90.22 designations must be completed by August 1, 2008.

90.23 (c) The working group must report recommendations, proposed changes, sources
90.24 of funding, and draft legislation to the legislative committees with jurisdiction over
90.25 kindergarten through grade 12 education policy and finance, and environment policy and
90.26 environment finance by January 15, 2009. The working group expires June 30, 2009.

90.27 **Sec. 81. APPROPRIATIONS.**

90.28 (a) \$102,000 in fiscal year 2009 is appropriated from the game and fish fund to the
90.29 commissioner of natural resources for the development of aquaculture best management
90.30 practices. The base in fiscal year 2010 is \$150,000. The base for fiscal year 2011 is \$0.

90.31 (b) \$123,000 in fiscal year 2008 and \$246,000 in fiscal year 2009 from the game and
90.32 fish fund are appropriated to the commissioner of natural resources to implement fish virus
90.33 surveillance, prepare infrastructure to handle possible outbreaks, and implement control
90.34 procedures for highest risk waters and fish production operations. This is a onetime
91.1 appropriation. If an appropriation for the same purpose is enacted in 2008 H.F. No. 1812,
91.2 or another bill, the comparable appropriation in that act is void.

91.3 (c) \$128,000 is appropriated in fiscal year 2009 from the game and fish fund for
91.4 walleye stocking. This is a onetime appropriation.

91.5 **Sec. 82. REPEALER.**

91.6 Minnesota Statutes 2006, section 97A.411, subdivision 2, and Minnesota Rules,
91.7 parts 6232.0200, subpart 4; 6232.0300, subpart 4; and 6234.0100, subpart 4, are repealed.