

**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,
subdivision 4; 97A.475, subdivision 3; 97A.551, subdivision 6; proposing coding
1.18 for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes
1.19 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.31 Sec. 13. Minnesota Statutes 2005 Supplement, section 97A.551, subdivision 6, is
 6.32 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.

(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.

(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.

(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.

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

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:

10.7	Maximum number	Maximum number	Maximum number
10.8	of permitted fishing	of large permitted	of permitted fishing
10.9	contests	fishing contests	contest days
10.10	Size/acres		
10.11	less than 2,000	2	0
10.12	2,000-4,999	3	1
10.13	5,000-14,999	4	2
10.14	15,000-55,000	5	3
10.15	more than 55,000	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:

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

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

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

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

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

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

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

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

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

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

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

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

11.25 **97C.205 RULES FOR TRANSPORTING AND STOCKING FISH.**

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

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

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

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

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

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.

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 Senator moves to amend S.F. No. 2974 as follows:

1.2 Delete everything after the enacting clause and insert:

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

1.5 Subd. 3. **Appropriations must be matched by private funds.** Appropriations
1.6 transferred to the critical habitat private sector matching account and money credited to
1.7 the account under section 168.1296, subdivision 5, may be expended only to the extent
1.8 that they are matched equally with contributions ~~to the account~~ from private sources
1.9 or by funds contributed to the nongame wildlife management account. The private
1.10 contributions may be made in cash ~~or in contributions of, property,~~ property, land or interests in
1.11 land ~~that are designated by the commissioner of natural resources as program acquisitions.~~
1.12 Appropriations transferred to the account that are not matched within three years from the
1.13 date of the appropriation shall cancel to the source of the appropriation. For the purposes
1.14 of this section, the private contributions of property, land, or interests in land that are
1.15 retained by the commissioner shall be valued in accordance with their appraised value.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 2.27 (1) licenses and permits issued;
- 2.28 (2) fines and forfeited bail;
- 2.29 (3) sales of contraband, wild animals, and other property under the control of the
2.30 division;
- 2.31 (4) fees from advanced education courses for hunters and trappers;
- 2.32 (5) reimbursements of expenditures by the division;
- 2.33 (6) contributions to the division; and
- 2.34 (7) revenue credited to the game and fish fund under section 297A.94, paragraph
2.35 (e), clause (1).

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

3.2 Subd. 2. **Fines and forfeited bail.** (a) Fines and forfeited bail collected from
3.3 prosecutions of violations of: the game and fish laws or rules adopted thereunder; sections
3.4 84.091 to 84.15 or rules adopted thereunder; sections 84.81 to 84.91 or rules adopted
3.5 thereunder; section 169A.20, when the violation involved an off-road recreational vehicle
3.6 as defined in section 169A.03, subdivision 16; chapter 348; and any other law relating
3.7 to wild animals or aquatic vegetation, must be paid to the treasurer of the county where
3.8 the violation is prosecuted. The county treasurer shall submit one-half of the receipts to
3.9 the commissioner and credit the balance to the county general revenue fund except as
3.10 provided in paragraphs (b); and (c); ~~and (d)~~. In a county in a judicial district under section
3.11 480.181, subdivision 1, paragraph (b), the share that would otherwise go to the county
3.12 under this paragraph must be submitted to the commissioner of finance for deposit in the
3.13 state treasury and credited to the general fund.

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

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

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

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

3.29 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this
3.30 subdivision, "deer license" means a license issued under section 97A.475, subdivisions
3.31 2, clauses (4), (5), (9), (11), (13), and (14), and 3, clauses (2), (3), and (7), and licenses
3.32 issued under section 97B.301, subdivision 4.

