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GAME AND FISH LAW RECODIFICATION (SF 1526)



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INCLUDES: ATV, BWI, RIM)

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NOTE: This handbook has been printed as an interim publication until a complete index can be revised and the entire book typeset and printed. This handbook should be used in conjunction with the 1985 - 1986 Game and Fish Laws publication (blue book).

Any errors, corrections, notes, etc. relative to this publication should be noted and forwarded to the Central Office to Pat Bauer's attention for inclusion in an update.

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SECTION 3

GAME AND FISH RECODIFICATION ACT

**(Including
1986 Amendments)**

AN ACT

386

Distributed By
Secretary of the SENATE
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St. Paul, 296-2343

relating to natural resources; recodifying laws governing wild animals in general, the taking and possession of game and fish, and the management of natural resources; barring game and fish citation quotas; providing penalties; amending Minnesota Statutes 1984, sections 9.071; 14.02, subdivision 4; 14.38, subdivision 6; 18.021, subdivision 3; 84.0274, subdivision 6; 84.88, subdivision 2; 84.89; 84A.02; 85.018, subdivision 8; 86A.06; 105.391, subdivisions 3 and 12; 105.417, subdivision 4; 111.81, subdivision 1; 343.21, subdivision 8; 343.30; 352B.01, subdivision 2; 361.25; 383C.13; 477A.12; 477A.13; Minnesota Statutes 1985 Supplement, section 105.74; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97B; 97C; 609; and 624; repealing Minnesota Statutes 1984, and 1985 Supplement, chapters 97, 98, 99, 100, 101, and 102.

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

ARTICLE 1

CHAPTER 97A

GAME AND FISH LAWS

GENERAL PROVISIONS

Section 1. [97A.011] [CITATION.]

Chapters 97A, 97B, and 97C may be cited as the "game and fish laws."

Sec. 2. [97A.015] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The terms defined in this section apply to chapters 97A, 97B, and 97C. [97.40 s. 1]

Subd. 2. [ANGLING.] "Angling" means taking fish with a hook and line. An "angler" is a person who takes fish by

1 angling. [97.40 s. 32]

2 Subd. 3. [BIG GAME.] "Big game" means deer, moose, elk,
3 bear, antelope, and caribou. [97.40 s. 8]

4 Subd. 4. [BUY.] "Buy" includes barter, exchange for
5 consideration, offer to buy, or attempt to buy. [97.40 s. 19]

6 Subd. 5. [CAMP.] "Camp" means the temporary abode of a
7 person fishing, hunting, trapping, vacationing, or touring,
8 while on a trip or tour including resorts, tourist camps, and
9 other establishments providing temporary lodging. [97.40 s. 30]

10 Subd. 6. [CHUB.] "Chub" means shortnose cisco, shortjaw
11 cisco, longjaw cisco, bloater, kiyi, blackfin cisco, and
12 deepwater cisco.

13 Subd. 7. [CISCO.] "Cisco" means Coregonus artedii and
14 includes lake herring and tullibee.

15 Subd. 8. [CLOSED SEASON.] "Closed season" means the period
16 when a specified protected wild animal may not be taken. [97.40
17 s. 14]

18 Subd. 9. [COMMERCIAL FISHING.] "Commercial fishing" means
19 taking fish, except minnows, for sale. [97.40 s. 33]

20 Subd. 10. [COMMISSIONER.] "Commissioner" means the
21 commissioner of natural resources. [97.40 s. 2]

22 Subd. 11. [CONDEMNATION.] "Condemnation" means the
23 exercise of the right of eminent domain in the manner provided
24 under chapter 117.

