

Senators Skoe and Stumpf introduced—

S.F. No. 2926: Referred to the Committee on Environment and Natural Resources.

A bill for an act

1.2 relating to game and fish; modifying conditions for a person to receive emergency
1.3 crop protection assistance; amending Minnesota Statutes 2004, section 97A.028,
1.4 subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2004, section 97A.028, subdivision 3, is amended to
1.7 read:

1.8 Subd. 3. **Emergency deterrent materials assistance.** (a) For the purposes of this
1.9 subdivision, "cooperative damage management agreement" means an agreement between
1.10 a landowner or tenant and the commissioner that establishes a program for addressing the
1.11 problem of destruction of the landowner's or tenant's specialty crops or stored forage
1.12 crops by wild animals, or destruction of agricultural crops by flightless Canada geese.

1.13 (b) A landowner or tenant may apply to the commissioner for emergency deterrent
1.14 materials assistance in controlling destruction of the landowner's or tenant's specialty
1.15 crops or stored forage crops by wild animals, or destruction of agricultural crops by
1.16 flightless Canada geese. Subject to the availability of money appropriated for this purpose,
1.17 the commissioner shall provide suitable deterrent materials when the commissioner
1.18 determines that:

1.19 (1) immediate action is necessary to prevent significant damage from continuing, to
1.20 prevent significant damage that is likely to occur, or to prevent the spread of disease in
1.21 wild animals; and

2 (2) a cooperative damage management agreement cannot be implemented
1.23 immediately.

2.1 (c) A person may receive emergency deterrent materials assistance under this
2.2 subdivision more than once, but the cumulative total value of deterrent materials provided
2.3 to a person, or for use on a parcel, may not exceed \$3,000 for specialty crops, or \$750 for
2.4 stored forage crops, or \$500 for agricultural crops damaged by flightless Canada geese.
2.5 If a person is a co-owner or cotenant with respect to the specialty crops for which the
2.6 deterrent materials are provided, the deterrent materials are deemed to be "provided" to
2.7 the person for the purposes of this paragraph.

2.8 (d) As a condition of receiving emergency deterrent materials assistance under this
2.9 subdivision, a landowner or tenant shall enter into a cooperative damage management
2.10 agreement with the commissioner. Deterrent materials provided by the commissioner may
2.11 include repellents, fencing materials, or other materials recommended in the agreement
2.12 to alleviate the damage problem. If requested by a landowner or tenant, any fencing
2.13 materials provided must be capable of providing long-term protection of specialty crops.
2.14 A landowner or tenant who receives emergency deterrent materials assistance under
2.15 this subdivision shall comply with the terms of the cooperative damage management
2.16 agreement.

1.1 Senator moves to amend S.F. No. 2926 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2004, section 97A.028, subdivision 3, is amended to
1.4 read:

1.5 Subd. 3. **Emergency deterrent materials assistance.** (a) For the purposes of this
1.6 subdivision, "cooperative damage management agreement" means an agreement between
1.7 a landowner or tenant and the commissioner that establishes a program for addressing the
1.8 problem of destruction of the landowner's or tenant's specialty crops or stored forage
1.9 crops by wild animals, or destruction of agricultural crops by flightless Canada geese.

1.10 (b) A landowner or tenant may apply to the commissioner for emergency deterrent
1.11 materials assistance in controlling destruction of the landowner's or tenant's specialty
1.12 crops or stored forage crops by wild animals, or destruction of agricultural crops by
1.13 flightless Canada geese. Subject to the availability of money appropriated for this purpose,
1.14 the commissioner shall provide suitable deterrent materials when the commissioner
1.15 determines that:

1.16 (1) immediate action is necessary to prevent significant damage from continuing, to
1.17 prevent significant damage that is likely to occur, or to prevent the spread of disease in
1.18 wild animals; and

1.19 (2) a cooperative damage management agreement cannot be implemented
1.20 immediately.

1.21 (c) A person may receive emergency deterrent materials assistance under this
1.22 subdivision more than once, but the cumulative total value of deterrent materials provided
1.23 to a person, or for use on a parcel, may not exceed \$3,000 for specialty crops or measures
1.24 to prevent the spread of disease in wild animals, ~~or~~ \$750 for protecting stored forage
1.25 crops, or \$500 for agricultural crops damaged by flightless Canada geese. If a person is a
1.26 co-owner or cotenant with respect to the specialty crops for which the deterrent materials
1.27 are provided, the deterrent materials are deemed to be "provided" to the person for the
1.28 purposes of this paragraph.

1.29 (d) As a condition of receiving emergency deterrent materials assistance under this
1.30 subdivision, a landowner or tenant shall enter into a cooperative damage management
1.31 agreement with the commissioner. Deterrent materials provided by the commissioner may
1.32 include repellents, fencing materials, or other materials recommended in the agreement
1.33 to alleviate the damage problem. If requested by a landowner or tenant, any fencing
1.34 materials provided must be capable of providing long-term protection of specialty crops.

1.35 A landowner or tenant who receives emergency deterrent materials assistance under

2.1 this subdivision shall comply with the terms of the cooperative damage management
2.2 agreement.

2.3 Sec. 2. Minnesota Statutes 2004, section 97A.045, subdivision 11, is amended to read:

2.4 Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner
2.5 determines that action is necessary to prevent or control a wildlife disease, the
2.6 commissioner may prevent or control wildlife disease in a species of wild animal in
2.7 addition to the protection provided by the game and fish laws by further limiting, closing,
2.8 expanding, or opening seasons or areas of the state; by reducing or increasing limits in
2.9 areas of the state; by establishing disease management zones; by authorizing free licenses;
2.10 by allowing shooting from motor vehicles by persons designated by the commissioner;
2.11 by issuing replacement licenses for sick animals; by requiring sample collection from
2.12 hunter-harvested animals; by limiting wild animal possession, transportation, and
2.13 disposition; and by restricting wildlife feeding.

2.14 (b) The commissioner shall restrict wildlife feeding within a 15-mile radius of a
2.15 cattle herd that is infected with bovine tuberculosis.

2.16 (c) The commissioner may prevent or control wildlife disease in a species of wild
2.17 animal in the state by emergency rule adopted under section 84.027, subdivision 13. "

2.18 Amend the title accordingly

Senators McGinn, Metzen, Robling and Hann introduced—

S.F. No. 2655: Referred to the Committee on Environment and Natural Resources.

A bill for an act

relating to waters; authorizing the Lower Minnesota River Watershed District to acquire, maintain, operate, improve, and enlarge a site for the deposit of dredge material, issue and sell general obligation bonds or revenue bonds for the acquisition, maintenance, operation, improvement, and enlargement of the dredge material site, and charge fees for permitting private customers to deposit dredge material at the dredge material site.

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

Section 1. **LOWER MINNESOTA RIVER WATERSHED DISTRICT; AUTHORITY TO ACQUIRE, MAINTAIN, OPERATE, IMPROVE, AND ENLARGE DREDGE MATERIAL SITE.**

Subdivision 1. Definitions. The definitions in this subdivision apply to this act:

(1) "district" means the Lower Minnesota River Watershed District, a district established under Minnesota Statutes, chapter 103D;

(2) "governing body" means the managers of the district as defined in Minnesota Statutes, section 103D.011, subdivision 15; and

(3) "dredge material site" means a site at which public agencies or private customers may deposit material from dredging activities conducted on the Minnesota River.

Subd. 2. Authorization; authority to own and operate. The district may own and operate a dredge material site for its own needs, the needs of other public agencies, the needs of private customers, or any combination of these. The district may acquire, construct, and install all facilities needed for that purpose and may lease, purchase, or acquire by exercise of the power of eminent domain any existing properties so needed. The district may sell the dredge material to any person or entity. If the governing body determines that the dredge material has no value, the district may convey the dredge

2.1 material for no consideration to any person or entity. The district may hire all personnel
 2.2 the governing body deems necessary and may make all necessary rules and regulations for
 2.3 the operation and maintenance of the dredge material site.

2.4 Subd. 3. **Financing.** (a) To acquire property under subdivision 2, pay the cost of
 2.5 maintaining, improving, or enlarging the dredge material site or any portion thereof, and
 2.6 obtain and comply with permits required by law for the dredge material site, the district
 2.7 may:

2.8 (1) issue and sell its general obligation bonds, which shall be made payable from net
 2.9 revenues derived from the charges imposed on private customers as provided in section
 2.10 2, real estate tax revenues, special assessment revenues to be levied, or two or more
 2.11 of these sources; or

2.12 (2) issue revenue bonds, payable solely from net revenues derived from the charges
 2.13 imposed on private customers, specific tax revenues expressly pledged to payment of the
 2.14 debt service on the revenue bonds, specific special assessment revenues expressly pledged
 2.15 to payment of the debt service on the revenue bonds, or two or more of these sources.

2.16 (b) Real estate tax revenues and special assessment revenues shall be applied to the
 2.17 payment of the debt service on general obligation bonds or revenue bonds only in the
 2.18 event that net revenues derived from the charges imposed on private customers are not
 2.19 sufficient to pay all principal of and interest on the bonds when due.

2.20 (c) All bonds shall be issued and sold according to Minnesota Statutes, chapter
 2.21 475. If special assessments are pledged for the payment of the obligations, they shall be
 2.22 authorized and issued according to Minnesota Statutes, chapter 103D.

2.23 **Sec. 2. AUTHORITY TO IMPOSE CHARGES.**

2.24 Subdivision 1. **Charges; net revenues.** (a) To pay for the acquisition, maintenance,
 2.25 operation, improvement, and enlargement of the dredge material site and to obtain and
 2.26 comply with permits required by law for the dredge material site, the governing body may
 2.27 impose charges for permitting private customers to deposit dredge material at the dredge
 2.28 material site and make contracts for the charges as provided in this section.

2.29 (b) The amount of the charges imposed shall be established at the discretion of the
 2.30 governing body. In determining the amount of the charges to be imposed, the governing
 2.31 body may give consideration to all costs of the operation and maintenance of the dredge
 2.32 material site, the costs of depreciation and replacement of structures and equipment, the
 2.33 costs of improvements and enlargements, the cost of reimbursing the district for special
 2.34 assessment revenues expended for the benefit of persons or entities not subject to special
 2.35 assessment levies by the district, the amount of the principal and interest to become due

3.1 on obligations issued or to be issued, the costs of obtaining and complying with permits
 3.2 required by law, the price charged for similar services by other providers of dredge
 3.3 material sites in similar markets, and all other factors the governing body deems relevant.

3.4 (c) At its discretion, the governing body may impose a surcharge on private
 3.5 customers using the dredge material site in addition to the charges allowed under
 3.6 paragraph (a). The surcharge shall be for the purpose of paying for the removal of dredge
 3.7 material from the dredging site if the governing body determines it necessary. If the
 3.8 governing body later determines that there is no need to pay for the removal of the dredge
 3.9 material from the dredge material site, the governing body shall rebate all surcharges
 3.10 paid by private customers.

3.11 Subd. 2. Covenants to secure debt payments. (a) In any resolution authorizing
 3.12 the issuance of either general obligation bonds or revenue bonds and pledging revenues
 3.13 and other security to the payment of the debt service on the bonds, the governing body
 3.14 may make covenants for the protection and benefit of the holders of the bonds as it deems
 3.15 necessary or appropriate including, but without limitation, a covenant that the district will
 3.16 impose and collect charges of the nature authorized by this section at the times and in the
 3.17 amounts required to produce, together with any tax revenues, special assessment revenues,
 3.18 or other revenues pledged to payment of the obligations, net revenues adequate to pay all
 3.19 principal and interest when due on the bonds and to create and maintain reserves securing
 3.20 the payment of the principal and interest when due on the bonds.

3.21 (b) The covenants made for the protection and benefit of the holders of the bonds
 3.22 of the district shall be enforceable by appropriate action on the part of any holder of the
 3.23 bonds or any taxpayer of the district in a court of competent jurisdiction.

3.24 **Sec. 3. EFFECTIVE DATE.**

3.25 Sections 1 and 2 are effective the day following final enactment.

Senators Jungbauer, Bakk, Nienow and Pariseau introduced—

S.F. No. 2437: Referred to the Committee on Environment and Natural Resources.

1.2 A bill for an act
 1.3 relating to the environment; requiring the replacement or discontinued operation
 1.4 of straight-pipe systems for sewage disposal within ten months of notice;
 1.5 amending Minnesota Statutes 2004, section 115.55, subdivision 1, by adding a
 subdivision.

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

1.7 Section 1. Minnesota Statutes 2004, section 115.55, subdivision 1, is amended to read:

1.8 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to sections
 1.9 115.55 to 115.56.

1.10 (b) "Advisory committee" means the Advisory Committee on Individual Sewage
 1.11 Treatment Systems established under the individual sewage treatment system rules. The
 advisory committee must be appointed to ensure geographic representation of the state
 1.13 and include elected public officials.

1.14 (c) "Applicable requirements" means:

1.15 (1) local ordinances that comply with the individual sewage treatment system rules,
 1.16 as required in subdivision 2; or

1.17 (2) in areas not subject to the ordinances described in clause (1), the individual
 1.18 sewage treatment system rules.

1.19 (d) "City" means a statutory or home rule charter city.

1.20 (e) "Commissioner" means the commissioner of the Pollution Control Agency.

1.21 (f) "Dwelling" means a building or place used or intended to be used by human
 1.22 occupants as a single-family or two-family unit.

1.23 (g) "Individual sewage treatment system" or "system" means a sewage treatment
 1.24 system, or part thereof, serving a dwelling, other establishment, or group thereof, that
 1.25 uses subsurface soil treatment and disposal.

2.1 (h) "Individual sewage treatment system professional" means an inspector, installer,
2.2 site evaluator or designer, or pumper.

2.3 (i) "Individual sewage treatment system rules" means rules adopted by the agency
2.4 that establish minimum standards and criteria for the design, location, installation, use,
2.5 and maintenance of individual sewage treatment systems.

2.6 (j) "Inspector" means a person who inspects individual sewage treatment systems for
2.7 compliance with the applicable requirements.

2.8 (k) "Installer" means a person who constructs or repairs individual sewage treatment
2.9 systems.

2.10 (l) "Local unit of government" means a township, city, or county.

2.11 (m) "Pumper" means a person who maintains components of individual sewage
2.12 treatment systems including, but not limited to, septic, aerobic, and holding tanks.

2.13 (n) "Seasonal dwelling" means a dwelling that is occupied or used for less than 180
2.14 days per year and less than 120 consecutive days.

2.15 (o) "Septic system tank" means any covered receptacle designed, constructed, and
2.16 installed as part of an individual sewage treatment system.

2.17 (p) "Site evaluator or designer" means a person who:

2.18 (1) investigates soils and site characteristics to determine suitability, limitations, and
2.19 sizing requirements; and

2.20 (2) designs individual sewage treatment systems.

2.21 (q) "Straight-pipe system" means a sewage disposal system that transports raw or
2.22 partially settled sewage directly to a lake, a stream, a drainage system, or ground surface.

2.23 Sec. 2. Minnesota Statutes 2004, section 115.55, is amended by adding a subdivision to
2.24 read:

2.25 Subd. 11. **Straight-pipe systems; noncompliance.** An inspector who discovers
2.26 the existence of a straight-pipe system shall issue a noncompliance notice to the owner of
2.27 the straight-pipe system and forward a copy of the notice to the agency. The notice must
2.28 state that the owner must replace or discontinue the use of the straight-pipe system within
2.29 ten months of receiving the notice. If the owner does not replace or discontinue the use
2.30 of the straight-pipe system within ten months after the notice was received, the owner of
2.31 the straight-pipe system shall be subject to an administrative penalty of \$500 per month
2.32 of noncompliance beyond the ten-month period. Administrative penalty orders shall be
2.33 issued for violations under this subdivision, as provided in section 116.072. One-half
2.34 of the proceeds collected from an administrative penalty order issued for violating this

3.1 subdivision shall be remitted to the local unit of government with jurisdiction over the
3.2 noncompliant straight-pipe system.

Senators Saxhaug; Johnson, D.E.; Rosen and Frederickson introduced—
S.F. No. 2723: Referred to the Committee on Environment and Natural Resources.

A bill for an act

1.2 relating to the environment; requiring a report by the Pollution Control Agency
 1.3 on new public wastewater treatment facilities that do not meet water quality
 1.4 discharge standards; requiring bids for new wastewater treatment facilities to
 1.5 include information on operating costs during the first five years of operation;
 1.6 amending Minnesota Statutes 2004, section 115.447; proposing coding for new
 1.7 law in Minnesota Statutes, chapter 115.

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

1.9 Section 1. Minnesota Statutes 2004, section 115.447, is amended to read:

1.10 **115.447 TRACKING REPORT FOR NEW WASTEWATER FACILITIES.**

1.11 Subdivision 1. Annual report required. The Pollution Control Agency shall
 1.12 annually prepare a report tracking the location and capacity of each new wastewater
 1.13 treatment system requiring a National Pollutant Discharge Elimination System or State
 1.14 Disposal System permit built after May 1, 2000. The annual report must also provide the
 1.15 total number of new systems built after that date. The commissioner shall submit the
 1.16 report to ~~the chairs~~ of the legislative committees with jurisdiction over environmental
 1.17 policy and finance, and publish the report on the agency's Web site, by February 1 of
 1.18 each year. The agency shall also send a copy of the report to all known businesses that
 1.19 provide performance bonds to engineering and contracting firms that provide services for
 1.20 municipal wastewater treatment facilities in Minnesota.

1.21 Subd. 2. New facilities not meeting water quality discharge standards. The
 1.22 report required under subdivision 1 shall include information on new public wastewater
 1.23 treatment facilities requiring a national pollutant discharge elimination system or state
 1.24 disposal system permit that do not meet water quality discharge standards during the first
 1.25 five years of operation. For each facility that does not meet the discharge standards, the

2.1 agency shall provide information on the location of the facility, the owner of the facility, the
2.2 engineering firm that designed the facility, and the contractor who constructed the facility.

2.3 Sec. 2. [115.449] PUBLIC WASTEWATER TREATMENT FACILITIES BID
2.4 REQUIREMENTS.

2.5 A bid for an engineering contract to construct a public wastewater treatment facility
2.6 requiring a national pollutant discharge elimination system or state disposal system permit
2.7 shall include a detailed estimate of all operation and maintenance costs of operating the
2.8 facility for the first five years of operation.

1.1 Senator moves to amend S.F. No. 2723 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2004, section 115.447, is amended to read:

1.4 **115.447 TRACKING REPORT FOR NEW WASTEWATER FACILITIES.**

1.5 Subdivision 1. **Annual report required.** The Pollution Control Agency shall
1.6 annually prepare a report tracking the location and capacity of each new wastewater
1.7 treatment system requiring a National Pollutant Discharge Elimination System or State
1.8 Disposal System permit built after May 1, 2000. The report shall also include the name of
1.9 the owner, primary engineering firm that designed the facilities, the primary contractor
1.10 who constructed the facilities, and any management company, other than the owner,
1.11 who manages the facilities.