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

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

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

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

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

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

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

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

4.34 Sec. 13. Minnesota Statutes 2004, section 97A.251, subdivision 1, is amended to read:

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

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

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

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

5.7 Sec. 14. Minnesota Statutes 2004, section 97A.321, is amended to read:

5.8 **97A.321 DOGS PURSUING OR KILLING BIG GAME.**

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

5.11 Sec. 15. Minnesota Statutes 2005 Supplement, section 97A.405, subdivision 4, is
amended to read:

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

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

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

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

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

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

5.31 Sec. 16. Minnesota Statutes 2004, section 97A.475, subdivision 2, is amended to read:

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

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

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

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

6.15 Sec. 17. Minnesota Statutes 2005 Supplement, section 97A.475, subdivision 3, is

6.16 amended to read:

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

6.18 to nonresidents, are:

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

6.30 Sec. 18. Minnesota Statutes 2004, section 97A.475, subdivision 20, is amended to read:

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

- 6.32 (1) for residents over age 13 and under age 18, \$6;
- 6.33 (2) for residents age 18 ~~and older~~ or over and under age 65, \$20; and
- 6.34 (3) for residents age 65 or over, \$10; and
- 6.35 (4) for nonresidents, \$73.

7.1 Sec. 19. Minnesota Statutes 2005 Supplement, section 97A.551, subdivision 6, is
7.2 amended to read:

7.3 Subd. 6. **Tagging and registration.** The commissioner may, by rule, require
7.4 persons taking, possessing, and transporting certain species of fish to tag the fish with
7.5 a special fish management tag and may require registration of tagged fish. A person
7.6 may not possess or transport a fish species taken in the state for which a special fish
7.7 management tag is required unless a tag is attached to the fish in a manner prescribed by
7.8 the commissioner. The commissioner shall prescribe the manner of issuance and the
7.9 type of tag as authorized under section 97C.087. The tag must be attached to the fish as
7.10 prescribed by the commissioner immediately upon reducing the fish to possession and
7.11 must remain attached to the fish until the fish is processed or consumed. Species for
7.12 which a special fish management tag is required must be transported undressed, except as
otherwise prescribed by the commissioner.

7.14 Sec. 20. Minnesota Statutes 2004, section 97B.021, subdivision 1, is amended to read:

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

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

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

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

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

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

7.27 Sec. 21. Minnesota Statutes 2004, section 97B.021, is amended by adding a
7.28 subdivision to read:

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

7.32 Sec. 22. Minnesota Statutes 2005 Supplement, section 97B.031, subdivision 5, is
amended to read:

7.34 Subd. 5. Scopes on muzzleloaders; visually impaired hunters. (a)
7.35 ~~Notwithstanding any other law to the contrary, the commissioner may issue a special~~

8.1 ~~permit, without a fee, to A person may use a muzzleloader with a scope to take deer~~
8.2 ~~during the muzzleloader season to a person who obtains the required licenses and who has~~
8.3 ~~a visual impairment. The scope may not have magnification capabilities.~~

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

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

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

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

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

8.22 **Sec. 23. [97B.22] COLLECTING ANTLER SHEDS.**

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

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

8.27 **Sec. 24. Minnesota Statutes 2004, section 97B.301, subdivision 7, is amended to read:**

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

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

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

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

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

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

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

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

9.10 Sec. 25. Minnesota Statutes 2005 Supplement, section 97B.805, subdivision 1, is
9.11 amended to read:

Subdivision 1. **Hunter must be concealed.** (a) A person may not take migratory
9.13 waterfowl, coots, or rails in open water unless the person is:

9.14 (1) within a natural growth of vegetation sufficient to ~~partially~~ conceal at least 50
9.15 percent of the person or boat;

9.16 (2) on a river or stream that is not more than 100 yards in width; or

9.17 (3) pursuing or shooting wounded birds.

9.18 (b) A person may not take migratory waterfowl, coots, or rails in public waters from
9.19 a permanent artificial blind or sink box.

9.20 Sec. 26. Minnesota Statutes 2004, section 97B.805, subdivision 3, is amended to read:

9.21 Subd. 3. **Unattended boats.** During the open season for waterfowl, a person may
9.22 not leave an unattended boat used for hunting waterfowl in public waters between sunset
and one hour before sunrise, unless the boat is adjacent to private land under the control
9.24 of the person and the water does not contain a natural growth of vegetation sufficient to
9.25 ~~partially~~ conceal at least 50 percent of a hunter or a boat.