25 Subd. 12. [CONTRABAND.] "Contraband" means a wild animal
26 taken, bought, sold, transported, or possessed in violation of
27 the game and fish laws, and all instrumentalities and devices
28 used in taking wild animals in violation of the game and fish
29 laws that are subject to confiscation. [97.40 s. 24]

30 Subd. 13. [CONVICTION.] "Conviction" means: (1) a final
31 conviction after a trial or a plea of guilty; (2) a forfeiture
32 of cash or collateral deposited to guarantee an appearance of a
33 defendant in court, if the forfeiture has not been vacated or
34 the court has not reinstated the trial within 15 days after the
35 forfeiture; or (3) a breach of a condition of release without
36 bail. [97.40 s. 35]

1 Subd. 14. [DARK HOUSE.] "Dark house" means a structure set
2 on the ice of state waters that is darkened to view fish in the
3 water beneath the structure. [97.40 s. 23]

4 Subd. 15. [DESIGNATED TROUT LAKE; DESIGNATED TROUT
5 STREAM.] "Designated trout lake or designated trout stream"
6 means a lake or stream designated by the commissioner as a trout
7 lake or a trout stream under section 97C.001.

8 Subd. 16. [DIRECTOR.] "Director" means the director of the
9 division of fish and wildlife. [97.40 s. 4]

10 Subd. 17. [DIVISION.] "Division" means the division of
11 fish and wildlife of the department of natural resources.
12 [97.40 s. 3]

13 Subd. 18. [ENFORCEMENT OFFICER.] "Enforcement officer"
14 means the commissioner, the director, a conservation officer, or
15 a game refuge manager. [97.48]

16 Subd. 19. [FIREARM.] "Firearm" means a gun that discharges
17 shot or a projectile by means of an explosive, a gas, or
18 compressed air. [97.40 s. 34]

19 Subd. 20. [FIREARMS SAFETY CERTIFICATE.] "Firearms safety
20 certificate" means the certificate issued under article 2,
21 section 4.

22 Subd. 21. [FISH HOUSE.] "Fish house" means a structure set
23 on the ice of state waters to provide shelter while taking fish
24 by angling.

25 Subd. 22. [FUR-BEARING ANIMALS.] "Fur-bearing animals"
26 means mammals that are protected wild animals, except big game.
27 [97.40 s. 7]

28 Subd. 23. [GAME.] "Game" means big game and small game.

29 Subd. 24. [GAME BIRDS.] "Game birds" means migratory
30 waterfowl, pheasant, ruffed grouse, sharp-tailed grouse, Canada
31 spruce grouse, prairie chickens, chukar partridge, gray
32 partridge, quail, turkeys, coots, gallinules, sora and Virginia
33 rails, American woodcock, and common snipe.

34 Subd. 25. [GAME FISH.] "Game fish" means walleye, sauger,
35 yellow perch, channel catfish, flathead catfish; members of the
36 pike family, Esocidae, including muskellunge and northern pike;

1 members of the sunfish family, Centrarchidae, including
 2 largemouth bass, smallmouth bass, sunfish, rock bass, white
 3 crappie, black crappie, members of the temperate bass family,
 4 Percichthyidae, including white bass and yellow bass; members of
 5 the salmon and trout subfamily, Salmoninae, including atlantic
 6 salmon, chinook salmon, coho salmon, pink salmon, kokanee
 7 salmon, lake trout, brook trout, rainbow (steelhead) trout, and
 8 splake; members of the paddlefish family, Polyodontidae; members
 9 of the sturgeon family, Acipenseridae, including lake sturgeon,
 10 and shovelnose sturgeon. "Game fish" includes hybrids of game
 11 fish.

12 Subd. 26. [HUNTING.] "Hunting" means taking birds or
 13 mammals. [97.40 s. 31]

14 Subd. 27. [LICENSE.] "License" means a license or stamp
 15 issued under the game and fish laws.

16 Subd. 28. [MIGRATORY WATERFOWL.] "Migratory waterfowl"
 17 means brant, ducks, geese, and swans. [97.4841 s.1]

18 Subd. 29. [MINNOWS.] "Minnows" means: (1) members of the
 19 minnow family, Cyprinidae, except carp and goldfish; (2) members
 20 of the mudminnow family, Umbridae; (3) members of the sucker
 21 family, Catostomidae, not over 12 inches in length; (4)
 22 bullheads, ciscoes, lake whitefish, goldeyes, and mooneves, not
 23 over seven inches long; and (5) leeches. [97.40 s. 12]