1.12 The annual report must also provide the total number of new systems built after that
1.13 date. The commissioner shall submit the report to ~~the chairs~~ of the legislative committees
1.14 with jurisdiction over environmental policy and finance, and publish the report on the
1.15 agency's Web site, by February 1 of each year.

1.16 Subd. 2. **New facilities not meeting permit requirements.**

1.17 (a) The report required under subdivision 1 shall include the information required in
1.18 paragraphs (b) and (c) for the first five years of operation of a new facility.

1.19 (b) For National Pollutant Discharge Elimination System permitted facilities provide
1.20 a list of reported effluent violations that occurred during each calendar year. This list
1.21 should include the effluent parameter violated; the violation date; and if available, any
1.22 known information regarding the causes of the reported limit violations.

1.23 (c) For State Disposal System permitted facilities provide a summary of conditions
1.24 at the facilities which pose an imminent threat to public health and safety as defined in
1.25 rules of the Pollution Control Agency, or a list of reported limit violations that occurred
1.26 during each calendar year. This list should include the parameter violated; violation date;
1.27 and if available, any known information regarding the causes of the reported public health
1.28 risk or limit violations.

1.29 **Sec. 2. [115.449] PUBLIC WASTEWATER TREATMENT FACILITIES BID**
1.30 **REQUIREMENTS.**

1.31 A bid for an engineering contract to construct a public wastewater treatment facility
1.32 requiring a National Pollutant Discharge Elimination System or State Disposal System
1.33 permit shall include a detailed estimate of all annual operation and maintenance costs of
1.34 operating the facility for the first five years of operation."

1.35 Amend the title accordingly

Senators Marty, Bakk, Saxhaug, Pariseau and Skoglund introduced—

S.F. No. 3048: Referred to the Committee on Environment and Natural Resources.

1.1 A bill for an act
1.2 relating to game and fish; clarifying restrictions on taking farm-raised cervidae;
1.3 amending Minnesota Statutes 2004, section 17.452, subdivision 4; Minnesota
1.4 Statutes 2005 Supplement, section 35.155, subdivision 10; proposing coding for
1.5 new law in Minnesota Statutes, chapter 97B.

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

1.7 Section 1. Minnesota Statutes 2004, section 17.452, subdivision 4, is amended to read:

1.8 Subd. 4. **Farmed cervidae are livestock.** Farmed cervidae are livestock and, except
1.9 as provided in sections 35.155 and 97B.215, are not wild animals for purposes of game
1.10 farm, hunting, or wildlife laws. Farmed cervidae and their products are farm products and
1.11 livestock for purposes of financial transactions and collateral.

1.12 Sec. 2. Minnesota Statutes 2005 Supplement, section 35.155, subdivision 10, is
1.13 amended to read:

1.14 Subd. 10. **Mandatory registration; prohibition on raising cervidae for taking by**
1.15 **firearm or archery within Minnesota.** (a) A person may not possess live cervidae in
1.16 Minnesota unless the person is registered with the Board of Animal Health and meets all
1.17 the requirements for farmed cervidae under this section. Cervidae possessed in violation
1.18 of this subdivision may be seized and destroyed by the commissioner of natural resources.

1.19 (b) A person may not raise cervidae or sell cervidae to another for the purpose
1.20 of charging customers to take the cervidae by firearm or archery within Minnesota. In
1.21 addition to other penalties prescribed by law, the board shall revoke the registration of
1.22 a person found in violation of this paragraph and prohibit farmed cervidae registration
1.23 under this section for two years.

2.1 Sec. 3. **[97B.215] SHOOTING FARMED CERVIDAE; PROHIBITION.**

2.2 A person who is not the owner or an employee of a registered cervidae farm may
2.3 not take farmed cervidae by firearm or archery. In addition to other penalties prescribed
2.4 by law, a person convicted under this section shall not be issued a license to take game
2.5 for two years after the conviction.

**Senators Saxhaug, Pariseau, Chaudhary, Frederickson and Bakk introduced—
S.F. No. 2974: Referred to the Committee on Environment and Natural Resources.**

A bill for an act

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

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

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

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

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

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

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

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

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

2.11 (1) licenses and permits issued;

2.12 (2) fines and forfeited bail;

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

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

2.16 (5) reimbursements of expenditures by the division;

2.17 (6) contributions to the division; and

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

2.19 (e), clause (1).

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

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

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

3.6 (e) (b) The county treasurer shall submit one-half of the receipts collected under
3.7 paragraph (a) from prosecutions of violations of sections 84.81 to 84.91 or rules adopted
3.8 thereunder, and 169A.20, except receipts that are surcharges imposed under section
3.9 357.021, subdivision 6, to the commissioner and credit the balance to the county
3.10 general fund. The commissioner shall credit these receipts to the snowmobile trails and
3.11 enforcement account in the natural resources fund.

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

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

3.16 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this
3.17 subdivision, "deer license" means a license issued under section 97A.475, subdivisions
3.18 2, clauses (4), (5), (9), (11), (13), and (14), and 3, clauses (2), (3), and (7), and licenses
3.19 issued under section 97B.301, subdivision 4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.16 Sec. 12. Minnesota Statutes 2005 Supplement, section 97A.475, subdivision 3, is

6.17 amended to read:

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

6.19 to nonresidents, are:

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

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

6.32 amended to read:

6.33 Subd. 6. **Tagging and registration.** The commissioner may, by rule, require

6.34 persons taking, possessing, and transporting certain species of fish to tag the fish with

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

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

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

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

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

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

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

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

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

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

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

7.32 (b) A person under age 16 may possess a firearm ~~without being accompanied by~~
 7.33 maintaining unaided visual and vocal contact with a parent or guardian:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.6 (1) Lakes:

	Maximum number of permitted fishing contests	Maximum number of large permitted fishing contests	Maximum number of permitted fishing contest days
10.7 Size/acres			
10.11 less than 2,000	2	0	4
10.12 2,000-4,999	3	1	6
10.13 5,000-14,999	4	2	8
10.14 15,000-55,000	5	3	10
10.15 more than 55,000	no limit	no limit	no limit

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

10.18 (2) Rivers:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13.26 Sec. 27. **REPEALER.**

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

APPENDIX
Repealed Minnesota Statutes: 06-5020

97C.355 DARK HOUSES AND FISH HOUSES.

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

1.1 To: Senator Marty, Chair
1.2 Committee on Environment and Natural Resources
1.3 Senator Saxhaug,
1.4 Chair of the Subcommittee on Game and Fish, to which was referred

1.5 **S.F. No. 2974:** A bill for an act relating to game and fish; modifying critical habitat
1.6 private sector matching account provisions; providing definitions; providing for and
1.7 modifying disposition of certain revenue; modifying restrictions on motorized watercraft
1.8 and recreational vehicles in wildlife management areas; providing for inspection of
1.9 equipment used to take wild animals; modifying certain penalty and fee amounts;
1.10 modifying certain game and fish license provisions; modifying firearms possession
1.11 provisions for persons under 16; providing for collecting antler sheds; modifying
1.12 certain provisions for taking and possessing game and fish; modifying provisions for
1.13 fishing contests; providing for a moratorium on use of public waters for aquaculture;
1.14 amending Minnesota Statutes 2004, sections 84.943, subdivision 3; 97A.015, by adding
1.15 a subdivision; 97A.055, subdivision 2; 97A.065, subdivision 2; 97A.075, subdivision
1.16 1; 97A.101, subdivision 4; 97A.251, subdivision 1; 97A.321; 97A.445, subdivision 3;
1.17 97A.475, subdivision 2; 97B.021, subdivision 1, by adding a subdivision; 97B.301,
1.18 subdivision 7; 97C.081, subdivisions 4, 6, 8, 9; 97C.205; 97C.355, subdivision 7;
1.19 97C.371, subdivision 4; Minnesota Statutes 2005 Supplement, sections 97A.405,
1.20 subdivision 4; 97A.475, subdivision 3; 97A.551, subdivision 6; proposing coding for
1.21 new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, section
1.22 97C.355, subdivision 6.

1.23 Reports the same back with the recommendation that the bill be amended as follows:

1.24 Delete everything after the enacting clause and insert:

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

1.27 **Subd. 3. Appropriations must be matched by private funds.** Appropriations
1.28 transferred to the critical habitat private sector matching account and money credited to
1.29 the account under section 168.1296, subdivision 5, may be expended only to the extent
1.30 that they are matched equally with contributions ~~to the account~~ from private sources
1.31 or by funds contributed to the nongame wildlife management account. The private
1.32 contributions may be made in cash ~~or in contributions of~~ property, land or interests in
1.33 land that are designated by the commissioner of natural resources as program acquisitions.
1.34 Appropriations transferred to the account that are not matched within three years from the
1.35 date of the appropriation shall cancel to the source of the appropriation. For the purposes
1.36 of this section, the private contributions of property, land, or interests in land that are
1.37 retained by the commissioner shall be valued in accordance with their appraised value.

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

1.40 **Subd. 3a. Bonus permit.** "Bonus permit" means a license to take and tag deer by
1.41 archery or firearms, in addition to deer authorized to be taken under regular firearms
1.42 or archery licenses.

1.43 Sec. 3. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
1.44 to read:

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

2.2 Sec. 4. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
2.3 to read:

2.4 Subd. 26b. Intensive deer area. "Intensive deer area" means an area of the state
2.5 where taking a deer of either sex is allowed and where multiple bonus permits are
2.6 authorized.

2.7 Sec. 5. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
2.8 to read:

2.9 Subd. 27b. Lottery deer area. "Lottery deer area" means an area of the state
2.10 where taking antlerless deer is allowed only by either-sex permit and no bonus permits
2.11 are authorized.

2.12 Sec. 6. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
2.13 to read:

2.14 Subd. 27c. Managed deer area. "Managed deer area" means an area of the state
2.15 where taking a deer of either sex is allowed and where one bonus permit is authorized.

2.16 Sec. 7. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
2.17 to read:

2.18 Subd. 32a. Muzzleloader season. "Muzzleloader season" means the firearms
2.19 deer season option open only for legal muzzleloading firearms, as prescribed by the
2.20 commissioner.

2.21 Sec. 8. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
2.22 to read:

2.23 Subd. 41a. Regular firearms season. "Regular firearms season" means any of the
2.24 firearms deer season options prescribed by the commissioner that begin in November,
2.25 exclusive of the muzzleloader season.

2.26 Sec. 9. Minnesota Statutes 2004, section 97A.055, subdivision 2, is amended to read:

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

2.30 (1) licenses and permits issued;

2.31 (2) fines and forfeited bail;

- 2.32 (3) sales of contraband, wild animals, and other property under the control of the
2.33 division;
- 3.2 (4) fees from advanced education courses for hunters and trappers;
- 3.3 (5) reimbursements of expenditures by the division;
- 3.4 (6) contributions to the division; and
- 3.5 (7) revenue credited to the game and fish fund under section 297A.94, paragraph
(e), clause (1).

3.6 Sec. 10. Minnesota Statutes 2004, section 97A.065, subdivision 2, is amended to read:

3.7 Subd. 2. **Fines and forfeited bail.** (a) Fines and forfeited bail collected from
3.8 prosecutions of violations of: the game and fish laws or rules adopted thereunder; sections
3.9 84.091 to 84.15 or rules adopted thereunder; sections 84.81 to 84.91 or rules adopted
3.10 thereunder; section 169A.20, when the violation involved an off-road recreational vehicle
3.11 as defined in section 169A.03, subdivision 16; chapter 348; and any other law relating
3.12 to wild animals or aquatic vegetation, must be paid to the treasurer of the county where
3.13 the violation is prosecuted. The county treasurer shall submit one-half of the receipts to
3.14 the commissioner and credit the balance to the county general revenue fund except as
3.15 provided in paragraphs (b); and (c); ~~and (d)~~. In a county in a judicial district under section
3.16 480.181, subdivision 1, paragraph (b), the share that would otherwise go to the county
3.17 under this paragraph must be submitted to the commissioner of finance for deposit in the
3.18 state treasury and credited to the general fund.

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

3.24 ~~(c)~~ (b) The county treasurer shall submit one-half of the receipts collected under
3.25 paragraph (a) from prosecutions of violations of sections 84.81 to 84.91 or rules adopted
3.26 thereunder, and 169A.20, except receipts that are surcharges imposed under section
3.27 357.021, subdivision 6, to the commissioner and credit the balance to the county
3.28 general fund. The commissioner shall credit these receipts to the snowmobile trails and
3.29 enforcement account in the natural resources fund.

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

3.33 Sec. 11. Minnesota Statutes 2004, section 97A.075, subdivision 1, is amended to read:

3.34 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this
3.35 subdivision, "deer license" means a license issued under section 97A.475, subdivisions
4.1 2, clauses (4), (5), (9), (11), (13), and (14), and 3, clauses (2), (3), and (7), and licenses
4.2 issued under section 97B.301, subdivision 4.

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

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

4.12 (d) Fifty cents from each deer license is credited to the emergency deer feeding
4.13 and wild cervidae health management account and is appropriated for emergency deer
4.14 feeding and wild cervidae health management. Money appropriated for emergency
4.15 deer feeding and wild cervidae health management is available until expended. When
4.16 the unencumbered balance in the appropriation for emergency deer feeding and wild
4.17 cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first
4.18 time, \$750,000 is canceled to the unappropriated balance of the game and fish fund.
4.19 The commissioner must inform the legislative chairs of the natural resources finance
4.20 committees every two years on how the money for emergency deer feeding and wild
4.21 cervidae health management has been spent.

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

4.26 **EFFECTIVE DATE.** This section is effective July 1, 2007.

4.27 Sec. 12. Minnesota Statutes 2004, section 97A.101, subdivision 4, is amended to read:

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

4.31 (b) The commissioner may restrict the use of motorized watercraft and recreational
4.32 vehicles on lakes designated for wildlife management purposes by posting all public
4.33 access points on the designated lake. Restrictions may include prohibitions or limitations

4.34 on the type of allowable motorized watercraft or recreational vehicle, horsepower or
4.35 thrust of motor, speed of operation, season or area of use, or other restrictions that the
.1 commissioner determines are necessary to minimize disturbances to wildlife or to protect
5.2 wildlife habitat. Designation of areas, times, and types of restrictions to be posted shall be
5.3 by written order published in the State Register. Posting of the restrictions is not subject to
5.4 the rulemaking provisions of chapter 14 and section 14.386 does not apply.

5.5 Sec. 13. Minnesota Statutes 2004, section 97A.221, subdivision 3, is amended to read:

5.6 **Subd. 3. Procedure for confiscation of property seized.** The enforcement officer
5.7 must hold the seized property. The property held may be confiscated when:

5.8 (1) the person from whom the property was seized is convicted, the conviction is not
5.9 under appeal, and the time period for appeal of the conviction has expired; or

5.10 (2) the property seized is contraband consisting of a wild animal, wild rice, or other
5.11 aquatic vegetation.

5.12 Sec. 14. Minnesota Statutes 2004, section 97A.221, subdivision 4, is amended to read:

5.13 **Subd. 4. Disposal of confiscated property.** Confiscated property may be disposed
5.14 of or retained for use by the commissioner, or sold at the highest price obtainable as
5.15 prescribed by the commissioner. Upon acquittal or dismissal of the charged violation for
5.16 which the property was seized;

5.17 (1) all property, other than contraband consisting of a wild animal, wild rice, or other
5.18 aquatic vegetation, must be returned to the person from whom the property was seized; and

5.19 (2) the commissioner shall reimburse the person for the full value of any seized or
5.20 confiscated property that is sold, lost, or damaged.

5.21 **EFFECTIVE DATE.** This section is effective the day following final enactment
5.22 and applies to property seized beginning one year prior to that date.

5.23 Sec. 15. Minnesota Statutes 2004, section 97A.225, subdivision 2, is amended to read:

5.24 **Subd. 2. Procedure for confiscation of property seized.** The enforcement officer
5.25 must hold the seized property, subject to the order of the court having jurisdiction where
5.26 the offense was committed. The property held is confiscated when:

5.27 (1) the commissioner complies with this section and;

5.28 (2) the person from whom it was seized is convicted of the offense; and

5.29 (3) the conviction is not under appeal and the time period for appeal of the
.0 conviction has expired.

5.31 Sec. 16. Minnesota Statutes 2004, section 97A.225, subdivision 5, is amended to read:

5.32 Subd. 5. **Court order.** (a) If the person arrested is acquitted, the court shall dismiss
5.33 the complaint against the property and:

5.34 (1) order it returned to the person legally entitled to it; and

6.1 (2) order the commissioner to reimburse the person for the full value of any seized
6.2 or confiscated property that is sold, lost, or damaged.

6.3 (b) Upon conviction of the person, the court shall issue an order directed to any
6.4 person that may have any right, title, or interest in, or lien upon, the seized property. The
6.5 order must describe the property and state that it was seized and that a complaint against
6.6 it has been filed. The order shall require a person claiming right, title, or interest in, or
6.7 lien upon, the property to file with the court administrator an answer to the complaint,
6.8 stating the claim, within ten days after the service of the order. The order shall contain a
6.9 notice that if the person fails to file an answer within the time limit, the property may be
6.10 ordered sold by the commissioner.

6.11 (c) The court order must be served upon any person known or believed to have any
6.12 right, title, interest, or lien in the same manner as provided for service of a summons in a
6.13 civil action, and upon unknown persons by publication, in the same manner as provided
6.14 for publication of a summons in a civil action.

6.15 **EFFECTIVE DATE.** This section is effective the day following final enactment
6.16 and applies to property seized beginning one year prior to that date.

6.17 Sec. 17. Minnesota Statutes 2004, section 97A.251, subdivision 1, is amended to read:

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

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

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

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

6.25 Sec. 18. Minnesota Statutes 2004, section 97A.321, is amended to read:

6.26 **97A.321 DOGS PURSUING OR KILLING BIG GAME.**

6.27 The owner of a dog that pursues but does not kill a big game animal is guilty of a
6.28 petty misdemeanor and is subject to a civil penalty of \$100 for each violation. The owner
6.29 of a dog that kills ~~or pursues~~ a big game animal is guilty of a petty misdemeanor and is
6.30 subject to a civil penalty of ~~up to~~ \$500 for each violation.