9.26 Sec. 27. Minnesota Statutes 2005 Supplement, section 97B.811, subdivision 3, is
9.27 amended to read:

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

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

9.34 (2) there is not natural vegetation growing in water sufficient to ~~partially~~ conceal
9.35 at least 50 percent of a hunter.

10.1 Sec. 28. Minnesota Statutes 2004, section 97C.081, subdivision 4, is amended to read:

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

10.5 Sec. 29. Minnesota Statutes 2004, section 97C.081, subdivision 6, is amended to read:

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

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

10.17 (c) After the applicants have been given at least seven days to change their
10.18 applications, the commissioner shall conduct a drawing for all locations and time periods
10.19 for which applications exceed limits. First preference in the drawings shall be given
10.20 to applicants for established or traditional fishing contests, and second preference to
10.21 applicants for contests that are not established as traditional fishing contests based on the
10.22 number of times they have been unsuccessful in previous drawings. Except for applicants
10.23 of established or traditional fishing contests, an applicant who is successful in a drawing
10.24 loses all accumulated preference. "Established or traditional fishing contest" means a
10.25 fishing contest that was issued permits in 1999 and 2000 or was issued permits four out of
10.26 five years from 1996 to 2000 for the same lake and time period. Beginning with 2001,
10.27 established or traditional fishing contests must continue to be conducted at least four out
10.28 of five years for the same lake and time period to remain established or traditional.

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

10.34 Sec. 30. Minnesota Statutes 2004, section 97C.081, subdivision 8, is amended to read:

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

11.1 (1) Lakes:

11.4		Maximum number of permitted fishing contests	Maximum number of large permitted fishing contests	Maximum number of permitted fishing contest days
11.5	Size/acres			
11.6	less than 2,000	2	0	4
11.7	2,000-4,999	3	1	6
11.8	5,000-14,999	4	2	8
11.9	15,000-55,000	5	3	10
11.10	more than 55,000	no limit	no limit	no limit

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

11.13 (2) Rivers:

11.14		<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>
11.17	<u>Mississippi River:</u>			
11.18	<u>Pool 1, 2, 3, 5, 5A,</u>			
11.19	<u>6, 7, 8, 9</u>	<u>4 (each pool)</u>	<u>2 (each pool)</u>	<u>8 (each pool)</u>
11.20	<u>Pool 4</u>	<u>5</u>	<u>3</u>	<u>10</u>
11.21	<u>St. Croix River</u>	<u>2</u>	<u>1</u>	<u>4</u>
11.22	<u>Lake St. Croix</u>	<u>4</u>	<u>2</u>	<u>8</u>

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

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

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

11.33 Sec. 31. Minnesota Statutes 2004, section 97C.081, subdivision 9, is amended to read:

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

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

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

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

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

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

12.11 Sec. 32. Minnesota Statutes 2004, section 97C.205, is amended to read:

12.12 **97C.205 RULES FOR TRANSPORTING AND STOCKING FISH.**

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

12.15 (1) is being transported under an aquaculture license as authorized under sections
 12.16 17.4985 and 17.4986;

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

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

12.19 (4) is being transported by a commercial fishing license holder under section
 12.20 97C.821; or

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

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

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

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

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

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

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

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

12.33 ~~(e)~~ (d) A person age 16 or under may, for purposes of display in a home aquarium,
 12.34 transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie,
 12.35 white crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black,
 12.36 yellow, and brown bullheads taken by angling. No more than four of each species may

13.1 be transported at any one time, and any individual fish can be no longer than ten inches
13.2 in total length.

13.3 Sec. 33. Minnesota Statutes 2004, section 97C.355, subdivision 7, is amended to read:

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

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

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

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

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

13.23 (c) When the last day of February, under paragraph (a), clause (1), or March 15,
13.24 under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or
13.25 dark house, may be on the ice between 12:00 a.m. and one hour before sunrise until
13.26 12:00 a.m. the following Monday.