24 Subd. 30. [MINNOW DEALER.] "Minnow dealer" means a person
 25 taking minnows for sale, buying minnows for resale, selling
 26 minnows at wholesale, or transporting minnows for sale. [97.40
 27 s. 27]

28 Subd. 31. [MINNOW RETAILER.] "Minnow retailer" means a
 29 person selling minnows at retail from an established place of
 30 business. [97.40 s. 27]

31 Subd. 32. [MOTOR VEHICLE.] "Motor vehicle" means a
 32 self-propelled vehicle or a vehicle propelled or drawn by a
 33 self-propelled vehicle that is operated on a highway, on a
 34 railroad track, on the ground, in the water, or in the air.
 35 [97.40 s. 29]

36 Subd. 33. [NONRESIDENT.] "Nonresident" means a person who

1 is not a resident.

2 Subd. 34. [OPEN SEASON.] "Open season" means the period
3 when a specified protected wild animal may be taken. [97.40 s.
4 13]

5 Subd. 35. [PERSON.] "Person" means only an individual if
6 used in reference to issuing licenses to take wild animals, but
7 otherwise means an individual, firm, partnership, joint stock
8 company, association, or public or private corporation. [97.40
9 s. 20]

10 Subd. 36. [POSSESSION.] "Possession" means both actual and
11 constructive possession and control of the things referred to.
12 [97.40 s. 16]

13 Subd. 37. [PREDATOR.] "Predator" means a timber wolf,
14 coyote, fox, lynx, or bobcat. [97.487 s. 2]

15 Subd. 38. [PROTECTED BIRDS.] "Protected birds" means all
16 birds except unprotected birds.

17 Subd. 39. [PROTECTED WILD ANIMALS.] "Protected wild
18 animals" are the following wild animals: big game, small game,
19 game fish, rough fish, minnows, leeches, alewives, ciscoes,
20 chubs, and lake whitefish, and the subfamily Coregoninae,
21 rainbow smelt, frogs, turtles, clams, mussels, timber wolf,
22 mourning doves, and wild animals that are protected by a
23 restriction in the time or manner of taking, other than a
24 restriction in the use of artificial lights, poison, or motor
25 vehicles. [97.40 s. 6]

26 Subd. 40. [PUBLIC ACCESS.] "Public access" means an access
27 that is owned by the state or a political subdivision and
28 accessible to the public without charge.

29 Subd. 41. [PUBLIC WATERS.] "Public waters" means waters
30 defined in section 105.37, subdivision 14.

31 Subd. 42. [RESIDENT.] "Resident" means: (1) an individual
32 who is a citizen of the United States or a resident alien, and
33 has maintained a legal residence in the state at least the
34 immediately preceding 60 days; (2) a nonresident under the age
35 of 21 who is the child of a resident; (3) a domestic
36 corporation; or (4) a foreign corporation authorized to do

1 business in the state that has conducted a licensed business at
2 a location within the state for at least ten years. [97.40 s.
3 21; 98.45 s. 6]

4 Subd. 43. [ROUGH FISH.] "Rough fish" means carp, buffalo,
5 sucker, sheepshead, bowfin, burbot, ciscoe, gar, goldeye, and
6 bullhead. [97.40 s. 11]

7 Subd. 44. [SALE.] "Sale" means an exchange for
8 consideration, and includes barter, offer to sell, and
9 possession with intent to sell. [97.40 s. 18]

10 Subd. 45. [SMALL GAME.] "Small game" means game birds,
11 gray squirrel, fox squirrel, cottontail rabbit, snowshoe hare,
12 jack rabbit, raccoon, lynx, bobcat, fox, fisher, pine marten,
13 oppossum, badger, cougar, wolverine, muskrat, mink, otter, and
14 beaver.

15 Subd. 46. [SUNFISH.] "Sunfish" means bluegill,
16 pumpkinseed, green sunfish, orange spotted sunfish, longear
17 sunfish, and warmouth. "Sunfish" includes hybrids of sunfish.