6.31 Sec. 19. Minnesota Statutes 2005 Supplement, section 97A.405, subdivision 4, is
6.32 amended to read:

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

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

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

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

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

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

7.17 Sec. 20. Minnesota Statutes 2004, section 97A.475, subdivision 2, is amended to read:

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

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

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

7.22 (3) to take turkey, \$18;

7.23 (4) for persons age 18 or over to take deer with firearms, \$26;

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

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

7.26 (7) to take bear, \$38;

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

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

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

7.30 (11) all season license to take two deer throughout the state in any open deer season,
7.31 except as restricted under section 97B.305, \$78;

7.32 (12) to take prairie chickens, \$20;

7.33 (13) for persons at least age 12 and under age 18 to take deer with firearms during
 7.34 the regular firearms season in any open zone or time period, \$13; and

7.35 (14) for persons at least age 12 and under age 18 to take deer by archery, \$13.

8.1 Sec. 21. Minnesota Statutes 2005 Supplement, section 97A.475, subdivision 3, is
 8.2 amended to read:

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

8.5 (1) to take small game, \$73;

8.6 (2) to take deer with firearms, \$135;

8.7 (3) to take deer by archery, the greater of:

8.8 (i) an amount equal to the total amount of license fees and surcharges charged to a
 8.9 Minnesota resident to take deer by archery in the person's state or province of residence; or

8.10 (ii) \$135;

8.11 (4) to take bear, \$195;

8.12 (5) to take turkey, \$73;

8.13 (6) to take raccoon, bobcat, fox, or coyote, \$155;

8.14 (7) multizone license to take antlered deer in more than one zone, \$270; and

8.15 (8) to take Canada geese during a special season, \$4.

8.16 Sec. 22. Minnesota Statutes 2004, section 97A.475, subdivision 20, is amended to read:

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

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

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

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

8.21 (4) for nonresidents, \$73.

8.22 Sec. 23. Minnesota Statutes 2004, section 97A.535, subdivision 1, is amended to read:

8.23 Subdivision 1. **Tags required.** A person may not possess or transport deer, bear, elk,
 8.24 or moose taken in the state unless a tag is attached to the carcass in a manner prescribed
 8.25 by the commissioner. The commissioner must prescribe the type of tag that has the
 8.26 license number of the owner, the year of its issue, and other information prescribed by
 8.27 the commissioner. ~~The tag must be attached to the deer, bear, elk, or moose at the site of~~
 8.28 ~~the kill before the animal is removed from the site of the kill, and must remain attached~~
 8.29 ~~to the animal until the animal is processed for storage~~ The tag must be validated at the
 8.30 site of the kill as prescribed by the commissioner. The tag may be carried by the person
 8.31 accompanying the animal whenever the deer, bear, elk, or moose is being dragged on the
 8.32 ground. At all other times, the tag must be affixed to the animal in a way prescribed by

8.33 the commissioner, and must remain attached to the animal until the animal is processed
8.34 for storage.

9.1 Sec. 24. Minnesota Statutes 2005 Supplement, section 97A.551, subdivision 6, is
9.2 amended to read:

9.3 Subd. 6. **Tagging and registration.** The commissioner may, by rule, require
9.4 persons taking, possessing, and transporting certain species of fish to tag the fish with
9.5 a special fish management tag and may require registration of tagged fish. A person
9.6 may not possess or transport a fish species taken in the state for which a special fish
9.7 management tag is required unless a tag is attached to the fish in a manner prescribed by
9.8 the commissioner. The commissioner shall prescribe the manner of issuance and the
9.9 type of tag as authorized under section 97C.087. The tag must be attached to the fish as
9.10 prescribed by the commissioner immediately upon reducing the fish to possession and
9.11 must remain attached to the fish until the fish is processed or consumed. Species for
9.12 which a special fish management tag is required must be transported undressed, except as
9.13 otherwise prescribed by the commissioner.

9.14 Sec. 25. Minnesota Statutes 2004, section 97B.021, subdivision 1, is amended to read:

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

9.18 (b) A person under age 16 may possess a firearm ~~without being accompanied by~~
9.19 maintaining unaided visual and vocal contact with a parent or guardian:

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

9.22 (2) while participating in an organized target shooting program with adult
9.23 supervision;

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

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

9.27 Sec. 26. Minnesota Statutes 2004, section 97B.021, is amended by adding a
9.28 subdivision to read:

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

9.32 Sec. 27. Minnesota Statutes 2005 Supplement, section 97B.031, subdivision 5, is
9.33 amended to read:

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

9.35 ~~Notwithstanding any other law to the contrary, the commissioner may issue a special~~
10.1 ~~permit, without a fee, to~~ A person may use a muzzleloader with a scope to take deer
10.2 ~~during the muzzleloader season to a person who obtains the required licenses and who has~~
10.3 ~~a visual impairment. The scope may not have magnification capabilities.~~

10.4 ~~(b) The visual impairment must be to the extent that the applicant is unable~~
10.5 ~~to identify targets and the rifle sights at the same time without a scope. The visual~~
10.6 ~~impairment and specific conditions must be established by medical evidence verified in~~
10.7 ~~writing by a licensed physician, ophthalmologist, or optometrist. The commissioner~~
10.8 ~~may request additional information from the physician if needed to verify the applicant's~~
10.9 ~~eligibility for the permit.~~

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

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

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

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

10.22 Sec. 28. [97B.22] COLLECTING ANTLER SHEDS.

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

10.24 (b) A person may not place, arrange, or set equipment in a manner that is likely to
10.25 artificially pull, sever, or otherwise cause antlers of live deer, moose, elk, or caribou to
10.26 be shed or removed.

10.27 Sec. 29. Minnesota Statutes 2004, section 97B.301, subdivision 7, is amended to read:

10.28 Subd. 7. **All season deer license.** (a) A resident may obtain an all season deer
10.29 license. This license that authorizes the resident to ~~take one buck by firearm or archery~~
10.30 hunt during any season statewide. ~~In addition, a resident obtaining this license may take~~

10.31 ~~one antlerless deer. the archery, regular firearms, and muzzleloader seasons. The all~~
10.32 season license is valid for taking two deer, no more than one of which may be a legal buck.

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

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

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

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

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

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

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

11.11 Sec. 30. Minnesota Statutes 2004, section 97C.081, subdivision 4, is amended to read:

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

11.15 Sec. 31. Minnesota Statutes 2004, section 97C.081, subdivision 6, is amended to read:

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

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

11.27 (c) After the applicants have been given at least seven days to change their
3 applications, the commissioner shall conduct a drawing for all locations and time periods
11.29 for which applications exceed limits. First preference in the drawings shall be given
11.30 to applicants for established or traditional fishing contests, and second preference to

11.31 applicants for contests that are not established as traditional fishing contests based on the
 11.32 number of times they have been unsuccessful in previous drawings. Except for applicants
 11.33 of established or traditional fishing contests, an applicant who is successful in a drawing
 11.34 loses all accumulated preference. "Established or traditional fishing contest" means a
 11.35 fishing contest that was issued permits in 1999 and 2000 or was issued permits four out of
 12.1 five years from 1996 to 2000 for the same lake and time period. Beginning with 2001,
 12.2 established or traditional fishing contests must continue to be conducted at least four out
 12.3 of five years for the same lake and time period to remain established or traditional.

12.4 (d) The commissioner has until ~~December~~ November 7 to approve or deny permit
 12.5 applications that are submitted by 4:30 p.m. on the last Friday in ~~October~~ September. The
 12.6 commissioner may approve a permit application that is received after 4:30 p.m. on the last
 12.7 Friday in ~~October~~ September if approving the application would not result in exceeding
 12.8 the limits in subdivisions 7 and 8.

12.9 Sec. 32. Minnesota Statutes 2004, section 97C.081, subdivision 8, is amended to read:

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

12.12 (1) Lakes:

12.13	12.14	12.15	12.16	12.17	12.18	12.19	12.20	12.21
		Maximum number of permitted fishing contests	Maximum number of large permitted fishing contests	Maximum number of permitted fishing contest days				
12.16	Size/acres							
12.17	less than 2,000	2	0	4				
12.18	2,000-4,999	3	1	6				
12.19	5,000-14,999	4	2	8				
12.20	15,000-55,000	5	3	10				
12.21	more than 55,000	no limit	no limit	no limit				

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

12.24 (2) Rivers:

12.25	12.26	12.27	12.28	12.29	12.30	12.31	12.32	12.33
		<u>Maximum number of permitted fishing contests</u>	<u>Maximum number of large permitted fishing contests</u>	<u>Maximum number of permitted fishing contest days</u>				
12.28	<u>Mississippi River:</u>							
12.29	<u>Pool 1, 2, 3, 5, 5A,</u>							
12.30	<u>6, 7, 8, 9</u>	<u>4 (each pool)</u>	<u>2 (each pool)</u>	<u>8 (each pool)</u>				
12.31	<u>Pool 4</u>	<u>5</u>	<u>3</u>	<u>10</u>				
12.32	<u>St. Croix River</u>	<u>2</u>	<u>1</u>	<u>4</u>				
12.33	<u>Lake St. Croix</u>	<u>4</u>	<u>2</u>	<u>8</u>				

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

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

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

13.5 Sec. 33. Minnesota Statutes 2004, section 97C.081, subdivision 9, is amended to read:

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

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

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

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

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

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

13.22 Sec. 34. Minnesota Statutes 2004, section 97C.205, is amended to read:

13.23 **97C.205 RULES FOR TRANSPORTING AND STOCKING FISH.**

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

13.26 (1) is being transported under an aquaculture license as authorized under sections
 13.27 17.4985 and 17.4986;

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

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

13.30 (4) is being transported by a commercial fishing license holder under section
 13.31 97C.821; or

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

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

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

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

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

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

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

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

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

14.15 Sec. 35. Minnesota Statutes 2004, section 97C.355, subdivision 7, is amended to read:

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

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

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

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

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

14.35 (c) When the last day of February, under paragraph (a), clause (1), or March 15,
 14.36 under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or
 15.1 dark house₂ may be on the ice between 12:00 a.m. and one hour before sunrise until
 15.2 12:00 a.m. the following Monday.

15.3 (d) A person may have a shelter, including a fish house or dark house₂ on the ice
 15.4 between 12:00 a.m. and one hour before sunrise on waters within the area prescribed in
 15.5 paragraph (a), clause (2), but the house or shelter may not be unattended during those
 6 hours.

15.7 Sec. 36. Minnesota Statutes 2004, section 97C.371, subdivision 4, is amended to read:

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

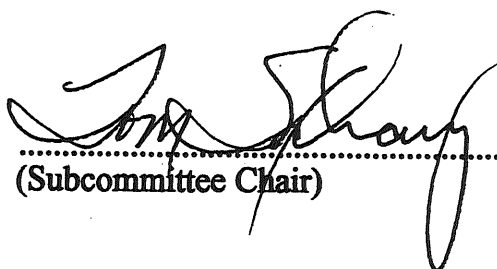
15.10 Sec. 37. **REPEALER.**

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

15.12 Amend the title accordingly

15.13 And when so amended that the bill be recommended to pass and be referred to
 15.14 the full committee.

15.15
 15.16



 (Subcommittee Chair)

15.17
 15.18

March 15, 2006
 (Date of Subcommittee action)

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State of Minnesota

S.F. No. 2974 - Subcommittee Report - Omnibus Game and Fish

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Date: March 21, 2006

Section 1 [Critical Habitat Private Sector Matching Account] allows for donations of personal property as a private match to the critical habitat private sector matching account.

Sections 2 to 8 [Definitions] define "bonus permit," "deer," "intensive deer area," "lottery deer area," "managed deer area," "muzzleloader season," and "regular firearms deer season." to clarify their meanings in the Game and Fish Laws.

Section 9 [Game and Fish Fund Receipts] provides that the income from lands acquired for game and fish purposes must be deposited in the game and fish fund.

Section 10 [Fines and Forfeited Bail; County Reimbursement] eliminates the ability of the Commissioner of Natural Resources to reimburse counties for keeping prisoners prosecuted for game and fish law violations.

Section 11 [Deer and Bear Management Accounts] provides more specificity to the portion of the deer and bear license revenue that is dedicated to specific deer and bear management issues, and provides that the fifty cents for emergency deer feeding and wild cervidae health management is in addition to the \$1 from deer licenses dedicated for deer and bear management.

Section 12 [Lakes Designated for Wildlife Management] specifies the type of restrictions the Commissioner of Natural Resources may place on motorized watercraft and recreational vehicle use of lakes designated for wildlife management. This section also

clarifies that the restrictions on wildlife management lakes are not subject to rulemaking, but must be published in the State Register.

Section 13 [Procedure for Confiscation of Property Seized; Under \$1,000] clarifies that seized property worth less than \$1,000 that is used in a game and fish law violation cannot be confiscated and sold until the time period for appeals of a conviction have expired.

Section 14 [Confiscated Property Disposal; Under \$1,000] requires the Commissioner of Natural Resources to reimburse a person for sold, lost, or damaged property worth less than \$1,000 and seized by the commissioner, if the charged game and fish law violation is acquitted or dismissed.

Section 15 [Procedure for Confiscation of Property Seized; Over \$1,000] clarifies that seized property worth more than \$1,000 that is used in a game and fish law violation cannot be confiscated and sold until the time period for appeals of a conviction have expired.

Section 16 [Confiscated Property Disposal; Over \$1,000] provides that the court shall order the Commissioner of Natural Resources to reimburse a person for sold, lost, or damaged property worth more than \$1,000 and seized by the commissioner, if the charged game and fish law violation is acquitted or dismissed.

Section 17 [Inspection Refusal] makes it a crime for a person while in the field to refuse to submit for inspection to an enforcement officer all equipment used for taking wild animals.

Section 18 [Penalties for Owners of Dogs Pursuing Big Game] eliminates the discretion on the civil citation fine for the owner of a dog pursuing or killing big game animals. With the change, the civil citation fine for a dog pursuing a big game animal is \$100, and for a dog killing a big game animal the fine is \$500.

Section 19 [Replacement License] clarifies that the upgraded license that is allowed for replacement are the multizone or all season deer licenses.

Section 20 [Firearms Deer Licenses] allows a person at least age 12 and under 18 to use the special youth deer license to hunt in any open zone or time period. This section also specifies the names for the multizone and all season licenses for the purpose of the license fees.

Section 21 [Nonresident Multizone License] clarifies the name of the nonresident multizone license for the purpose of the license fee.

Section 22 [Trapping License Fees; Age 65 or Over] reduces the trapping license for a person age 65 or over to \$10 from \$20.

Section 23 [Tagging Big Game Animals] eliminates the need to attach the tag to a big game animal at the site of the kill and replaces it with the requirement that the tag must be on the person accompanying the animal when the animal is being dragged. At all other times the tag must be attached to the animal.

Section 24 [Special Fish Management Tags] allows the Commissioner of Natural Resources to prescribe conditions for transporting fish requiring special management tags.

Section 25 [Youth Hunting; Parent or Guardian Supervision] clarifies that the supervision required for person under age 16 to possess a firearm must be unaided visual and vocal contact.

Section 26 [Parent or Guardian Duties] makes it a violation of the game and fish laws for a parent or guardian to permit a person under the age of 16 to possess a firearm in violation of the restrictions on youth firearms restrictions.

Section 27 [Scopes on Muzzleloaders] allows a person to use a scope on a muzzleloader during the muzzleloader season.

Section 28 [Collecting Antler Sheds] allows a person to possess natural shed antlers without a license, and prohibits the placing of equipment to cause antlers to be shed or removed.

Section 29 [All Season Deer License] clarifies the deer that may be taken under an all season deer license.

Section 30 [Fishing Contest Restrictions] allows the Commissioner of Natural Resources to prescribe restrictions on fishing contests to minimize user conflicts.

Section 31 [Fishing Contest Permit Applications] moves up the fishing contest permit application process by one month and defines "established or traditional fishing contest."

Section 32 [Limits on Number of Fishing Contests] provides specific limits for fishing contests in specific pools on the Mississippi River, the St. Croix River, and Lake St. Croix.

Section 33 [Fishing Contest Permit Restrictions] allows the Commissioner of Natural Resources to restrict off-site live release of fish caught in a fishing contest.

Section 34 [Live Fish Transportation Restrictions] prohibits the transportation of live fish in enough water to keep the fish alive, and provides exceptions for aquaculture, fishing contest weigh-ins, minnows, commercial fishing license holders, and other purposes that are authorized under current law.

Section 35 [Fish and Dark House Restrictions on Time and Dates] expands the fish and dark house time and date restrictions for being on the ice to include all shelters.

Section 36 [Spearing Season] extends the open season for spearing game fish through the ice to the last Sunday in February to match the extension of the angling season in 2004.

Section 37 [Repealer] repeals special restrictions on nonresidents that prohibit their fish houses from being left unattended.

GK:dv

1.1 Senator moves to amend the Report of the Subcommittee on Game and
1.2 Fish (SS2974SUB) to S.F. No. 2974 as follows:

1.3 Page 8, delete section 23 and insert:

1.4 "Sec. 23. Minnesota Statutes 2004, section 97A.535, subdivision 1, is amended to
1.5 read:

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

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

1.13 (c) Except as otherwise provided in this section, the tag must be attached to the deer,
1.14 bear, elk, or moose at the site of the kill before the animal is removed from the site of the
1.15 kill, and . A person may not leave the animal unattended once it has been field dressed,
1.16 unless the validated tag has been attached to it as prescribed by the commissioner.

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

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

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

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

1.29 Amend the title accordingly

1.1 Senator moves to amend the Report of the Subcommittee on Game and
1.2 Fish (SS2974SUB) to S.F. No. 2974 as follows:

1.3 Page 15, after line 9, insert:

1.4 "Sec. 37. **DITCH BUFFER TASK FORCE.**

1.5 The Board of Water and Soil Resources shall convene a task force to address the
1.6 recommendations and findings identified in the February 2006 public drainage ditch
1.7 buffer study, including, but not limited to:

- 1.8 (1) clarification of the point of beginning for measuring the required grass strip;
- 1.9 (2) enhancing the ability of drainage authorities to establish and maintain grass strips;
- 1.10 (3) developing methods and models for drainage records modernization;
- 1.11 (4) developing a best management practices manual and training for public drainage
1.12 systems and authorities;
- 1.13 (5) annual reporting by drainage authorities; and
- 1.14 (6) identifying barriers and promoting incentives for buffer strip implementation
1.15 regarding federal, state, and local programs and requirements.

1.16 The recommendations must be done in consultation with farm groups, watershed
1.17 districts, soil and water conservation districts, counties, industry, and conservation
1.18 organizations, as well as federal agencies implementing voluntary buffer programs.
1.19 State agencies participating shall include the Minnesota Department of Agriculture,
1.20 Minnesota Pollution Control Agency, and Minnesota Department of Natural Resources.
1.21 The board shall report the results to the senate and house of representatives committees
1.22 with jurisdiction over public drainage systems by January 15, 2007."