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

13.31 Sec. 34. Minnesota Statutes 2004, section 97C.371, subdivision 4, is amended to read:

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

13.34 Sec. 35. **REPEALER.**

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

1.1 Senator moves to amend the delete-everything amendment
1.2 (SCS2974A-1) to S.F. No. 2974 as follows:

Page 13, after line 33, insert:

1.4 "Sec. 35. Minnesota Statutes 2005 Supplement, section 609.66, subdivision 1h,
1.5 is amended to read:

1.6 Subd. 1h. **Silencers; authorized for law enforcement and wildlife control**
1.7 **purposes.** (a) Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace
1.8 officers may use devices designed to silence or muffle the discharge of a firearm for
1.9 tactical emergency response operations. Tactical emergency response operations include
1.10 execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue,
1.11 and any other tactical deployments involving high risk circumstances. The chief law
1.12 enforcement officer of a law enforcement agency that has the need to use silencing devices
1.13 must establish and enforce a written policy governing the use of the devices.

4 (b) Notwithstanding subdivision 1a, paragraph (a), clause (1), until July 1, 2011,
1.15 an enforcement officer, as defined in section 97A.015, subdivision 18, a wildlife area
1.16 manager, an employee designated under section 84.0835, or a person acting under contract
1.17 with the commissioner of natural resources or a local unit of government, at specific
1.18 times and locations that are authorized by the commissioner of natural resources may
1.19 use devices designed to silence or muffle the discharge of a firearm for wildlife control
1.20 operations that require stealth. If the commissioner determines that the use of silencing
1.21 devices is necessary under this paragraph, the commissioner must:

1.22 (1) establish and enforce a written policy governing the use, possession, and
1.23 transportation of the devices;

1.24 (2) limit the number of the silencing devices maintained by the Department of
1.25 Natural Resources to no more than ten; ~~and~~

1.26 (3) keep direct custody and control of the devices when the devices are not
1.27 specifically authorized for use; and

2.1 (4) temporarily loan silencing devices to a local unit of government for use in
2.2 controlling wildlife, when use of the devices is:

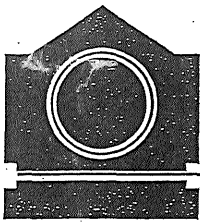
2.3 (i) requested by the local unit of government;

2.4 (ii) part of a local wildlife management control plan that is approved by the
2.5 commissioner; and

2.6 (iii) supervised by local peace officers."

2.7 Renumber the sections in sequence and correct the internal references

2.8 Amend the title accordingly



The City of

Eden Prairie

8080 Mitchell Road • Eden Prairie, MN 55344-4485 • edenprairie.org • 952-949-8300 • TDD 952-949-8399

December 9, 2004

The Honorable David Hann
Minnesota Senate
Room G-27 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1606

SUBJECT: Legislation Authorizing Suppressed Weapons for Deer Management

Dear Senator Hann:

On February 19, 2002 the Eden Prairie City Council reviewed draft language for a proposed legislation change that would permit the use of silencers in the connection with shooting deer pursuant to an approved deer management program, and voted unanimously to approve Resolution No. 2002-43.

A copy of Resolution No. 2002-43 is enclosed. At that time, the City Council requested Representative Paulsen and Senator Roy Terwilliger to sponsor this legislation. That legislation did not get out of Committee, due to the concerns raised by the lobbyists from the Police and representatives from the Department of Natural Resources. I believe the concern from Police lobbyists was that at the time, no Police Departments were allowed the use of silencers for any purpose. Since that time legislation has granted Police Departments the use of silenced weapons for specific purposes. The Department of Natural Resources also had concerns which I believe have been addressed since that time. In fact the Department of Natural Resources would like to use silenced .22's in the control of cormorants.

The City of Eden Prairie is again requesting Representative Paulsen sponsor this legislation in the House, and we are requesting you to sponsor this legislation in the Senate.