18 Subd. 47. [TAKING.] "Taking" means pursuing, shooting,
19 killing, capturing, trapping, snaring, angling, spearing, or
20 netting wild animals, or placing, setting, drawing, or using a
21 net, trap, or other device to take wild animals. Taking
22 includes attempting to take wild animals, and assisting another
23 person in taking wild animals. [97.40 s. 15]

24 Subd. 48. [TRANSPORT, TRANSPORTATION..] "Transport,
25 transportation" means causing or attempting to cause wild
26 animals to be carried or moved by a device and includes
27 accepting or receiving wild animals for transportation or
28 shipment. [97.40 s. 17]

29 Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:
30 (1) a bird, excluding migratory waterfowl, with feet and
31 feathered head intact; or

32 (2) a migratory waterfowl with a fully feathered wing
33 attached. [97.40 s. 25]

34 Subd. 50. [UNDRESSED FISH.] "Undressed fish" means fish
35 with heads, tails, fins and skins intact, whether entrails,
36 gills, or scales are removed or not. [97.40 s. 26]

1 Subd. 51. [UNLOADED.] "Unloaded" means, with reference to
2 a firearm, without ammunition in the barrels and magazine. A
3 muzzle loading firearm with a flintlock ignition is unloaded if
4 it does not have priming powder in a pan. A muzzle loading
5 firearm with percussion ignition is unloaded if it does not have
6 a percussion cap on a nipple. [100.29 s. 5]

7 Subd. 52. [UNPROTECTED BIRDS.] "Unprotected birds" means
8 English sparrow, blackbird, crow, starling, magpie, cormorant,
9 common pigeon, and great horned owl. [100.26 s. 2]

10 Subd. 53. [UNPROTECTED WILD ANIMALS.] "Unprotected wild
11 animals" means wild animals that are not protected wild animals
12 including weasel, coyote (brush wolf), gopher, porcupine, skunk,
13 and civet cat, and unprotected birds. [100.26 s. 1, 2]

14 Subd. 54. [WATERS OF THIS STATE, STATE WATERS.] "Waters of
15 this state, state waters" includes all boundary and inland
16 waters. [97.40 s. 22]

17 Subd. 55. [WILD ANIMALS.] "Wild animals" means all living
18 creatures, not human, wild by nature, endowed with sensation and
19 power of voluntary motion, and includes mammals, birds, fish,
20 amphibians, reptiles, crustaceans, and mollusks. [97.40 s. 5]

21 Sec. 3. [97A.021] [CONSTRUCTION.]

22 Subdivision 1. [CODE OF CRIMINAL PROCEDURE.] A provision
23 of the game and fish laws that is inconsistent with the code of
24 criminal procedure or of penal law is only effective under the
25 game and fish laws. [97.41 s. 1]

26 Subd. 2. [AUTHORITY OF COMMISSIONER.] A provision of the
27 game and fish laws is subject to, and does not change or modify
28 the authority of the commissioner to delegate powers, duties,
29 and functions under sections 84.083 and 84.088. [97.41 s. 2]

30 Subd. 3. [PARTS OF WILD ANIMALS.] A provision relating to
31 a wild animal applies in the same manner to a part of the wild
32 animal. [97.40 s. 10]

33 Subd. 4. [DATES AND OPEN SEASONS.] The dates specified in
34 the game and fish laws and time periods prescribed for certain
35 activities or as open season are inclusive, unless otherwise
36 specified. [97.40 s. 28]

1 Sec. 4. [97A.025] [OWNERSHIP OF WILD ANIMALS.]

2 The ownership of wild animals of the state, is in the
3 state, in its sovereign capacity for the benefit of all the
4 people of the state. A person may not acquire a property right
5 in wild animals, or destroy them, unless authorized under the
6 game and fish laws or sections 84.09 to 84.15. [97.42]

7 Sec. 5. [97A.031] [WANTON WASTE.]

8 Unless expressly allowed, a person may not wantonly waste
9 or destroy a usable part of a protected wild animal. [97.47]