1.23 Renumber the sections in sequence and correct the internal references

1.24 Amend the title accordingly

1.1 Senator moves to amend the report of the Subcommittee on Game and
1.2 Fish (SS2974SUB) to S.F. No. 2974 as follows:

1.3 Page 11, after line 10, insert:

1.4 "Sec. 30. [97B.318] ARMS USE AREAS AND RESTRICTIONS; REGULAR
1.5 FIREARMS SEASON.

1.6 Subdivision 1. Shotgun use area. During the regular firearms season in the shotgun
1.7 use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzleloading
1.8 long guns, and legal handguns may be used for taking deer. Legal shotguns include
1.9 those with rifled barrels. The shotgun use area is that portion of the state lying within
1.10 the following described boundary: Beginning on the west boundary of the state at U.S.
1.11 Highway 10; thence along U.S. Highway 10 to State Trunk Highway (STH) 32; thence
1.12 along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence
1.13 along I-94 to County State Aid Highway (CSAH) 40, Douglas County; thence along
1.14 CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas
1.15 County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to
1.16 CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to
1.17 CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22,
1.18 Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71
1.19 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of
1.20 the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to
1.21 U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence
1.22 along the east, south, and west boundaries of the state to the point of beginning.

1.23 Subd. 2. All legal firearms use area. The all legal firearms use area is that part of
1.24 the state lying outside of the shotgun zone."

1.25 Renumber the sections in sequence and correct the internal references

1.26 Amend the title accordingly

- 1.1 Senator moves to amend the Report of the Subcommittee on Game and
- 1.2 Fish (SS2974SUB) to S.F. No. 2974 as follows:
- 1.3 Page 10, line 32, delete "two" and insert "three"
- 1.4 Page 11, line 10, delete "two" and insert "three"

1.1 Senator moves to amend the Report of the Subcommittee on Game and
1.2 Fish (SS2974SUB) to S.F. No. 2974 as follows:

1.3 Page 15, after line 9, insert:

1.4 "Sec. 37. MORATORIUM ON LICENSING OR USE OF NEW PUBLIC
1.5 WATERS FOR AQUACULTURE.

1.6 (a) Except as provided in paragraphs (b) and (c), the commissioner of natural
1.7 resources may not license or use public waters, as defined in Minnesota Statutes, section
1.8 103G.005, subdivision 15, for aquaculture or the raising of fish that were not licensed by
1.9 the commissioner of natural resources or used for that purpose by the commissioner of
1.10 natural resources during the five-year period prior to April 1, 2006.

1.11 (b) The commissioner of natural resources may annually authorize fish rearing in
1.12 new public waters, if the fish rearing is conducted as part of a wetland improvement plan
1.13 approved by the commissioner.

1.14 (c) The commissioner of natural resources may license or use public waters for
1.15 aquaculture that were not used during the time period prescribed in paragraph (a) as a
1.16 replacement for public waters that were used during that time period and are being vacated
1.17 for use in aquaculture or raising fish. The restrictions in paragraph (a) apply to public
1.18 waters that are replaced under this paragraph.

1.19 (d) This section expires December 31, 2007."

1.20 Renumber the sections in sequence and correct the internal references

1.21 Amend the title accordingly

1.1 **Senator Marty from the Committee on Environment and Natural Resources,**
1.2 **to which was referred**

1.3 **S.F. No. 2926:** A bill for an act relating to game and fish; modifying conditions for
1.4 a person to receive emergency crop protection assistance; amending Minnesota Statutes
1.5 2004, section 97A.028, subdivision 3.

1.6 Reports the same back with the recommendation that the bill be amended as follows:

1.7 Delete everything after the enacting clause and insert:

1.8 "Section 1. Minnesota Statutes 2004, section 97A.028, subdivision 3, is amended to
1.9 read:

1.10 **Subd. 3. Emergency deterrent materials assistance.** (a) For the purposes of this
1.11 subdivision, "cooperative damage management agreement" means an agreement between
1.12 a landowner or tenant and the commissioner that establishes a program for addressing the
1.13 problem of destruction of the landowner's or tenant's specialty crops or stored forage
1.14 crops by wild animals, or destruction of agricultural crops by flightless Canada geese.

1.15 (b) A landowner or tenant may apply to the commissioner for emergency deterrent
1.16 materials assistance in controlling destruction of the landowner's or tenant's specialty
1.17 crops or stored forage crops by wild animals, or destruction of agricultural crops by
1.18 flightless Canada geese. Subject to the availability of money appropriated for this purpose,
1.19 the commissioner shall provide suitable deterrent materials when the commissioner
1.20 determines that:

1.21 (1) immediate action is necessary to prevent significant damage from continuing,
1.22 or to prevent the spread of disease in wild animals; and

1.23 (2) a cooperative damage management agreement cannot be implemented
1.24 immediately.

1.25 (c) A person may receive emergency deterrent materials assistance under this
1.26 subdivision more than once, but the cumulative total value of deterrent materials provided
1.27 to a person, or for use on a parcel, may not exceed \$3,000 for specialty crops or measures
1.28 to prevent the spread of disease in wild animals in animal disease quarantine areas
1.29 established by the Board of Animal Health, ~~or~~ \$750 for protecting stored forage crops,
1.30 or \$500 for agricultural crops damaged by flightless Canada geese. If a person is a
1.31 co-owner or cotenant with respect to the specialty crops for which the deterrent materials
1.32 are provided, the deterrent materials are deemed to be "provided" to the person for the
1.33 purposes of this paragraph.

1.34 (d) As a condition of receiving emergency deterrent materials assistance under this
1.35 subdivision, a landowner or tenant shall enter into a cooperative damage management
1.36 agreement with the commissioner. Deterrent materials provided by the commissioner may
1.37 include repellents, fencing materials, or other materials recommended in the agreement
1.38 to alleviate the damage problem. If requested by a landowner or tenant, any fencing

2.1 materials provided must be capable of providing long-term protection of specialty crops.
 2.2 A landowner or tenant who receives emergency deterrent materials assistance under
 3 this subdivision shall comply with the terms of the cooperative damage management
 2.4 agreement.

2.5 Sec. 2. Minnesota Statutes 2004, section 97A.045, subdivision 11, is amended to read:

2.6 Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner
 2.7 determines that action is necessary to prevent or control a wildlife disease, the
 2.8 commissioner may prevent or control wildlife disease in a species of wild animal in
 2.9 addition to the protection provided by the game and fish laws by further limiting, closing,
 2.10 expanding, or opening seasons or areas of the state; by reducing or increasing limits in
 2.11 areas of the state; by establishing disease management zones; by authorizing free licenses;
 2.12 by allowing shooting from motor vehicles by persons designated by the commissioner;
 2.13 by issuing replacement licenses for sick animals; by requiring sample collection from
 2.14 hunter-harvested animals; by limiting wild animal possession, transportation, and
 2.15 disposition; and by restricting wildlife feeding.

2.16 (b) The commissioner shall restrict wildlife feeding within a 15-mile radius of a
 2.17 cattle herd that is infected with bovine tuberculosis.

2.18 (c) The commissioner may prevent or control wildlife disease in a species of wild
 2.19 animal in the state by emergency rule adopted under section 84.027, subdivision 13. "

2.20 Amend the title accordingly

2.21 And when so amended the bill do pass and be re-referred to the Committee on
 2.22 Finance. Amendments adopted. Report adopted.

2.23
 2.24 (Committee Chair)

2.25 March 22, 2006
 2.26 (Date of Committee recommendation)

1.1 **Senator Marty from the Committee on Environment and Natural Resources,**
 1.2 **to which was referred**

1.3 **S.F. No. 2723:** A bill for an act relating to the environment; requiring a report by
 1.4 the Pollution Control Agency on new public wastewater treatment facilities that do not
 1.5 meet water quality discharge standards; requiring bids for new wastewater treatment
 1.6 facilities to include information on operating costs during the first five years of operation;
 1.7 amending Minnesota Statutes 2004, section 115.447; proposing coding for new law in
 1.8 Minnesota Statutes, chapter 115.

1.9 Reports the same back with the recommendation that the bill be amended as follows:

1.10 Delete everything after the enacting clause and insert:

1.11 "Section 1. Minnesota Statutes 2004, section 115.447, is amended to read:

1.12 **115.447 TRACKING REPORT FOR NEW WASTEWATER FACILITIES.**

1.13 **Subdivision 1. Annual report required.** The Pollution Control Agency shall
 1.14 annually prepare a report tracking the location and capacity of each new wastewater
 1.15 treatment system requiring a National Pollutant Discharge Elimination System or State
 1.16 Disposal System permit built after May 1, 2000. The report shall also include the name of
 1.17 the owner, primary engineering firm that designed the facilities, the primary contractor
 1.18 who constructed the facilities, and any management company, other than the owner,
 1.19 who manages the facilities.

1.20 The annual report must also provide the total number of new systems built after that
 1.21 date. The commissioner shall submit the report to ~~the chairs of~~ the legislative committees
 1.22 with jurisdiction over environmental policy and finance, and publish the report on the
 1.23 agency's Web site, by February 1 of each year.

1.24 **Subd. 2. New facilities not meeting permit requirements.**

1.25 (a) The report required under subdivision 1 shall include the information required in
 1.26 paragraphs (b) and (c) for the first five years of operation of a new facility.

1.27 (b) For National Pollutant Discharge Elimination System permitted facilities provide
 1.28 a list of reported effluent violations that occurred during each calendar year. This list
 1.29 should include the effluent parameter violated; the violation date; and if available, any
 1.30 known information regarding the causes of the reported limit violations.

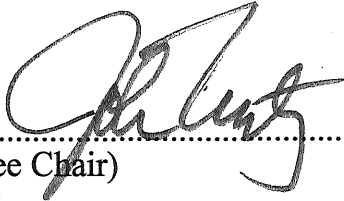
1.31 (c) For State Disposal System permitted facilities provide a summary of conditions
 1.32 at the facilities which pose an imminent threat to public health and safety as defined in
 1.33 rules of the Pollution Control Agency, or a list of reported limit violations that occurred
 1.34 during each calendar year. This list should include the parameter violated; violation date;
 1.35 and if available, any known information regarding the causes of the reported public health
 1.36 risk or limit violations.

1.37 **Sec. 2. [115.449] PUBLIC WASTEWATER TREATMENT FACILITIES**
 1.38 **PROPOSAL REQUIREMENTS.**

2.1 A proposal for design services for a public wastewater treatment facility requiring a
 2.2 National Pollutant Discharge Elimination System or State Disposal System permit shall
 2.3 include a description of the treatment alternatives the engineer will evaluate and provide a
 2.4 range of all annual operation and maintenance costs of operating the facility for the first
 2.5 five years of operation."

2.6 Amend the title accordingly

2.7 And when so amended the bill do pass. Amendments adopted. Report adopted.

2.8 
 2.9
 (Committee Chair)

2.10 March 22, 2006
 .11 (Date of Committee recommendation)

1.1 **Senator Marty from the Committee on Environment and Natural Resources,**
1.2 **to which was referred**

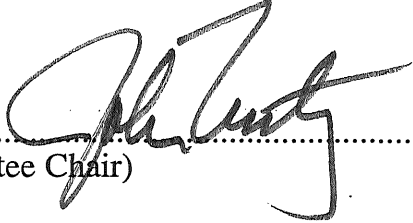
1.3 **S.F. No. 3048:** A bill for an act relating to game and fish; clarifying restrictions
1.4 on taking farm-raised cervidae;amending Minnesota Statutes 2004, section 17.452,
1.5 subdivision 4; Minnesota Statutes 2005 Supplement, section 35.155, subdivision 10;
1.6 proposing coding for new law in Minnesota Statutes, chapter 97B.

1.7 Reports the same back with the recommendation that the bill be amended as follows:

1.8 Page 1, line 9, after "35.155" insert ", subdivision 10, paragraph (b),"

1.9 And when so amended the bill do pass and be re-referred to the Committee on
1.10 Agriculture, Veterans and Gaming. Amendments adopted. Report adopted.

1.11
1.12 (Committee Chair)



1.13
1.14 (Date of Committee recommendation)


March 22, 2006
(Date of Committee recommendation)

1.1 **Senator Marty from the Committee on Environment and Natural Resources,**
1.2 **to which was referred**

1.3 **S.F. No. 2655:** A bill for an act relating to waters; authorizing the Lower Minnesota
4 River Watershed District to acquire, maintain, operate, improve, and enlarge a site for the
1.5 deposit of dredge material, issue and sell general obligation bonds or revenue bonds for
1.6 the acquisition, maintenance, operation, improvement, and enlargement of the dredge
1.7 material site, and charge fees for permitting private customers to deposit dredge material
1.8 at the dredge material site.

1.9 Reports the same back with the recommendation that the bill do pass. Report
1.10 adopted.

1.11
1.12 (Committee Chair)



1.13 March 22, 2006
1.14 (Date of Committee recommendation)

1.1 **Senator Marty from the Committee on Environment and Natural Resources,**
1.2 **to which was referred**


1.3 **S.F. No. 2437:** A bill for an act relating to the environment; requiring the
1.4 replacement or discontinued operation of straight-pipe systems for sewage disposal within
1.5 ten months of notice;amending Minnesota Statutes 2004, section 115.55, subdivision 1,
1.6 by adding a subdivision.

1.7 Reports the same back with the recommendation that the bill be amended as follows:

1.8 Page 2, line 21, after "that" insert "includes toilet waste and"

1.9 Page 2, line 32, delete "shall" and insert "may"

1.10 And when so amended the bill do pass. Amendments adopted. Report adopted.

1.11 
1.12
(Committee Chair)

1.13 March 22, 2006
1.14 (Date of Committee recommendation)

1.1 **Senator Marty from the Committee on Environment and Natural Resources,**
1.2 **to which was referred**

1.3 **S.F. No. 2974:** A bill for an act relating to game and fish; modifying critical habitat
4 private sector matching account provisions; providing definitions; providing for and
1.5 modifying disposition of certain revenue; modifying restrictions on motorized watercraft
1.6 and recreational vehicles in wildlife management areas; providing for inspection of
1.7 equipment used to take wild animals; modifying certain penalty and fee amounts;
1.8 modifying certain game and fish license provisions; modifying firearms possession
1.9 provisions for persons under 16; providing for collecting antler sheds; modifying
1.10 certain provisions for taking and possessing game and fish; modifying provisions for
1.11 fishing contests; providing for a moratorium on use of public waters for aquaculture;
1.12 amending Minnesota Statutes 2004, sections 84.943, subdivision 3; 97A.015, by adding
1.13 a subdivision; 97A.055, subdivision 2; 97A.065, subdivision 2; 97A.075, subdivision
1.14 1; 97A.101, subdivision 4; 97A.251, subdivision 1; 97A.321; 97A.445, subdivision 3;
1.15 97A.475, subdivision 2; 97B.021, subdivision 1, by adding a subdivision; 97B.301,
1.16 subdivision 7; 97C.081, subdivisions 4, 6, 8, 9; 97C.205; 97C.355, subdivision 7;
1.17 97C.371, subdivision 4; Minnesota Statutes 2005 Supplement, sections 97A.405,
1.18 subdivision 4; 97A.475, subdivision 3; 97A.551, subdivision 6; proposing coding for
1.19 new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, section
1.20 97C.355, subdivision 6.

1.21 Reports the same back with the recommendation that the bill be amended as follows:

1.22 Delete everything after the enacting clause and insert:

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

1.25 **Subd. 3. Appropriations must be matched by private funds.** Appropriations
1.26 transferred to the critical habitat private sector matching account and money credited to
1.27 the account under section 168.1296, subdivision 5, may be expended only to the extent
1.28 that they are matched equally with contributions ~~to the account~~ from private sources
1.29 or by funds contributed to the nongame wildlife management account. The private
1.30 contributions may be made in cash ~~or in contributions of, property,~~ land or interests in
1.31 land ~~that are designated by the commissioner of natural resources as program acquisitions.~~
1.32 Appropriations transferred to the account that are not matched within three years from the
1.33 date of the appropriation shall cancel to the source of the appropriation. For the purposes
1.34 of this section, the private contributions of property, land, or interests in land that are
1.35 retained by the commissioner shall be valued in accordance with their appraised value.

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

1.38 **Subd. 3a. Bonus permit.** "Bonus permit" means a license to take and tag deer by
1.39 archery or firearms, in addition to deer authorized to be taken under regular firearms
1.40 or archery licenses.

1.41 Sec. 3. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
1.42 to read:

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

2.1 Sec. 4. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 26b. Intensive deer area. "Intensive deer area" means an area of the state
2.4 where taking a deer of either sex is allowed and where multiple bonus permits are
2.5 authorized.

2.6 Sec. 5. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
2.7 to read:

2.8 Subd. 27b. Lottery deer area. "Lottery deer area" means an area of the state
2.9 where taking antlerless deer is allowed only by either-sex permit and no bonus permits
2.10 are authorized.

2.11 Sec. 6. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
2.12 to read:

2.13 Subd. 27c. Managed deer area. "Managed deer area" means an area of the state
2.14 where taking a deer of either sex is allowed and where one bonus permit is authorized.

2.15 Sec. 7. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
2.16 to read:

2.17 Subd. 32a. Muzzleloader season. "Muzzleloader season" means the firearms
2.18 deer season option open only for legal muzzleloading firearms, as prescribed by the
2.19 commissioner.

2.20 Sec. 8. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision
2.21 to read:

2.22 Subd. 41a. Regular firearms season. "Regular firearms season" means any of the
2.23 firearms deer season options prescribed by the commissioner that begin in November,
2.24 exclusive of the muzzleloader season.

2.25 Sec. 9. Minnesota Statutes 2004, section 97A.055, subdivision 2, is amended to read:

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

2.29 (1) licenses and permits issued;

2.30 (2) fines and forfeited bail;

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

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

2.34 (5) reimbursements of expenditures by the division;

- 3.1 (6) contributions to the division; and
3.2 (7) revenue credited to the game and fish fund under section 297A.94, paragraph
3.3 (e), clause (1).

3.4 Sec. 10. Minnesota Statutes 2004, section 97A.065, subdivision 2, is amended to read:

3.5 Subd. 2. **Fines and forfeited bail.** (a) Fines and forfeited bail collected from
3.6 prosecutions of violations of: the game and fish laws or rules adopted thereunder; sections
3.7 84.091 to 84.15 or rules adopted thereunder; sections 84.81 to 84.91 or rules adopted
3.8 thereunder; section 169A.20, when the violation involved an off-road recreational vehicle
3.9 as defined in section 169A.03, subdivision 16; chapter 348; and any other law relating
3.10 to wild animals or aquatic vegetation, must be paid to the treasurer of the county where
3.11 the violation is prosecuted. The county treasurer shall submit one-half of the receipts to
3.12 the commissioner and credit the balance to the county general revenue fund except as
3.13 provided in paragraphs (b); (c); ~~and (d)~~. In a county in a judicial district under section
3.14 480.181, subdivision 1, paragraph (b), the share that would otherwise go to the county
3.15 under this paragraph must be submitted to the commissioner of finance for deposit in the
3.16 state treasury and credited to the general fund.