You may recall that in March of 1994 a Deer Study Committee completed an extensive survey of deer densities within the City of Eden Prairie and lethal and non-lethal abatement methods for controlling deer. The results of that study recommended the city hire a sharp-shooter to control deer populations throughout the city within various deer management areas with a goal to bring deer population down to the "carrying capacity" for each of those areas. The Department of Natural Resources staff, as well as members of a variety of animal rights groups were involved in this study. Since that time the city has conducted a successful deer management plan and has successfully controlled the number of deer within Eden Prairie to our management levels. Deer-car collisions have been dramatically reduced from pre-management levels which were approaching 300 deer-car



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collisions per year in Eden Prairie. The average number of collisions has now dropped below 100 per year.

Each fall the city contracts with a professional wildlife management firm to remove between 100 – 160 animals, depending on the results of an aerial survey that is conducted each February or March. The wildlife management firm utilizes several “shooters”. Each shooter is accompanied by a police officer to monitor location of the shooting, direction of the bullets, and ensure that the area is clear of people. The majority of the shooting occurs right at sundown and continues until about 11:00 p.m. There are about thirty approved shooting sites within Eden Prairie, mostly on public land. This year the sharp-shooters removed 115 deer in eight days.

This program has been operating very successfully over the last seven years, with the only complaints coming from citizens who are frightened by hearing “shots” fired in a park or a conservation area.

The fact is there will be deer in the metropolitan area for the foreseeable future. These deer have no natural predators, and it is inhumane, costly and dangerous to attempt to control their numbers simply by deer-car collisions; therefore, deer management programs similar to the one in Eden Prairie will be necessary until another means of control is available. It is unnecessary to frightened residents while continuing with this management technique and we are recommending that Minnesota pass a law similar to the one passed in Iowa in 2001 that allows the use of silencers for this purpose. This legislation would require a federal permit, plus a local police department approval and would only be permitted for the management of wildlife in a program approved by the Department of Natural Resources.

I have attached a memorandum from our city attorney that provides a change to Minnesota Statutes 97B.031 and 609.66 that would be necessary to accomplish this request.

I would appreciate meeting with you and Representative Paulsen to discuss this proposed language and can provide letters from a number of other agencies that support this proposed legislation.

I look forward to hearing from you regarding this issue.

Sincerely,



Robert A. Lambert, Director
Parks and Recreation

Attachments

Resolution No. 2002-43
February 7, 2002 memo

Cc: Scott Neal, City Manager
Dan Carlson, Chief of Police

*Town, ND, Minn. Obs.
have this*

CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 2002-43

A RESOLUTION SUPPORTING LEGISLATION PERMITTING THE USE OF SUPPRESSED WEAPONS FOR LOCAL GOVERNMENT APPROVED DEER MANAGEMENT PROGRAMS

WHEREAS, municipal governments are responsible for the health, safety and welfare of their residents; and

WHEREAS, numerous studies by the Department of Natural Resources and many municipalities have indicated that the deer population in many parts of the metropolitan area has caused vegetation damage, traffic safety issues and health concerns; and

WHEREAS, the Minnesota Department of Natural Resources sets regulations and laws, and is charged with managing and protecting specific species of wildlife throughout the State of Minnesota; and

WHEREAS, the Department of Natural Resources has worked closely with many municipalities in developing deer management programs that attempt to balance abundance and diversity of both plants and animals with human use; and

WHEREAS, the most common method of controlling deer herd population in the metropolitan is the use of trained marksmen; and

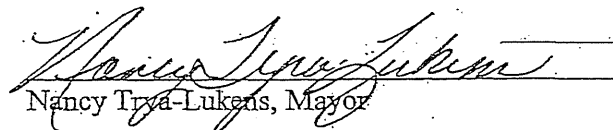
WHEREAS, the use of a sharpshooter is monitored and controlled by municipal Police Departments; and

WHEREAS, the major complaint or concern for the deer management programs is the noise of gunshots in the neighborhoods; and

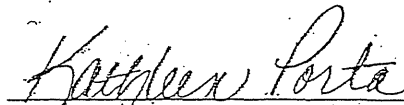
WHEREAS, the use of suppressed weapons would eliminate that negative impact on the neighborhood.