10 Sec. 6. [97A.035] [REMOVAL OF SIGNS PROHIBITED.]

11 A person may not remove or deface a department of natural
12 resources sign, without approval of the commissioner. [99.26 s.
13 3]

14 Sec. 7. [97A.041] [EXHIBITION OF WILDLIFE.]

15 Subdivision 1. [DEFINITION.] For the purposes of this
16 section, "wildlife" means any wild mammal, wild bird, reptile,
17 or amphibian. [97.611 s. 1]

18 Subd. 2. [POSSESSION.] A person connected with a
19 commercial enterprise may not possess wildlife in captivity for
20 public exhibition purposes, except under permit as provided in
21 this section. [97.611 s. 2]

22 Subd. 3. [PERMIT.] The commissioner may issue a permit to
23 possess wildlife for public exhibition to an applicant qualified
24 by education or experience in the care and treatment of
25 wildlife. The permit fee is \$10. The commissioner may
26 prescribe terms and conditions of the permit. A permit issued
27 under this section shall include a condition that allows an
28 enforcement officer to enter and inspect the facilities where
29 the wildlife covered by the permit are held in captivity.
30 [97.611 s. 2, 3]

31 Subd. 4. [PERMIT APPLICATION.] An application for a permit
32 must include:

33 (1) a statement regarding the education or experience in
34 the care and treatment of wildlife of the applicant and each
35 individual employed by the applicant for that purpose;

36 (2) a description of the facilities used to keep the

1 wildlife in captivity;

2 (3) a statement of the number of species or subspecies of
3 wildlife to be covered by the permit and a statement describing
4 where and from whom the wildlife was acquired;

5 (4) a signed agreement that the standards prescribed by the
6 commissioner will be followed; and

7 (5) other information requested by the commissioner.
8 [97.611 s. 2]

9 Subd. 5. [CARE AND TREATMENT.] The commissioner shall
10 adopt, under chapter 14, reasonable standards for the care and
11 treatment of captive wildlife for public display purposes,
12 including standards of sanitation. [97.611 s. 2]

13 Subd. 6. [VIOLATION OF POSSESSION STANDARDS.] If a
14 violation is found during an inspection, the commissioner shall
15 give the permittee notice to abate the violation within an
16 adequate time determined by the commissioner. If the violation
17 has not been abated when the time expires, the commissioner may
18 request the attorney general to bring an action to abate the
19 violation. [97.611 s. 4]

20 Subd. 7. [EXEMPTION FOR ZOOS, CIRCUSES, PET SHOPS.] This
21 section does not apply to a publicly owned zoo or wildlife
22 exhibit, privately owned traveling zoo or circus, or a pet
23 shop. [97.611 s. 5]

24 Sec. 8. [97A.045] [COMMISSIONER, GENERAL POWERS AND
25 DUTIES.]

26 Subdivision 1. [DUTIES; GENERALLY.] The commissioner shall
27 do all things the commissioner determines are necessary to
28 preserve, protect, and propagate desirable species of wild
29 animals. The commissioner shall make special provisions for the
30 management of fish and wildlife to insure recreational
31 opportunities for anglers and hunters. The commissioner shall
32 acquire wild animals for breeding or stocking and may dispose of
33 or destroy undesirable or predatory wild animals. [97.48 s. 8,
34 9, 10]

35 Subd. 2. [POWER TO PROTECT WILD ANIMALS BY SEASONS AND
36 LIMITS.] The commissioner may protect a species of wild animal

1 in addition to the protection provided by the game and fish
2 laws, by further limiting or closing seasons or areas of the
3 state, or by reducing limits in areas of the state, if the
4 commissioner determines the action is necessary to prevent
5 unnecessary depletion or extinction, or to promote the
6 propagation and reproduction of the animal. [97.48 s. 1]

7 Subd. 3. [POWER TO MODIFY DATES OF SEASONS.] If the
8 statutory opening date of a season for taking protected wild
9 animals, except a season prescribed under federal regulations,
10 is not on a Saturday, the commissioner may designate the nearest
11 Saturday to the statutory date as the opening day of the
12 season. If the statutory closing date falls on a Saturday, the
13 commissioner may extend it through the following day. [97.48 s.
14 23]