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

3.22 ~~(c)~~ (b) The county treasurer shall submit one-half of the receipts collected under
3.23 paragraph (a) from prosecutions of violations of sections 84.81 to 84.91 or rules adopted
3.24 thereunder, and 169A.20, except receipts that are surcharges imposed under section
3.25 357.021, subdivision 6, to the commissioner and credit the balance to the county
3.26 general fund. The commissioner shall credit these receipts to the snowmobile trails and
3.27 enforcement account in the natural resources fund.

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

3.31 Sec. 11. Minnesota Statutes 2004, section 97A.075, subdivision 1, is amended to read:

3.32 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this
3.33 subdivision, "deer license" means a license issued under section 97A.475, subdivisions
3.34 2, clauses (4), (5), (9), (11), (13), and (14), and 3, clauses (2), (3), and (7), and licenses
3.35 issued under section 97B.301, subdivision 4.

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

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

4.10 (d) Fifty cents from each deer license is credited to the emergency deer feeding
4.11 and wild cervidae health management account and is appropriated for emergency deer
4.12 feeding and wild cervidae health management. Money appropriated for emergency
4.13 deer feeding and wild cervidae health management is available until expended. When
4.14 the unencumbered balance in the appropriation for emergency deer feeding and wild
4.15 cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first
4.16 time, \$750,000 is canceled to the unappropriated balance of the game and fish fund.
4.17 The commissioner must inform the legislative chairs of the natural resources finance
4.18 committees every two years on how the money for emergency deer feeding and wild
4.19 cervidae health management has been spent.

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

4.24 **EFFECTIVE DATE.** This section is effective July 1, 2007.

4.25 Sec. 12. Minnesota Statutes 2004, section 97A.101, subdivision 4, is amended to read:

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

4.29 (b) The commissioner may restrict the use of motorized watercraft and recreational
4.30 vehicles on lakes designated for wildlife management purposes by posting all public
4.31 access points on the designated lake. Restrictions may include prohibitions or limitations
4.32 on the type of allowable motorized watercraft or recreational vehicle, horsepower or
4.33 thrust of motor, speed of operation, season or area of use, or other restrictions that the
4.34 commissioner determines are necessary to minimize disturbances to wildlife or to protect
4.35 wildlife habitat. Designation of areas, times, and types of restrictions to be posted shall be

5.1 by written order published in the State Register. Posting of the restrictions is not subject to
5.2 the rulemaking provisions of chapter 14 and section 14.386 does not apply.

5.3 Sec. 13. Minnesota Statutes 2004, section 97A.221, subdivision 3, is amended to read:

5.4 Subd. 3. **Procedure for confiscation of property seized.** The enforcement officer
5.5 must hold the seized property. The property held may be confiscated when:

5.6 (1) the person from whom the property was seized is convicted, the conviction is not
5.7 under appeal, and the time period for appeal of the conviction has expired; or

5.8 (2) the property seized is contraband consisting of a wild animal, wild rice, or other
5.9 aquatic vegetation.

5.10 Sec. 14. Minnesota Statutes 2004, section 97A.221, subdivision 4, is amended to read:

5.11 Subd. 4. **Disposal of confiscated property.** Confiscated property may be disposed
5.12 of or retained for use by the commissioner, or sold at the highest price obtainable as
5.13 prescribed by the commissioner. Upon acquittal or dismissal of the charged violation for
5.14 which the property was seized, :

5.15 (1) all property, other than contraband consisting of a wild animal, wild rice, or other
5.16 aquatic vegetation, must be returned to the person from whom the property was seized; and

5.17 (2) the commissioner shall reimburse the person for the full value of any seized or
5.18 confiscated property that is sold, lost, or damaged.

5.19 **EFFECTIVE DATE.** This section is effective the day following final enactment
5.20 and applies to property seized beginning one year prior to that date.

5.21 Sec. 15. Minnesota Statutes 2004, section 97A.225, subdivision 2, is amended to read:

5.22 Subd. 2. **Procedure for confiscation of property seized.** The enforcement officer
5.23 must hold the seized property, subject to the order of the court having jurisdiction where
5.24 the offense was committed. The property held is confiscated when:

5.25 (1) the commissioner complies with this section and;

5.26 (2) the person from whom it was seized is convicted of the offense; and

5.27 (3) the conviction is not under appeal and the time period for appeal of the
5.28 conviction has expired.

5.29 Sec. 16. Minnesota Statutes 2004, section 97A.225, subdivision 5, is amended to read:

5.30 Subd. 5. **Court order.** (a) If the person arrested is acquitted, the court shall dismiss
5.31 the complaint against the property and:

5.32 (1) order it returned to the person legally entitled to it; and

5.33 (2) order the commissioner to reimburse the person for the full value of any seized
5.34 or confiscated property that is sold, lost, or damaged.

6.1 (b) Upon conviction of the person, the court shall issue an order directed to any
 6.2 person that may have any right, title, or interest in, or lien upon, the seized property. The
 6.3 order must describe the property and state that it was seized and that a complaint against
 6.4 it has been filed. The order shall require a person claiming right, title, or interest in, or
 6.5 lien upon, the property to file with the court administrator an answer to the complaint,
 6.6 stating the claim, within ten days after the service of the order. The order shall contain a
 6.7 notice that if the person fails to file an answer within the time limit, the property may be
 6.8 ordered sold by the commissioner.

6.9 (c) The court order must be served upon any person known or believed to have any
 6.10 right, title, interest, or lien in the same manner as provided for service of a summons in a
 6.11 civil action, and upon unknown persons by publication, in the same manner as provided
 6.12 for publication of a summons in a civil action.

6.13 EFFECTIVE DATE. This section is effective the day following final enactment
 6.14 and applies to property seized beginning one year prior to that date.

6.15 Sec. 17. Minnesota Statutes 2004, section 97A.251, subdivision 1, is amended to read:

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

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

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

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

6.23 Sec. 18. Minnesota Statutes 2004, section 97A.321, is amended to read:

6.24 **97A.321 DOGS PURSUING OR KILLING BIG GAME.**

6.25 The owner of a dog that pursues but does not kill a big game animal is guilty of a
 6.26 petty misdemeanor and is subject to a civil penalty of \$100 for each violation. The owner
 6.27 of a dog that kills ~~or pursues~~ a big game animal is guilty of a petty misdemeanor and is
 6.28 subject to a civil penalty of ~~up to~~ \$500 for each violation.

6.29 Sec. 19. Minnesota Statutes 2005 Supplement, section 97A.405, subdivision 4, is
 6.30 amended to read:

6.31 Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer
 6.32 hunters to change zone, license, or season options. The commissioner may issue a
 6.33 replacement license if the applicant submits the original deer license and unused tags that
 6.34 are being replaced and the applicant pays any increase in cost between the original and

7.1 the replacement license. When a person submits both an archery and a firearms license
7.2 for replacement, the commissioner may apply the value of both licenses towards the
7.3 replacement license fee.

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

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

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

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

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

7.15 Sec. 20. Minnesota Statutes 2004, section 97A.475, subdivision 2, is amended to read:

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

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

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

7.20 (3) to take turkey, \$18;

7.21 (4) for persons age 18 or over to take deer with firearms, \$26;

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

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

7.24 (7) to take bear, \$38;

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

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

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

7.28 (11) all season license to take two deer throughout the state in any open deer season,
7.29 except as restricted under section 97B.305, \$78;

7.30 (12) to take prairie chickens, \$20;

7.31 (13) for persons at least age 12 and under age 18 to take deer with firearms during
7.32 the regular firearms season in any open zone or time period, \$13; and

7.33 (14) for persons at least age 12 and under age 18 to take deer by archery, \$13.

7.34 Sec. 21. Minnesota Statutes 2005 Supplement, section 97A.475, subdivision 3, is
7.35 amended to read:

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

8.3 (1) to take small game, \$73;

8.4 (2) to take deer with firearms, \$135;

8.5 (3) to take deer by archery, the greater of:

8.6 (i) an amount equal to the total amount of license fees and surcharges charged to a

8.7 Minnesota resident to take deer by archery in the person's state or province of residence; or

8.8 (ii) \$135;

8.9 (4) to take bear, \$195;

8.10 (5) to take turkey, \$73;

8.11 (6) to take raccoon, bobcat, fox, or coyote, \$155;

8.12 (7) multizone license to take antlered deer in more than one zone, \$270; and

8.13 (8) to take Canada geese during a special season, \$4.

8.14 Sec. 22. Minnesota Statutes 2004, section 97A.475, subdivision 20, is amended to read:

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

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

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

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

8.19 (4) for nonresidents, \$73.

8.20 Sec. 23. Minnesota Statutes 2004, section 97A.535, subdivision 1, is amended to read:

8.21 Subdivision 1. **Tags required.** (a) A person may not possess or transport deer,

8.22 bear, elk, or moose taken in the state unless a tag is attached to the carcass in a manner

8.23 prescribed by the commissioner. The commissioner must prescribe the type of tag that has

8.24 the license number of the owner, the year of its issue, and other information prescribed by

8.25 the commissioner.

8.26 (b) The tag and the license must be validated at the site of the kill as prescribed by

8.27 the commissioner.

8.28 (c) Except as otherwise provided in this section, the tag must be attached to the

8.29 deer, bear, elk, or moose at the site of the kill before the animal is removed from the

8.30 site of the kill, ~~and.~~

8.31 (d) The tag must remain attached to the animal until the animal is processed for

8.32 storage.

8.33 (e) A person may move a lawfully taken deer, bear, elk, or moose from the site of the

8.34 kill without attaching the validated tag to the animal only while in the act of manually

8.35 or mechanically dragging, carrying, or carting the animal across the ground and while

9.1 possessing the validated tag on their person. A motor vehicle may be used to drag the
9.2 animal across the ground. At all other times, the validated tag must be attached to the
3 deer, bear, elk, or moose:

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

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

9.8 Sec. 24. Minnesota Statutes 2005 Supplement, section 97A.551, subdivision 6, is
9.9 amended to read:

9.10 Subd. 6. **Tagging and registration.** The commissioner may, by rule, require
9.11 persons taking, possessing, and transporting certain species of fish to tag the fish with
9.12 a special fish management tag and may require registration of tagged fish. A person
9.13 may not possess or transport a fish species taken in the state for which a special fish
9.14 management tag is required unless a tag is attached to the fish in a manner prescribed by
9.15 the commissioner. The commissioner shall prescribe the manner of issuance and the
9.16 type of tag as authorized under section 97C.087. The tag must be attached to the fish as
9.17 prescribed by the commissioner immediately upon reducing the fish to possession and
9.18 must remain attached to the fish until the fish is processed or consumed. Species for
9.19 which a special fish management tag is required must be transported undressed, except as
9.20 otherwise prescribed by the commissioner.

9.21 Sec. 25. Minnesota Statutes 2004, section 97B.021, subdivision 1, is amended to read:

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

9.25 (b) A person under age 16 may possess a firearm ~~without being accompanied by~~
9.26 maintaining unaided visual and vocal contact with a parent or guardian:

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

9.29 (2) while participating in an organized target shooting program with adult
9.30 supervision;

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

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

9.34 Sec. 26. Minnesota Statutes 2004, section 97B.021, is amended by adding a
9.35 subdivision to read:

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

10.4 Sec. 27. [97B.22] COLLECTING ANTLER SHEDS.

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

10.6 (b) A person may not place, arrange, or set equipment in a manner that is likely to
10.7 artificially pull, sever, or otherwise cause antlers of live deer, moose, elk, or caribou to
10.8 be shed or removed.

10.9 Sec. 28. Minnesota Statutes 2004, section 97B.301, subdivision 7, is amended to read:

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

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

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

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

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

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

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

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

10.28 Sec. 29. [97B.318] ARMS USE AREAS AND RESTRICTIONS; REGULAR
10.29 FIREARMS SEASON.

10.30 Subdivision 1. Shotgun use area. During the regular firearms season in the shotgun
10.31 use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzleloading
10.32 long guns, and legal handguns may be used for taking deer. Legal shotguns include
10.33 those with rifled barrels. The shotgun use area is that portion of the state lying within
10.34 the following described boundary: Beginning on the west boundary of the state at U.S.
10.35 Highway 10; thence along U.S. Highway 10 to State Trunk Highway (STH) 32; thence

11.1 along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence
11.2 along I-94 to County State Aid Highway (CSAH) 40, Douglas County; thence along
11.3 CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas
11.4 County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to
11.5 CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to
11.6 CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22,
11.7 Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71
11.8 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of
11.9 the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to
11.10 U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence
11.11 along the east, south, and west boundaries of the state to the point of beginning.

11.12 Subd. 2. All legal firearms use area. The all legal firearms use area is that part of
11.13 the state lying outside of the shotgun zone.

11.14 Sec. 30. Minnesota Statutes 2004, section 97C.081, subdivision 4, is amended to read:

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

11.18 Sec. 31. Minnesota Statutes 2004, section 97C.081, subdivision 6, is amended to read:

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

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

11.30 (c) After the applicants have been given at least seven days to change their
11.31 applications, the commissioner shall conduct a drawing for all locations and time periods
11.32 for which applications exceed limits. First preference in the drawings shall be given
11.33 to applicants for established or traditional fishing contests, and second preference to
11.34 applicants for contests that are not established as traditional fishing contests based on the
11.35 number of times they have been unsuccessful in previous drawings. Except for applicants

12.1 of established or traditional fishing contests, an applicant who is successful in a drawing
 12.2 loses all accumulated preference. "Established or traditional fishing contest" means a
 12.3 fishing contest that was issued permits in 1999 and 2000 or was issued permits four out of
 12.4 five years from 1996 to 2000 for the same lake and time period. Beginning with 2001,
 12.5 established or traditional fishing contests must continue to be conducted at least four out
 12.6 of five years for the same lake and time period to remain established or traditional.

12.7 (d) The commissioner has until ~~December~~ November 7 to approve or deny permit
 12.8 applications that are submitted by 4:30 p.m. on the last Friday in ~~October~~ September. The
 12.9 commissioner may approve a permit application that is received after 4:30 p.m. on the last
 12.10 Friday in ~~October~~ September if approving the application would not result in exceeding
 12.11 the limits in subdivisions 7 and 8.

12.12 Sec. 32. Minnesota Statutes 2004, section 97C.081, subdivision 8, is amended to read:

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

12.15 (1) Lakes:

12.16	12.17	12.18	12.19	12.20	12.21	12.22	12.23	12.24
		Maximum number of permitted fishing contests	Maximum number of large permitted fishing contests	Maximum number of permitted fishing contest days				
12.19	Size/acres							
12.20	less than 2,000	2	0	4				
12.21	2,000-4,999	3	1	6				
12.22	5,000-14,999	4	2	8				
12.23	15,000-55,000	5	3	10				
12.24	more than 55,000	no limit	no limit	no limit				

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

12.27 (2) Rivers:

12.28	12.29	12.30	12.31	12.32	12.33	12.34	12.35	12.36
		<u>Maximum number of permitted fishing contests</u>	<u>Maximum number of large permitted fishing contests</u>	<u>Maximum number of permitted fishing contest days</u>				
12.31	<u>Mississippi River:</u>							
12.32	<u>Pool 1, 2, 3, 5, 5A,</u>							
12.33	<u>6, 7, 8, 9</u>	<u>4 (each pool)</u>	<u>2 (each pool)</u>	<u>8 (each pool)</u>				
12.34	<u>Pool 4</u>	<u>5</u>	<u>3</u>	<u>10</u>				
12.35	<u>St. Croix River</u>	<u>2</u>	<u>1</u>	<u>4</u>				
12.36	<u>Lake St. Croix</u>	<u>4</u>	<u>2</u>	<u>8</u>				

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

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

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

13.8 Sec. 33. Minnesota Statutes 2004, section 97C.081, subdivision 9, is amended to read:

13.9 Subd. 9. **Permit restrictions.** (a) The commissioner may require fishing contest
13.10 permittees to limit prefishing to week days only as a condition of a fishing contest permit.
13.11 The commissioner may require proof from permittees that prefishing restrictions on the
13.12 permit are communicated to fishing contest participants and enforced.

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

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

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

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

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

13.25 Sec. 34. Minnesota Statutes 2004, section 97C.205, is amended to read:

13.26 **97C.205 RULES FOR TRANSPORTING AND STOCKING FISH.**

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

13.29 (1) is being transported under an aquaculture license as authorized under sections
13.30 17.4985 and 17.4986;

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

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

13.33 (4) is being transported by a commercial fishing license holder under section
13.34 97C.821; or

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

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

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

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

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

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

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

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

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

14.18 Sec. 35. Minnesota Statutes 2004, section 97C.355, subdivision 7, is amended to read:

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

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

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

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

14.33 (b) A conservation officer must confiscate a fish house ~~or~~, dark house, or shelter in
14.34 violation of paragraph (a). The officer may remove, burn, or destroy the house or shelter.
14.35 The officer shall seize the contents of the house or shelter and hold them for 60 days. If the

15.1 seized articles have not been claimed by the owner, they may be retained for the use of the
15.2 division or sold at the highest price obtainable in a manner prescribed by the commissioner.

5.3 (c) When the last day of February, under paragraph (a), clause (1), or March 15,
15.4 under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or
15.5 dark house, may be on the ice between 12:00 a.m. and one hour before sunrise until
15.6 12:00 a.m. the following Monday.

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

15.11 Sec. 36. Minnesota Statutes 2004, section 97C.371, subdivision 4, is amended to read:

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

15.14 Sec. 37. **DITCH BUFFER TASK FORCE.**

15.15 The Board of Water and Soil Resources shall convene a task force to address the
15.16 recommendations and findings identified in the February 2006 public drainage ditch
15.17 buffer study, including, but not limited to:

15.18 (1) clarification of the point of beginning for measuring the required grass strip;
15.19 (2) enhancing the ability of drainage authorities to establish and maintain grass strips;
15.20 (3) developing methods and models for drainage records modernization;
15.21 (4) developing a best management practices manual and training for public drainage
15.22 systems and authorities;

15.23 (5) annual reporting by drainage authorities; and

15.24 (6) identifying barriers and promoting incentives for buffer strip implementation
15.25 regarding federal, state, and local programs and requirements.