NOW, THEREFORE, BE IT RESOLVED that the City hereby supports a revision to Minnesota State Statutes 97B.031 that would allow the use and possession of a silencer, by a person hired by local government, solely to shoot deer pursuant to an approved deer management control plan, and the person using or possessing the silencer has a valid federal permit to do so.

ADOPTED by the City Council of the City of Eden Prairie this 19th day of February 2002.


Nancy Trya-Lukens, Mayor

ATTEST:


Kathleen Porta, City Clerk

1.1 Senator moves to amend the delete-everything amendment
 1.2 (SCS2974A-1) to S.F. No. 2974 as follows:

Page 6, after line 35, insert:

1.4 "Sec. 19. Minnesota Statutes 2004, section 97A.535, subdivision 1, is amended to
 1.5 read:

1.6 Subdivision 1. **Tags required.** A person may not possess or transport deer, bear, elk,
 1.7 or moose taken in the state unless a tag is attached to the carcass in a manner prescribed
 1.8 by the commissioner. The commissioner must prescribe the type of tag that has the
 1.9 license number of the owner, the year of its issue, and other information prescribed by the
 1.10 commissioner. The tag must be attached to the deer, bear, elk, or moose ~~at the site of the~~
 1.11 ~~kill~~ before the animal is ~~removed from the site of the kill,~~ placed on a motor vehicle and
 1.12 must remain attached to the animal until the animal is processed for storage."

1.13 Renumber the sections in sequence and correct the internal references

1.14 Amend the title accordingly

1.1 Senator *Fredrickson* moves to amend the delete-everything amendment
 1.2 (SCS2974A-1) to S.F. No. 2974 as follows:

Page 6, after line 35, insert:

1.4 "Sec. 19. Minnesota Statutes 2004, section 97A.535, subdivision 1, is amended to
 1.5 read:

1.6 Subdivision 1. **Tags required.** A person may not possess or transport deer, bear, elk,
 1.7 or moose taken in the state unless a tag is attached to the carcass in a manner prescribed
 1.8 by the commissioner. The commissioner must prescribe the type of tag that has the
 1.9 license number of the owner, the year of its issue, and other information prescribed by
 1.10 the commissioner. ~~The tag must be attached to the deer, bear, elk, or moose at the site of~~
 1.11 ~~the kill before the animal is removed from the site of the kill, and must remain attached~~
 1.12 ~~to the animal until the animal is processed for storage~~ The tag must be validated at the
 1.13 site of the kill as prescribed by the commissioner. The tag may be carried by the person
 4 accompanying the animal whenever the deer, bear, elk, or moose is being ^{dragged} ~~drag~~ on the
 1.15 ground. At all other times, the tag must be affixed to the animal in a way prescribed by the
 1.16 commissioner, and must remain attached to the animal until the animal is processed for
 1.17 storage."

1.18 Renumber the sections in sequence and correct the internal references

1.19 Amend the title accordingly

1.1 Senator moves to amend the delete-everything amendment
1.2 (SCS2974A-1) to S.F. No. 2974 as follows:

3 Page 4, line 22, after "(a)" insert "Except as provided in paragraph (c),"

1.4 Page 4, after line 33, insert:

1.5 "(c) From November 1 to the last day in February each year, the use of airboats is
1.6 allowed on lakes designated for wildlife management purposes by a person with a valid
1.7 trapping license who is engaged in lawful trapping."

1.1 Senator moves to amend the delete-everything amendment
1.2 (SCS2974A-1) to S.F. No. 2974 as follows:

Page 4, after line 33, insert:

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

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

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

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

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

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

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

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

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

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

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

- 2.1 (1) the commissioner complies with this section ~~and~~;
- 2.2 (2) the person from whom it was seized is convicted of the offense; and
- 2.3 (3) the conviction is not under appeal and the time period for appeal of the
- 2.4 conviction has expired.

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

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

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

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

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

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

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

2.25 Renumber the sections in sequence and correct the internal references

2.26 Amend the title accordingly