15 Subd. 4. [BOUNDARY WATERS.] The commissioner may regulate
16 the taking, possession, and transportation of wild animals from
17 state and international boundary waters. The regulations may
18 include restrictions on the limits of fish that may be taken,
19 possessed, or transported from international boundary waters by
20 a person possessing both a Minnesota angling license and an
21 angling license from an adjacent Canadian province. [97.48 s.
22 3]

23 Subd. 5. [POWER TO PRESCRIBE THE FORM OF PERMITS AND
24 LICENSES.] The commissioner may prescribe the form of permits,
25 licenses, and tags issued under the game and fish laws.
26 [97.4841 s. 2; 97.4842 s. 1; 97.4843 s. 2; 98.48 s. 14]

27 Subd. 6. [DUTY TO DISSEMINATE INFORMATION.] The
28 commissioner shall collect, compile, publish, and disseminate
29 statistics, bulletins, and information related to conservation.
30 [97.48 s. 19]

31 Subd. 7. [DUTY TO ENCOURAGE STAMP PURCHASES.] The
32 commissioner shall encourage the purchase of:

33 (1) Minnesota migratory waterfowl stamps by nonhunters
34 interested in the migratory waterfowl preservation and habitat
35 development; [97.4841 s. 2]

36 (2) pheasant stamps by persons interested in pheasant

1 habitat improvement; and [97.4843 s. 2]

2 (3) trout and salmon stamps by persons interested in trout
3 and salmon stream and lake improvement. [97.4842 s. 1]

4 Subd. 8. [HUNTING AND FISHING LICENSE RECIPROCITY WITH
5 WISCONSIN.] The commissioner may enter into an agreement with
6 game and fish licensing authorities in the state of Wisconsin
7 under which Wisconsin residents owning real property in
8 Minnesota are allowed to purchase annual nonresident game and
9 fish licenses at fees required of Minnesota residents, provided
10 Minnesota residents owning real property in Wisconsin are
11 allowed to purchase identical nonresident licenses in Wisconsin
12 upon payment of the Wisconsin resident license fee. The
13 commissioners of natural resources in Minnesota and Wisconsin
14 must agree on joint standards for defining real property
15 ownership. The commissioner shall present the joint standards
16 to the senate agriculture and natural resources and house
17 environment and natural resources committees. [98.465]

18 Sec. 9. [97A.051] [PUBLICATION OF ORDERS AND LAWS.]

19 Subdivision 1. [COMPILATION OF LAWS.] As soon as
20 practicable after each legislative session, the commissioner,
21 under the direction of the attorney general, shall assemble the
22 current laws relating to wild animals and index the laws
23 properly. This compilation shall be printed in pamphlet form of
24 pocket size, and 50 copies distributed to each senator, 25
25 copies to each representative, and ten copies to each county
26 auditor. Up to 10,000 additional copies may be printed for
27 general distribution. [97.53 s. 1]

28 Subd. 2. [SUMMARY OF FISH AND GAME LAWS.] The commissioner
29 shall prepare a summary of the hunting and fishing laws and
30 deliver a sufficient supply to county auditors to furnish one
31 copy to each person obtaining a hunting, fishing, or trapping
32 license. At the beginning of the summary, under the heading
33 "Trespass," the commissioner shall summarize the trespass
34 provisions under article 2, state that conservation officers and
35 peace officers must enforce the trespass laws, and state the
36 penalties for trespassing. [97.53 s. 1]

1 Subd. 3. [PUBLICATION OF ORDERS AND RULES.] All orders and
 2 rules promulgated by the commissioner or the director that
 3 affect matters in more than three counties must be published
 4 once in a legal newspaper in Minneapolis, St. Paul, and Duluth.
 5 The orders and rules that do not affect more than three counties
 6 must be published once in a legal newspaper in each county
 7 affected. An order or rule is not effective until seven days
 8 after the publication. [97.53 s. 2]