15.26 The recommendations must be done in consultation with farm groups, watershed
15.27 districts, soil and water conservation districts, counties, industry, and conservation
15.28 organizations, as well as federal agencies implementing voluntary buffer programs.
15.29 State agencies participating shall include the Minnesota Department of Agriculture,
15.30 Minnesota Pollution Control Agency, and Minnesota Department of Natural Resources.
15.31 The board shall report the results to the senate and house of representatives committees
15.32 with jurisdiction over public drainage systems by January 15, 2007.

15.33 Sec. 38. **MORATORIUM ON LICENSING OR USE OF NEW PUBLIC WATERS**
15.34 **FOR AQUACULTURE.**

16.1 (a) Except as provided in paragraphs (b) and (c), the commissioner of natural
 16.2 resources may not license or use public waters, as defined in Minnesota Statutes, section
 16.3 103G.005, subdivision 15, for aquaculture or the raising of fish that were not licensed by
 16.4 the commissioner of natural resources or used for that purpose by the commissioner of
 16.5 natural resources during the five-year period prior to April 1, 2006.

16.6 (b) The commissioner of natural resources may annually authorize fish rearing in
 16.7 new public waters, if the fish rearing is conducted as part of a wetland improvement plan
 16.8 approved by the commissioner.

16.9 (c) The commissioner of natural resources may license or use public waters for
 16.10 aquaculture that were not used during the time period prescribed in paragraph (a) as a
 16.11 replacement for public waters that were used during that time period and are being vacated
 16.12 for use in aquaculture or raising fish. The restrictions in paragraph (a) apply to public
 16.13 waters that are replaced under this paragraph.

16.14 (d) This section expires December 31, 2007.

16.15 **Sec. 39. REPEALER.**

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

16.17 Amend the title accordingly

16.18 And when so amended the bill do pass and be re-referred to the Committee on
 16.19 Finance. Amendments adopted. Report adopted.

16.20
 16.21 (Committee Chair)

16.22 March 22, 2006
 16.23 (Date of Committee recommendation)

BY: Nancy Larson, Executive Director, Minnesota Association of Small Cities
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DATE: October 15, 2005

RE: Cities with failing alternative wastewater systems

Several years ago, Chris English, an engineer formerly on the staff of USDA Rural Development, sponsored meetings with a number of different interest groups to discuss ways of providing adequate, cost-effective sewage treatment for very small communities. English championed the use of alternative systems, rather than typical "big pipe" systems, despite the fact that many of the former were untested, at least in Minnesota.

At the time, the Minnesota Pollution Control Agency (MPCA) would not approve the use of most alternative systems, so this was new territory in Minnesota. However, since the cost of installing and maintaining traditional wastewater systems were high, and the available state and federal dollars were low, most of us attending the meetings agreed that other alternatives should be explored. The question of system failures was downplayed, and it sounded as though the agencies would be able to provide assistance if problems did arise.

The use of alternative systems was supposed to be voluntary, but it appears that cities and townships were often steered toward these systems, rather than a pond system, by agencies or consultants. Some city officials even felt they had no choice in the decision. If they wanted funding, they would have to agree to install the suggested system. We were aware of the fact that alternative systems were being installed (e.g. recirculating sand/gravel filters, aerobic treatment with mound drainfields, wetlands with UV disinfection, etc.), but it wasn't until about three years ago that we first realized that cities could be experiencing problems.

At that time, we heard from the City of Ostrander. They had just installed a new system that included a recirculating sand filter with UV disinfection. The city was told by USDA Rural Development that they would be a model for the state, but problems arose immediately. The city officials turned to Rural Development for assistance, but they were told their only recourse would be to sue the engineering firm – at their own cost. If they sued, Rural Development would only then be able to help them pay for the remediation costs not paid for by the firm. Ostrander's story, which is typical of others, follows:

In April of 2003, three months after going on line, the filter cells became plugged. As a result, ponding occurred. The engineering firm said this was caused by a meth lab, a fact that could not be substantiated. After spending time and money into "restoring" the plant, another upset occurred in August of 2003. This time, the engineering firm cited residents for dumping too much FOG (fats, oils and grease) into the system. The city mandated grease interceptors for the two bars and nursing home. All this time Arden Engineering, which had designed the plant, held the O & M contract.

In 2004, Bill Vogeler was contracted to assist in operating the system, since Arden Engineering had failed to train the city wastewater operator as specified in the contract. After investigation into why the plant was still functioning improperly, it was thought that the sand media was too fine, causing an anaerobic mat to form on the cells, which causes ponding. When the city did conduct an independent engineering study, it was revealed that, indeed, the sand was too small.

In November of 2004, the top layer of media was replaced with pea rock. The city began litigation with Arden at this point. In September of 2005, it was noted that the cells were still ponding on the

bottom. After the cells were exposed, it was found that there was another mat forming, which wasn't allowing the sludge to break down. It is now proven that there isn't sufficient space for septic storage. Therefore, the city's latest corrective action plan now includes adding four to six tanks that should allow for better flow and for the aerobic bacteria to form. The city has been in compliance during this time, but because of these problems, the UV lights need cleaning on a daily basis.

The city was assisted by the League of Minnesota Cities Insurance Trust in its suit against Arden Engineering, which has now been sold to Ayers, it is believed. The city mediated a settlement with Arden in September, but still faces legal fees.

One year ago, the Public Facilities Authority (PFA) found out that five additional cities had similar problems. All were told by USDA Rural Development that they would have to hire an independent engineer to assess the problem, determine the corrective action that would have to be taken and estimate the cost of the remediation. They were told they would next have to hire an attorney and sue the engineer or construction company. After taking these steps, the agency would be able to assist them in the cost of remediation, but not before.

The problem, of course, is that the reason the communities were using alternative systems is because they were all extremely small, extremely poor and had no resources. And after paying for the nonfunctioning or malfunctioning systems, they had even fewer available dollars with which to sue. Since local residents were already paying a high price for a system that didn't work, PFA sought and received \$5 million in the 2005 state bonding bill for remedial action in the five cities.

That turns out to be just the tip of the iceberg. A number of other cities are now suspected of having similar problems and, since USDA cannot help them until after they have taken all steps necessary to gain redress from the engineering firms and/or contractors, are turning to the state for help. For that reason, PFA is again seeking money in the bonding bill to correct these problems, and I will be assisting them in their efforts. These communities operated in good faith, but they are experiencing environmental and economic devastation and lack the resources with which to deal these problems.

This rate of failure is unacceptable, but work is being done to help keep it from occurring in the future. USDA Rural Development has brought together a number of agencies and interest groups to work together to find a way to reduce the chances of something like this from happening again. Those attending meetings have included representatives of Rural Development, MPCA, the Public Facilities Authority (PFA), U of M Extension Service, Minnesota Rural Water Association (MRWA), Midwest Assistance Project (MAP) and the Minnesota Association of Small Cities (MAOSC). The League of Minnesota Cities (LMC) and the Minnesota Association of Townships (MAT) are expected to join the group at its next meeting.

Currently, I am in the process of contacting cities that are or could be having problems with failing or malfunctioning wastewater systems. Most of these communities had thought they were alone in their misery, having no idea that there were others in the same predicament. There is power in numbers, so I am hoping to unite these communities in order to find out what went wrong, what caused the problems, what corrective action needs to take place and which firms were involved. Since USDA Rural Development is asking the cities to hold the firms accountable by pursuing lawsuits, this could also provide cities the opportunity to join forces in litigation.

Attached are copies of the letters and a questionnaire sent to cities along with a spreadsheet that provides some of the information received from the questionnaire. Please feel free to contact me for further information.

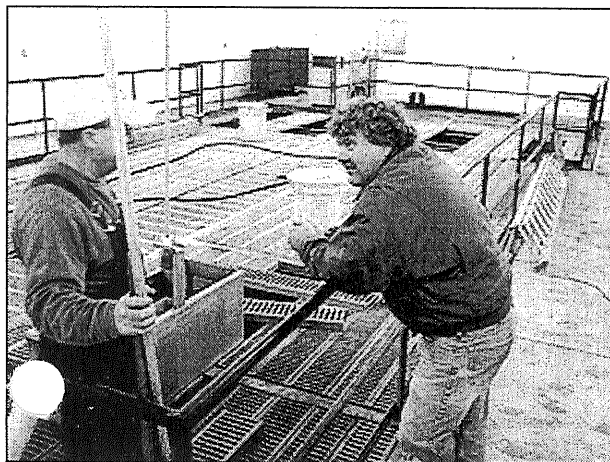


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Failed sewer plants cost state millions

by Mark Steil, Minnesota Public Radio

March 17, 2006



The Dunnell wastewater treatment plant will be shutdown even though it's only five years old. (MPR Photo/Mark Steil)

A string of failed wastewater treatment projects will cost Minnesota taxpayers millions of dollars. The systems were built in small towns to replace outdated, polluting sewage units. Most were funded through a combination of federal and state funds. The failures have left the towns and others wondering what went wrong.

Dunnell, Minn. — It's a typical day in the town of Dunnell. Once again, there's a problem at the wastewater plant. Mayor Dan Nelson hurries to the scene in his red pickup truck. On the way he consults by radio with the wastewater supervisor.

"Are you coming out to the plant then?" says Nelson.

"Ten-four! If it's in the back room there, there'll be an alarm going off in there. It might be high water," is the response.



[Dunnell Mayor Dan Nelson](#)

At the plant a high pitched alarm sounds. This time it's a minor problem in the backup batteries. But it's symbolic of the difficulties the sewage system causes for the town. Keeping it going is expensive for this community of just under 200 people near the Iowa border. Sitting down in the wastewater plant office, Mayor Nelson is surrounded by the whine of machinery. The industrial drone numbs the ears. It goes beyond that for Nelson. It also grates on his mental well being. It's a constant reminder of a failed project.

"We can't wait to get rid of it," laughs Nelson. "It's been just an ongoing headache, nightmare."

Nelson says the town was told the sewage plant would practically run itself. The reality is it needs daily attention. That's a big expense in a town with one fulltime employee. Meet Alan Helmers, a man with many titles.

AUDIO

[Failed sewer plants cost state millions](#) (feature audio)

PHOTOS

[Inside the Dunnell wastewater plant](#)

[Dunnell Mayor Dan Nelson](#)

[Alan Helmers](#)

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"I'm police chief, fire chief, I take care of the streets, the water, the wastewater, what am I forgetting? Yeah, electricity, all the utilities," says Helmers.



Q Alan Helmers

All the work at the sewage plant keeps him from his other jobs. This day he was plowing snow when the alarm sounded. He says he spends about three hours a day cleaning tanks and filters and performing other wastewater jobs. He uses a minnow net to scrap and catch gunk from the sides of tanks. He says he has to watch things carefully or the tanks will overflow and flood the building.

Mayor Nelson says the plant is too small to meet the town's needs. On top of that, it takes too much time and money to run.

"It was really not a very good deal, this plant just doesn't work," says Nelson. "For a town of a hundred households, a plant like this is just outside of our reach."

Dunnell is not alone. As many as 17 Minnesota towns have similar problems. Most are small out of the way communities many people have never heard of: Spring Hill, McGrath, Dumont, Wolf Lake, Palisade. Each built a wastewater plant that doesn't work properly. The systems were built between 1998 and 2003. The average cost was about \$1,000,000 each.

We can't wait to get rid of it. It's been just an ongoing headache, nightmare.

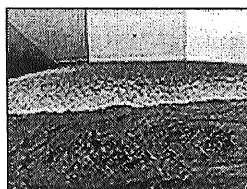
- Dan Nelson

At the time they were billed as new technology wastewater systems. They use filters and even UV light to get rid of most of the bad stuff in the sewage. In most cases there's no direct discharge into streams. The cleaned water is allowed to seep away in drain fields or into specially built wetlands. The government agencies which funded the projects pushed the new concept. Mayor Nelson says Dunnell wanted to build a traditional outdoor lagoon system until the agencies weighed in.

"The money drove it, yeah," says Nelson. "The money was available for this and it wasn't available for the ponds, simple as it got."

The lead agency in funding the wastewater projects was the U.S Agriculture Department's Rural Development office. The Dunnell project cost just over \$1.6 million and the USDA provided half.

The agency investigated what went wrong at Dunnell and other towns. Rural Development officials say five of the sewage plants are considered failures, up to a dozen more have varying degrees of problems. Rural development engineer Jon Melhus says the agency hired independent experts to look at what caused the problems.



Q *The sludge tank at the Dunnell plant.*

"For the systems that failed outright it was primarily design that was the cause of it," says Melhus. "There were also some construction and operation and maintenance issues that added to it. In general though, the majority of problems for the ones that failed outright were design issues."

The state director of the USDA's Rural Development office when many of the plants were designed and built was Gary DeCramer. The former state legislator and current University of Minnesota faculty member says many small towns in the late 1990s were desperate. Their wastewater systems were outdated. Some were discharging raw sewage directly into streams. DeCramer says the Minnesota Pollution Control Agency was pressuring towns to fix

the problems.

"These were communities often of elderly people who had no resources, or very little resources to be able to put the systems into place so that they were no longer contaminating the local stream," says DeCramer.

DeCramer says he encouraged his staff to look for new, lower cost alternatives. The filtering systems won out. He says the projects were designed by private engineering companies and approved by his office. He says in retrospect his office failed to catch some design flaws.

"If you're looking at new technology there may be in the review process points at which you're just taking your

best guess that this is going to work and you're relying on the knowledge of the people who created it rather than years of experience," says DeCramer.

end result? Costly mistakes. The Minnesota Legislature appropriated \$5,000,000 last year to fix the damage and is being asked for another \$6,500,000 this year. The engineering companies which designed the systems maintain, for the most part, say they did not make significant design errors. They point to construction and maintenance mistakes as the chief cause of the problems.

Several towns have sued the company which designed their system. The new technology plants are still being built, but steps have been taken to make sure they work as planned. The current director of the USDA's Rural Development office in Minnesota says the failed projects were not properly reviewed. Steve Wenzel says he's put in place a much more rigorous system.

"We initiated a very strict process in 2003, whereby the systems had to go through a thorough review process," says Wenzel. "Not only by our engineers, but also through the Minnesota Pollution Control Agency, the University of Minnesota and what is called a third party, independent expert review."

All of that comes too late for the towns fighting to keep their systems working.

In Dunnell, Mayor Dan Nelson looks ahead. He says the town will use money provided by the state to replace the troubled sewage filtering plant with a traditional outdoor system.

"We have just right at a million dollars to do the ponds now and that's what we'll end up doing," says Nelson. "We'll end up going with a pond system that we probably should've went with originally."

Nelson says when the ponds are built the current wastewater treatment plant will be shut down. The building housing it will be used for something else, probably a city workshop. When that happens, Dunnell officials will happily say goodbye to some expensive bills. Like more than one thousand dollars a month for electricity and water testing.

Best of all, that awful whine in the Mayor's head will be gone.

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What's behind the tall fence? It's Hoehnes' elk

By Stephanie Corbin
 scorbin@agrinews.com

PINE ISLAND, Minn. — The chain link fence along Highway 52 north of Rochester often draws passing motorists' attention because of the large animals moving behind it.

John Hoehne of rural Pine Island said he often sees people pulling over to look at the commercial elk herd of more than 1,000 bulls, cows and calves that he and his brother Karl raise.

The herd, including 350 white elk, roam in several different fenced-in areas along Highway 52 and surrounding country roads. The elk are on about 1,000 acres behind 8-foot high fencing. The brothers run elk hunts on the property and sell hides, antlers — both velvet and hard — and velvet antler capsules.

The Hoehnes started building their herd in 1988.

"We bid on an elk in Oxbow Park," John said. "We were the high bidder."

The brothers bought smaller bunches of elk but used that first bull to build up the herd. John said they haven't bought an elk since 1991, but they do sell breeding stock.

"We knew what we were going to do in high school," John said of the elk herd. He previously raised and exported cattle.

"We never could afford it until we were old men," Karl added.

Elk shed hard antlers in the spring, with the older bulls starting earlier. By April, the younger bulls shed theirs.

"They start growing new antlers immediately," John said. The new antlers are furry, which is called velvet. The Hoehnes surgically remove some of the velvet antlers from bulls for the capsules when the antlers have a heart shape between the fourth and fifth point.

He said it takes the elk 70 to 80 days to grow a full set of antlers. The older bulls shed their velvet beginning in August each year. The younger bulls shed it a little later, and by mid-September, all the bulls have hard antlers.

The bulls currently are in the middle of rutting, which is their mating season. The older bulls start the mating season at the beginning of September.

John said the bulls round up cows and keep them together as a harem. The breeding period is two months, and the older and



biggest bulls — called dominant bulls — breed the cows first.

The younger bulls finish the breeding season as they come into rut and the older bulls are tired and weak from fighting and breeding, John said.

"We don't breed anything artificially," he said.

The calves gestate for about eight and a half months, and begin being born in mid-May.

"And that's all over the country," John said, including elk in the wild.

The calves suck for 65 to 80 days and naturally wean themselves, John said. The cows' milk is very rich and calves can gain up to 4 pounds per day while they are nursing.

"The calves are pretty well on their own in 90 days," John said.

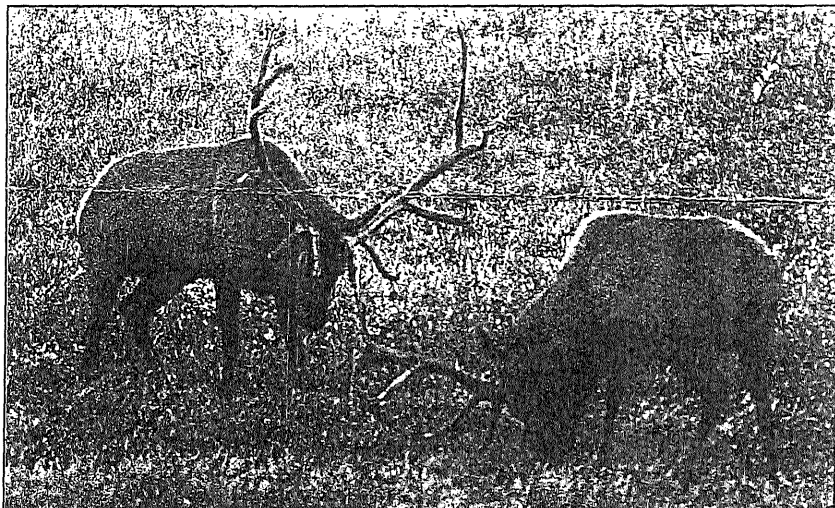
The brothers do 100 to 120 elk hunts per year and run bull hunts from September to the end of January. Cow hunts continue to April 1.

"Hunt out west and it costs you \$7,000 or \$8,000," John said. "You can come here and hunt one for half the price."

"And you're guaranteed an elk here," Karl said.

The Hoehnes have had celebrities hunt on the land, along with people from all over the country, including Utah, Michigan, Wisconsin and California.

"Minnesota has more elk breeders than any other state in the union," Karl said. John said there are



more than 300.

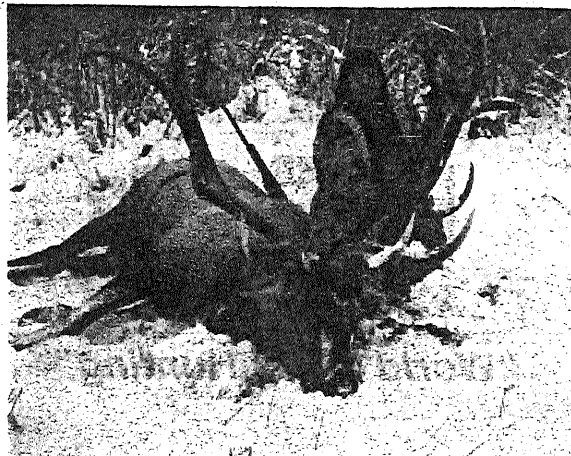
The Hoehnes belong to both the Minnesota Elk Breeders' Association and the North American Elk Breeders' Association.

All hunters are given a bill of sale for the elk and don't need a license to hunt on the property. The Hoehnes also sell elk meat to area restaurants and people. John said they take a brain stem sample from every elk that is killed to be tested for chronic wasting disease, which is sometimes seen in deer and elk.

The Hoehnes have never had an elk test positive for the disease.

John can be contacted on his cell phone at (507) 254-1594. Karl's cell phone number is (507) 271-6603.





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Cash on the hoof: Big-game shooting preserves

There's definitely a market for big-game shooting preserves in Minnesota, but there also is controversy, and a bill has been introduced to ban it.

Doug Smith, Star Tribune Last update: March 14, 2006 - 10:40 PM

Printer friendly E-mail this story

After five hours of stalking the elk through woods and wetlands, Ron Radika stood atop a frozen ridge and finally got a clear shot.

"All of a sudden, it went trotting by," he said.

Radika, 55, of Rice, Minn., fired and dropped the big animal.

"It was challenging. It wasn't expensive. And it was a lot of fun," Radika said.

One thing it wasn't: your typical elk hunt. It didn't occur in the wilds of Wyoming, Montana or British Columbia. It took place in northern Minnesota just last month at a 700-acre fenced big-game shooting preserve.

For years, owners of Minnesota's game farms -- which raise and sell deer, elk and even bison -- pushed unsuccessfully to legalize big-game shooting preserves. Now, to the surprise of many and the consternation of others, it turns out they apparently were legal here all along. Clarification came two years ago, and since then a



Elk on a big-game preserve.

Mike Zerby, Star Tribune

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growing number of farms have been offering "canned hunts" to people like Radika.

A market clearly is emerging: A new 200-acre big-game shooting preserve 35 miles northwest of St. Cloud was recently approved by Morrison County. It will have a 9,000-square-foot log lodge with Jacuzzis and offer trophy deer and elk costing up to \$20,000. Construction is set for this spring.

But while big-game shooting preserves are common in other states, the practice here remains controversial, even among hunters. On Monday bills were introduced in the Legislature to ban the practice -- reigniting the debate.

"I think it's a huge step backwards for hunting," said Rep. Joe Hoppe, R-Chaska, chief author in the House. "It gives all hunting a bad image. There's no fair chase about this. I don't think we should be doing it in Minnesota."

Hoppe's measure, and a companion bill in the Senate authored by John Marty, DFL-Roseville, have bipartisan support.

The Minnesota Deer Hunters Association, with 20,000 members, supports the ban, as does the Department of Natural Resources, which for years fought efforts to legalize the practice.

"There's no fair chase inside a shooting enclosure," said Mark Johnson, executive director of the deer hunters association. "This is a slap in the face to true hunters. Our whole hunting heritage is at stake."

Said Dave Schad, director of the DNR's fish and wildlife division: "It's a very, very important issue as far as how people perceive hunting and the traditions of hunting. We don't support having it in the state."

The DNR and deer hunters association also is concerned about the movement of deer and elk into and out of the state, Schad said. "There's an increased risk for introduction and transmission of some of these diseases that we're so concerned about, especially CWD [chronic wasting disease]," he said.

Two farmed elk were found with the disease three years ago, the first and only known cases of it in Minnesota. It hasn't been found in wild deer here.

Denny Niess doesn't understand what all the fuss is about.

"The only reason the deer hunters association is against it is a philosophical difference," said Niess of Rice, Minn.

Niess owns Niess Trophy Whitetails, is past president of the Minnesota Deer Breeders Association and is one of the co-owners of the proposed new shooting preserve in Morrison County.

"This is shooting, it's absolutely not hunting," he said. "It's legal in Iowa, Wisconsin and North Dakota, and it hasn't hurt hunting in those states. Pheasant hunting preserves [long legal in Minnesota] haven't hurt pheasant hunting, have they?"

Niess said Minnesota deer and elk farmers get just half the price of a trophy animal sent to an outstate game shooting preserve. They could keep the entire price if the animal is shot here.

Jim Byrne, who runs an elk farm near Pine Island in southern Minnesota, said hunters and farmers here should have that option. Farmed deer and elk are considered livestock in Minnesota. Shooting them is just one method of legal slaughter, said Byrne, a member of the state Elk Breeders Association.

Disease shouldn't be an issue, the farmers say: All captive deer and elk are tested for chronic wasting disease.

"Instead of legislating something, why not let the hunters themselves vote with their pocketbooks?" Byrne asked.

Tom McCoy said if the Legislature passes the ban, he might be forced to sell his 700-acre shooting preserve. For the past three years, McCoy, 47, and his father, Phil, have operated McCoy Big Game Hunting Ranch at Long Prairie, Minn. That's where Radika shot his elk last month.

McCoy said 50 to 60 hunters a season shoot elk, deer or bison there.

Radika, who has hunted big game in the wild throughout North America, has been there a couple times and says it fills a niche.

"I didn't want to spend a huge amount of money, but wanted elk meat and a challenge," he said.

So for \$600 and another \$100 for processing, Radika shot a cow elk at the McCoy ranch. Last year, he shot a bison there. He sees no ethical problems.

"I think it's an excellent way for people who don't have a lot of money to harvest a big animal," Radika said.

"I see no reason to outlaw it."

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Posted on Sun, Mar. 19, 2006

canned hunts

Fair chase? Good business? Dangerous loophole? In Minnesota, the questions are growing.

Last year, Tony Beckel, owner of Tony's Trophy Elk Hunts in Baudette, Minn., sold about 15 so-called "canned hunts" to people wanting to shoot elk. His hunts range in price from \$7,500 for a trophy bull to \$500 for a cow elk, and all his hunts are held in a 1,200-acre fenced enclosure.

The enclosure is mostly wooded, and Beckel said killing an elk in the fenced area isn't easy.

"I've had guys out there for four days," said Beckel, a fishing guide and taxidermist. "Once you turn an elk in there, well, he's in there. They get a little wild once they get in the trees."

On Monday, a Minnesota Senate committee will consider a bill banning Beckel's operation and all other big-game hunting preserves that have cropped up in the past few years. The same bill has been introduced in the House.

Some lawmakers and the Minnesota Deer Hunters Association say such hunts behind fences are unethical because they don't adhere to the principle of "fair chase." They say they also pose a threat to the health of wild deer in the state, as evidenced by a case of chronic wasting disease announced last week found in a farmed whitetail in Lac qui Parle County.

Canned big-game hunts have been hotly debated in Minnesota since 1998, and I've visited several penned elk and deer operations for interviews.

I've found Minnesota elk and deer farmers are, for the most part, serious about raising healthy animals and serious about making money. Canned hunts, for which there is a growing market, represent just another market for them.

I called Beckel last week to get his read on the legislation. Since I oppose canned hunts, what ensued was a robust discussion of the ethics of hunting and canned hunts specifically.

WHAT'S FAIR?

Beckel has lived in the Baudette area since 1959 and says he has hunted wild animals across North America. But he doesn't see any problem with allowing people to shoot elk or deer behind fences.

"A lot of people say this is about fair chase," he said. "But what is fair chase? To me, is fair chase owning a 40-acre chunk of woods that is surrounded by fields, and then deer season comes, and you get in a deer stand and shoot the deer? I think that deer has a death warrant.

"People call that fair chase," Beckel continues. "But is it? I don't (think so). What if you have alfalfa fields where deer have been feeding all summer, and they all of a sudden open deer season, then you stand in a heated deer stand and blow that deer away? Is that fair chase?

"I think this is really about choices. It's like buying a Ford or a Chevy."

When I challenged Beckel on the notion fair chase involves giving a wild animal the freedom to roam, without fences, and that such a hunt involves more skill, woodsmanship and physical energy, he blasted me.

"I'll feel sorry for you when you get old and you can't sit in a deer stand," he said, suggesting that my opposition to canned hunts was essentially discrimination against older hunters who don't have the physical abilities to hunt wild elk in Colorado or Montana.

Finally, Beckel chastised me and others who want to ban canned hunts for interfering with his business and the rights of others. "It's a free country. I own my land. They're trying to tell me what to do. If you don't want to hunt behind a fence,

don't do it. But I don't think you have the right to condemn the person who does, as long as it's done in a legal manner."

ETHICAL ARGUMENT

Mark Johnson, executive director of the MDHA, which has spearheaded the canned hunt ban, said hunting ethics are very important to his members, who largely oppose canned hunts.

"You put a tame animal into five acres or 150 acres and go out with a bow or muzzleloader or rifle and shoot it — it's not hunting. It's an affront to hunting. That's how our members take it," Johnson said.

House member Joe Hoppe, R-Chaska, is the chief author of the legislation to ban canned big-game hunts.

"The proponents will say, 'Well, it's not hunting, it's shooting,' " Hoppe said. "But they advertise it as hunting. And they are selling it as hunting. This is the kind of thing that ultimately could kill regular hunting in Minnesota."

In the Legislature, Hoppe's bill has bipartisan support. It also has the support of hunters and nonhunters, he said, though he hasn't taken a poll of other lawmakers' opinions.

For a number of reasons, I disagree with Beckel and believe elk and deer breeders face an uphill fight to keep canned hunts legal in Minnesota. And deer hunters should be outraged by their efforts to keep it legal.

Chronic wasting disease, which could prove disastrous for wild deer, has been found in only two elk and one deer in Minnesota; all three were farmed animals. Yet, deer hunters, through our license fees, have shelled out \$2.5 million to the DNR to kill, test and monitor wild deer for chronic wasting disease.

As deer hunters, we're paying to monitor a disease that, by all indications, was brought to Minnesota by deer and elk farmers.

No matter how deer and elk farmers slice it, shooting a big-game animal behind a fence and calling it "hunting" sullies the image of true hunting. The operators swear it's not hunting, it's just another form of "slaughter," but they advertise and market it as "hunting."

Their arguments are an artful but perverse way of dodging the truth.

But through a loophole in state law, a few operators already have gained a foothold. I'm sure they're good people with good intentions who are running these businesses, but theirs is business that threatens a bigger industry in Minnesota — a healthy wild deer herd and those who pursue them.

Chris Niskanen can be reached at cniskanen@pioneerpress.com or 651-228-5524.



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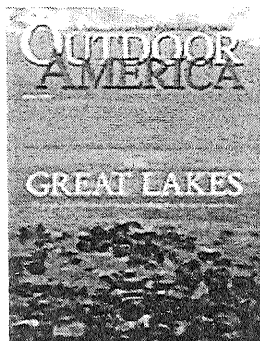
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Winter 2006

Canned Hunts Banned

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Page 2

Doped-up deer released in front of a hunting blind. Custom-ordered elk trucked in from across the country. Videotapes of a reenacted hunt with fake footage. Clients that pay \$30,000 for a trophy animal. These are the kinds of practices going on at high-fenced hunting facilities across Indiana.

But now these facilities are soon to be shut down. In August, the Indiana Department of Natural Resources decided to ban all high-fenced hunting by the end of the legislative session in 2007. Under the ban, anyone wishing to possess deer must have a game breeder's license, which does not allow hunting or purposeful killing of animals held within enclosed farms.

"It's a good win. We're delighted," says Chuck Bauer, who advocated the ban as a member of the League's Indiana state board and a key voice on the Cervid Council, a group that represented sportsmen, environmentalists, farmers, and others concerned with high-fenced deer farms.

When the IDNR solicited public opinion on the issue last year, Bauer and other Indiana Ikes were ready. "We already had both state and national policy in hand," he says. "I was able to show up at the first Cervid Council meeting and say 'No, we don't support this.'" Ikes also contributed to the barrage of letters the IDNR received opposing canned hunts.

"The entire high-fenced hunting industry is based upon trophy hunting in unfair, unethical situations," Bauer argues. He says it caters to people who are willing to pay for a trophy animal, regardless of the method. In some cases, the clients are naive enough to seek out deer farms with the impression that this is the way people really hunt. But, as Bauer explains, shooting deer that are fed and contained in an enclosed area "is not hunting."

Not to mention the problem of disease. The concentrated populations of the deer farms add to the possibility that something like chronic wasting disease could spread rapidly and spill over into the wild via escaped animals or interactions through the fence.

Despite the strikes against canned hunts and the IDNR's ban, Indiana's high-fenced hunting facilities won't be closed down until the state legislature approves the ban. Bauer is staying on the case to make sure it's a done deal.

"We'll have another fight, but we're likely to stop them," says Bauer. "And if Indiana has enough guts to just dump these operations, it will spread to other states."

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DEER ZONE/AREA MAP

Use this large fold-out map to find the boundaries of zones, the hunting dates for each zone, Classifications of Deer Permit Areas, and quotas for Lottery Deer Permit Areas.

Either-sex deer licenses available over the counter

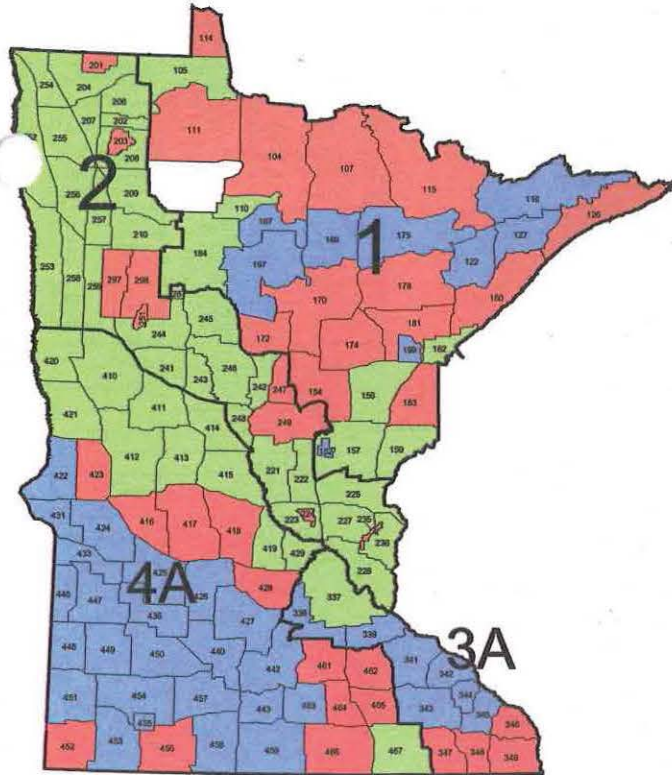
Hunters may take a deer of either sex with their regular license tag in many areas of the state without applying through the lottery system.

Legal bucks may be taken with a regular license tag throughout the zone and all hunters will be asked to indicate which Deer Permit Area they hunt most often.

There are three types of Deer Permit Areas: Lottery, Managed, and Intensive. Applications for firearms either-sex permits are only needed for Lottery Deer Permit Areas. Firearm hunters, except Multi-Zone Buck license holders, may tag a deer of either sex on their regular license tag in Managed and Intensive Deer Permit Areas. A firearm hunter may tag an antlerless deer in any managed or intensive deer permit area for which they are licensed or in a lottery permit area with an either-sex permit. Archery and muzzleloader hunters may take a deer of either sex statewide in any open permit area.

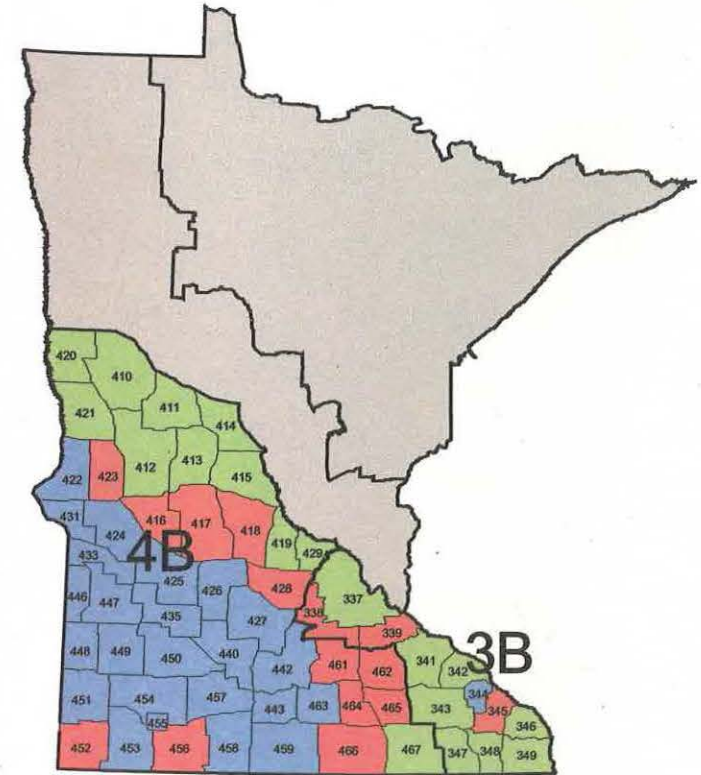
More detail on each of these areas is listed below:

LOTTERY Deer Permit Area (blue areas on maps): Firearm hunters who hunt in lottery permit areas must apply for and receive an either-sex permit through the lottery system before they can take an antlerless deer in that area. They may hunt bucks anywhere in the zone. The application deadline for either-sex permits is Sept. 8 and permits will be mailed to lottery winners in late October. Successful lottery applicants may take a deer of either sex in the area selected, with a one-deer limit. All-Season Deer license holders who apply in the lottery may take a buck and an antlerless deer in the regular firearms season, if they are successful in the lottery.



MANAGED Deer Permit Area (red areas on maps):

Firearm hunters who hunt in a managed permit area may tag one deer of either sex with their regular license or a legal buck anywhere in the zone. In addition, archery, firearms, or muzzleloader hunters may use one bonus permit in one managed deer permit area. All-Season deer and multi-zone buck license holders may use one bonus permit in one managed permit area per year.