9 Subd. 4. [ORDERS AND RULES HAVE FORCE AND EFFECT OF
 10 LAW.] When the order or rule is executed and published, it has
 11 the force and effect of law. Violation of an order or rule has
 12 the same penalty as a violation of the law. [97.53 s. 2]

13 Sec. 10. [97A.055] [GAME AND FISH FUND.]

14 Subdivision 1. [ESTABLISHMENT; PURPOSES.] The game and
 15 fish fund is established as a fund in the state treasury. The
 16 money in the fund is annually appropriated to the commissioner
 17 for the activities of the division. [97.49 s. 1]

18 Subd. 2. [RECEIPTS.] The state treasurer shall credit to
 19 the game and fish fund all money received under the game and
 20 fish laws including receipts from:

21 (1) licenses issued;
 22 (2) fines and forfeited bail;
 23 (3) sales of contraband, wild animals, and other property
 24 under the control of the division;

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

27 (5) reimbursements of expenditures by the division; and

28 (6) contributions to the division. [97.49 s. 1]

29 Sec. 11. [97A.061] [PAYMENT IN LIEU OF TAXES.]

30 Subdivision 1. [APPLICABILITY; AMOUNT.] (a) The
 31 commissioner shall annually make a payment from the game and
 32 fish fund to each county having public hunting areas and game
 33 refuges. This section does not apply to state trust fund land
 34 and other state land not purchased for game refuge or public
 35 hunting purposes. The payment shall be the greatest of:

36 (1) 35 percent of the gross receipts from all special use

1 permits and leases of land acquired for public hunting and game
2 refuges;

3 (2) 50 cents per acre on land purchased actually used for
4 public hunting or game refuges; or

5 (3) three-fourths of one percent of the appraised value of
6 purchased land actually used for public hunting and game refuges.

7 (b) the payment must be reduced by the amount paid under
8 subdivision 3 for croplands managed for wild geese. [97.49 s.
9 7]

10 (c) The appraised value is the purchase price for five
11 years after acquisition. The appraised value shall be
12 determined by the county assessor every five years after
13 acquisition. [97.49 s. 3]

14 Subd. 2. [ALLOCATION.] (a) Except as provided in
15 subdivision 3, the county treasurer shall allocate the payment
16 among the county, towns, and school districts on the same basis
17 as if the payments were taxes on the land received in the
18 current year. The county's share of the payment shall be
19 deposited in the county general revenue fund. [97.49 s. 3]

20 (b) The county treasurer of a county with a population over
21 39,000 but less than 42,000 in the 1950 federal census, shall
22 allocate the payment only among the towns and school districts
23 on the same basis as if the payments were taxes on the lands
24 received in the current year. [97.49 s. 6]

25 Subd. 3. [GOOSE MANAGEMENT CROPLANDS.] (a) The
26 commissioner shall make a payment on July 1 of each year from
27 the game and fish fund, to each county where the state owns more
28 than 1,000 acres of crop land, for wild goose management
29 purposes. The payment shall be equal to the taxes assessed on
30 comparable, privately owned, adjacent land. The county
31 treasurer shall allocate the payment as provided in subdivision
32 2.

33 (b) The land used for goose management under this
34 subdivision is exempt from taxation as provided in sections
35 272.01 and 273.19. [97.49 s. 7]

36 Sec. 12. [97A.065] [DEDICATION OF CERTAIN RECEIPTS.]

1 Subdivision 1. [FISH AND TURTLES FROM ROUGH FISH REMOVAL.]
2 Money received from the sale of fish and turtles taken under
3 rough fish removal operations is continuously available for
4 rough fish removal. [97.49 s. 4]

5 Subd. 2. [FINES AND FORFEITED BAIL.] (a) Fines and
6 forfeited bail collected from prosecutions of violations of the
7 game and fish laws, sections 84.09 to 84.15, and 84.81 to 84.88,
8 chapter 34B, and any other law relating to wild animals, and
9 aquatic vegetation must be paid to the treasurer of the county
10 where the violation is prosecuted. The county treasurer shall
11 submit one-half of the receipts to the commissioner and credit
12 the balance to the county general revenue fund except as
13 provided in paragraph (b). [97.49 s. 5]