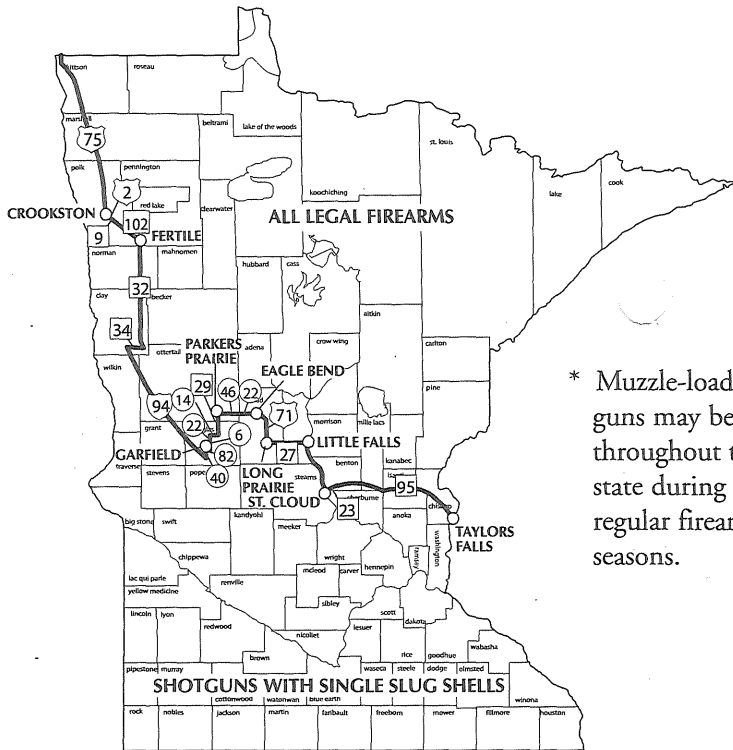


INTENSIVE Deer Permit Area (green areas on maps):

Firearm hunters who hunt an intensive deer permit area may tag one deer of either sex with their regular license. In addition, hunters may purchase up to four bonus permits for use in intensive deer permit areas. All-Season deer license and multi-zone buck license holders may purchase and use Bonus Permits in any intensive deer permit area and during the time that their regular license is valid. The total bag limit in intensive permit areas is 5 deer.

NOVEMBER FIREARMS RESTRICTIONS

In the southern and western portion of the state shown in the map below, the only legal firearms for deer are shotguns using rifled slugs, muzzleloaders*, and handguns legal for big game.



* Muzzle-loading guns may be used throughout the state during the regular firearms seasons.

LEECH LAKE PERMIT

This map shows the boundary for Leech Lake Indian Reservation and 197 near the reservation.

HARD-TO-DEFINE PERMIT AREAS

These maps show in detail small Permit Areas that may be hard to read on the large map shown on the front.

BOUNDARY DESCRIPTIONS FOR OTHER HARD-TO-DEFINE AREAS

Permit Area 184 and 197

The portion of the state within the boundaries of the Leech Lake Indian Reservation, except where the reservation boundary intercepts the boundary separating permit areas 184 and 197. See the map above right for this boundary.

Permit Area 203

The portion of the state within the boundaries of the Agassiz National Wildlife Refuge and the Elm Lake, Eckvold, and Mud Lac wildlife management areas.

Permit Area 224

The portion of the state known as the Sherburne National Wildlife Refuge.

Permit Area 235

The portion of the state known as the Carlos Avery Wildlife Management Area in Anoka and Chisago counties.

Permit Area 251

The portion of the state known as the Tamarac National Wildlife Refuge.

Permit Areas 297 and 298

The portion of the state known as the White Earth Indian Reservation, except four northeastern townships (143N to 146N; Range 37W) and Area 251.

LEGAL BOUNDARY DESCRIPTIONS

Any person in doubt about a boundary should check the rules governing the 2005 Minnesota Deer Seasons.

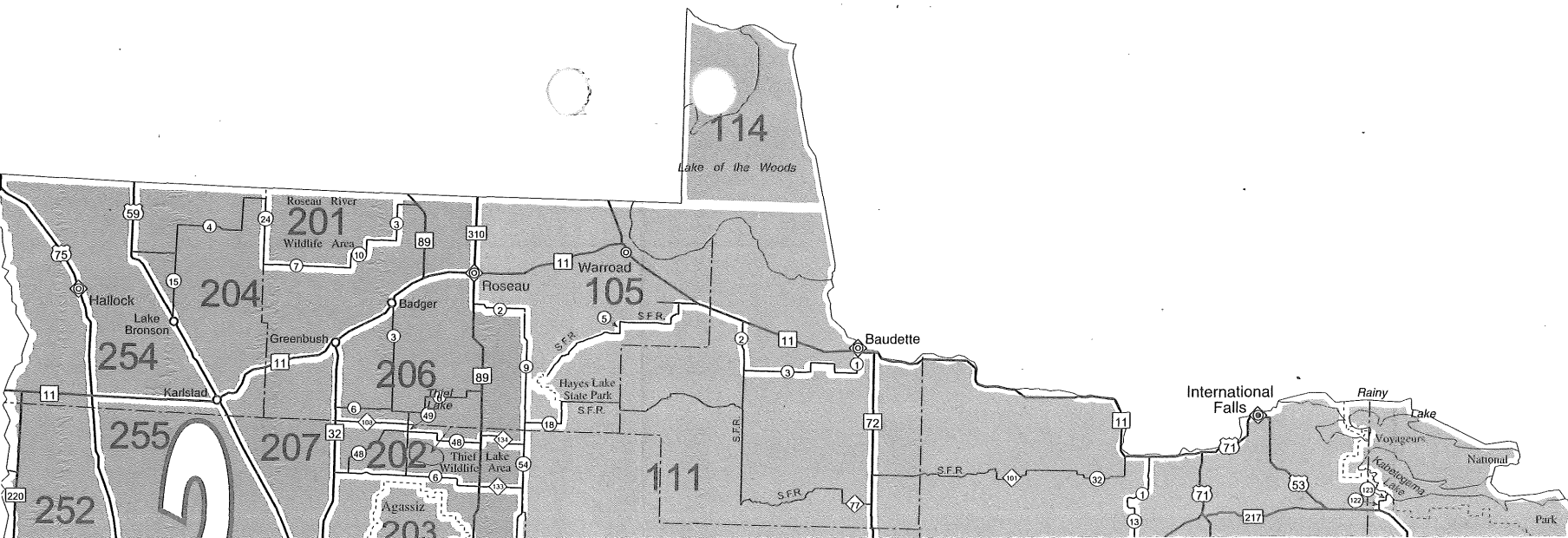
Minnesota 2005 Firearms Deer Season

Important! See reverse side for maps of the hard-to-define permit areas, permit areas around the Leech Lake Indian Reservation, and the November firearm restriction boundaries.

Hunters: The Red Lake Indian Reservation and scattered parcels of Reservation land in Permit Areas 111 and 114 are closed to non-Band members of the Red Lake Band of Chippewa Indians except by authorization of the tribal council. Most of those lands are not posted, but they are marked in ownership plat books for Beltrami, Lake of the Woods, and Roseau Counties.

November 2005

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			



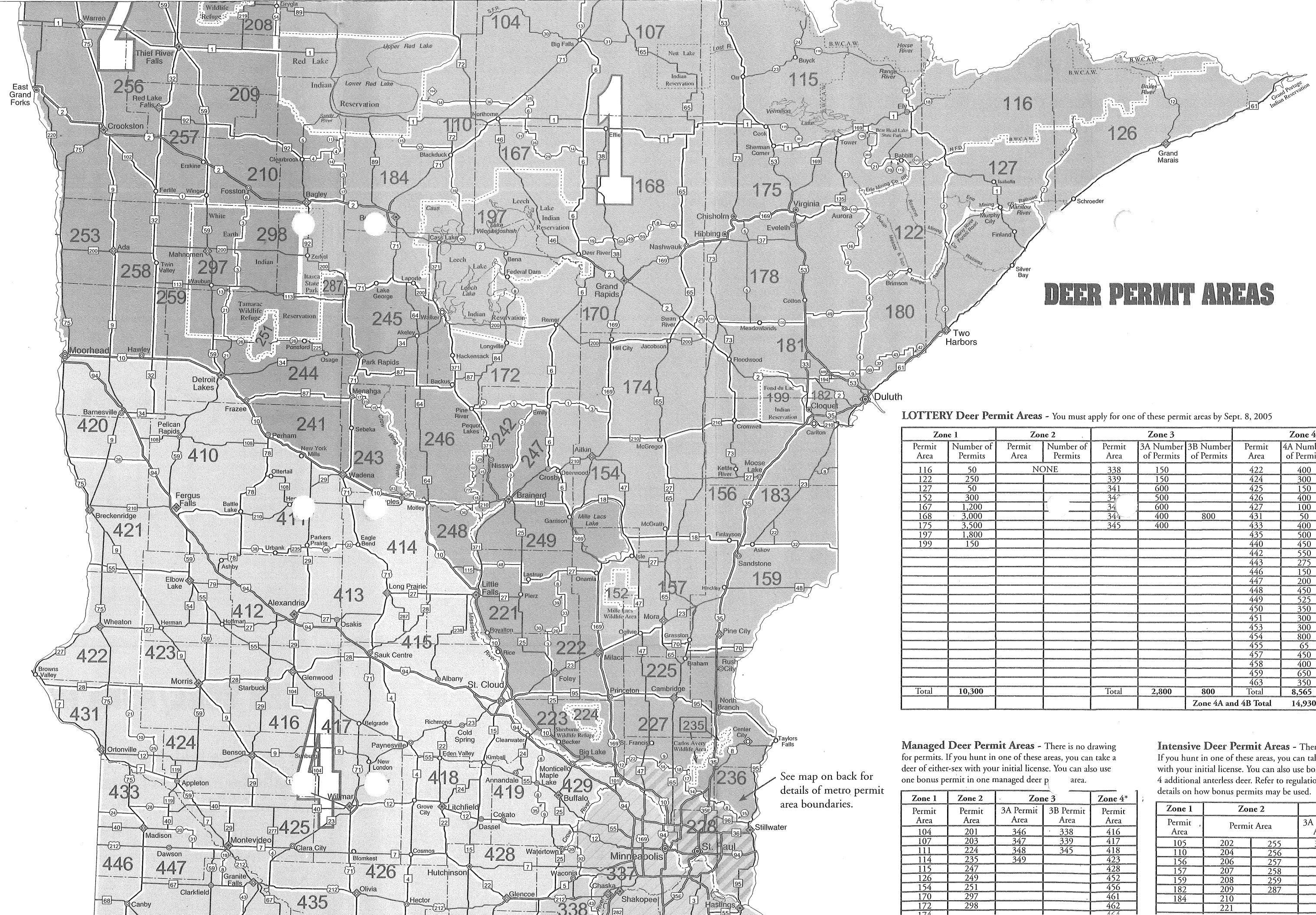
1A	Zone 1A*	Nov. 5-20
2A	Zone 2A*	Nov. 5-13
3A	Zone 3A*	Nov. 5-11
3B	Zone 3B*	Nov. 19-27
4A	Zone 4A*	Nov. 5-6
4B	Zone 4B*	Nov. 12-15
Permit Areas 228 & 337	Metro Deer Mgmt. Zone**	Nov. 5-27
M/L	Muzzleloader***	Nov. 26-Dec. 11
	Early Antlerless Deer Season****	Oct. 15-16

* A person may take a legal buck with a regular license. Antlerless deer may be taken with a regular license tag in any managed or intensive deer permit area, or by either-sex permit in lottery deer permit areas. In lottery deer permit areas, resident youth under age 18 and disabled hunters with a permit to shoot from a motor vehicle may take a deer of either sex without an either-sex permit.

** Any valid firearms license. See regulations for detailed information.

*** Muzzleloader Season. A person may take a deer of either sex in any open area, except in some antlerless-only special hunts.

**** See regulations for detailed information.



DEER PERMIT AREAS

LOTTERY Deer Permit Areas - You must apply for one of these permit areas by Sept. 8, 2005

Zone 1		Zone 2		Zone 3		Zone 4			
Permit Area	Number of Permits	Permit Area	Number of Permits	Permit Area	3A Number of Permits	3B Number of Permits	Permit Area	4A Number of Permits	4B Number of Permits
116	50	NONE		338	150		422	400	200
122	250			339	150		424	300	300
127	50			341	600		425	150	150
152	300			342	500		426	400	300
167	1,200			343	600		427	100	100
168	3,000			344	400	800	431	50	50
175	3,500			345	400		433	400	400
197	1,800						435	500	300
199	150						440	450	300
							442	550	550
							443	275	275
							446	150	150
							447	200	200
							448	450	250
							449	525	275
							450	350	250
							451	300	300
							453	300	300
							454	800	400
							455	65	65
							457	450	250
							458	400	200
							459	650	450
							463	350	350
Total	10,300			Total	2,800	800	Total	8,565	6,365
							Zone 4A and 4B Total	14,930	

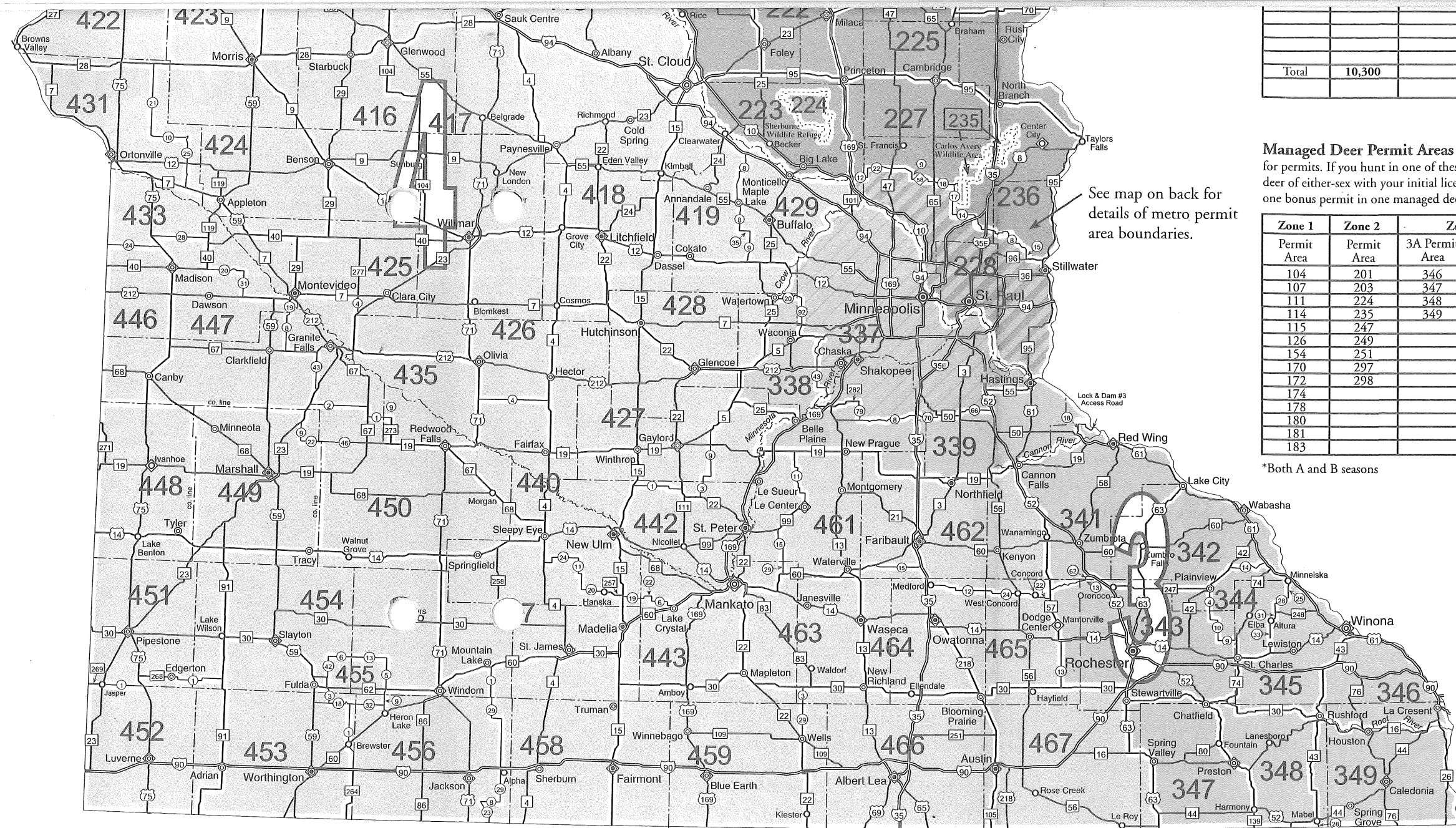
Managed Deer Permit Areas - There is no drawing for permits. If you hunt in one of these areas, you can take a deer of either-sex with your initial license. You can also use one bonus permit in one managed deer permit area.

Zone 1	Zone 2	Zone 3		Zone 4*
Permit Area	Permit Area	3A Permit Area	3B Permit Area	Permit Area
104	201	346	338	416
107	203	347	339	417
111	224	348	345	418
114	235	349		423
115	247			428
126	249			452
154	251			456
170	297			461
172	298			462
174				463

Intensive Deer Permit Areas - There is no drawing for permits. If you hunt in one of these areas, you can take a deer of either-sex with your initial license. You can also use bonus permits to take up to 4 additional antlerless deer. Refer to regulations book for additional details on how bonus permits may be used.

Zone 1	Zone 2		Zone 3		Zone 4*
Permit Area	Permit Area	Permit Area	3A Permit Area	3B Permit Area	Permit Area
105	202	255	337	337	414
110	204	256		341	414
156	206	257		342	414
157	207	258		343	414
159	208	259		346	414
182	209	287		347	414
184	210			348	414
	221			349	414

See map on back for details of metro permit area boundaries.



				422	67	67
				457	450	250
				458	400	200
				459	650	450
				463	350	350
Total	10,300		Total	2,800	800	Total 8,565 6,365
				Zone 4A and 4B Total		14,930

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115	247			428
126	249			452
154	251			456
170	297			461
172	298			462
174				464
178				465
180				466
181				
183				

*Both A and B seasons

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Zone 1	Zone 2		Zone 3		Zone 4*
Permit Area	Permit Area		3A Permit Area	3B Permit Area	Permit Area
105	202	255	337		410
110	204	256			411
156	206	257			412
157	207	258			413
159	208	259			414
182	209	287			415
184	210				419
	221				420
	222				421
	223				429
	225				467
	227				
	228				
	236				
	241				
	242				
	243				
	244				
	245				
	246				
	248				
	252				
	253				
	254				

*Both A and B seasons

See Back for Color Maps of Permit Areas