14 (b) The commissioner must reimburse a county, from the game
15 and fish fund, for the cost of keeping prisoners prosecuted for
16 violations under this section if the county board, by
17 resolution, directs: (1) the county treasurer to submit all
18 finances and forfeited bail to the commissioner; and (2) the county
19 auditor to certify and submit monthly itemized statements to the
20 commissioner. [97.49 s. 5]

21 Subd. 3. [FISHING LICENSE SURCHARGE.] (a) The commissioner
22 may use the revenue from the fishing license surcharge for:

23 (1) rehabilitation and improvement of marginal fish
24 producing waters, administered on a cost-sharing basis, under
25 agreements between the commissioner and other parties interested
26 in sport fishing;

27 (2) expansion of fishing programs including aeration,
28 stocking of marginal fishing waters in urban areas, shore
29 fishing areas, and fishing piers, with preference given to local
30 units of government and other parties sharing costs;

31 (3) upgrading of fish propagation capabilities to improve
32 the efficiency of fish production, expansion of walleye
33 production by removal from waters subject to winter kill for
34 stocking in more suitable waters, introduction of new
35 biologically appropriate species, and purchase of fish from
36 private hatcheries for stocking;

1 organization dedicated to the construction, maintenance, and
2 repair of projects that are acceptable to the governmental
3 agency having jurisdiction over the land and water affected by
4 the projects. The commissioner may execute agreements and
5 contracts if the commissioner determines that the use of the
6 funds will benefit the migration of waterfowl into the state.

7 [97.482 s. 2]

8 Subd. 4. [ASSESSMENTS TO BE PAID FROM FUND.] An assessment
9 against the state under sections 106A.015, subdivision 2,
10 106A.025, or 106A.615 on lands acquired for wildlife habitat
11 shall be paid from the wildlife acquisition account. [97.484]

12 Sec. 14. [97A.075] [USE OF LICENSE REVENUES.]

13 Subdivision 1. [DEER AND BEAR LICENSES.] (a) For purposes
14 of this subdivision, "deer license" means a license issued under
15 section 68, subdivision 2, clauses (4) and (5) and subdivision
16 3, clauses (2) and (3).

17 (b) At least \$2 from each deer license shall be used for
18 deer habitat improvement. At least \$1 from each resident deer
19 license and each resident bear license shall be used for deer
20 and bear management programs, including a computerized licensing
21 system. [97.49 s. 1a, 1b]

22 Subd. 2. [MINNESOTA MIGRATORY WATERFOWL STAMP.] The
23 commissioner may use the revenue from the Minnesota migratory
24 waterfowl stamps for:

25 (1) development of wetlands in the state and designated
26 waterfowl management lakes for maximum migratory waterfowl
27 production including the construction of dikes, water control
28 structures and impoundments, nest cover, rough fish barriers,
29 acquisition of sites and facilities necessary for development
30 and management of existing migratory waterfowl habitat and the
31 creation of migratory waterfowl management lakes;

32 (2) protection and propagation of migratory waterfowl;

33 (3) development, restoration, maintenance, or preservation
34 of migratory waterfowl habitat;

35 (4) acquisition of and access to structure sites; and

36 (5) necessary related administrative costs not to exceed

1 (4) financing the preservation and improvement of fish
2 habitat, with priority given to expansion of habitat improvement
3 programs implemented with other interested parties;

4 (5) increasing enforcement with covert operations,
5 workteams, and added surveillance, communication, and
6 navigational equipment; and

7 (6) purchase of the walleye quota of commercial fishing
8 operators under article 3, section 65, subdivision 9.

9 (b) Not more than ten percent of the money available under
10 this subdivision may be used for administrative and permanent
11 personnel costs. [97.86 s. 1]

12 (c) The commissioner shall prepare an annual work plan for
13 the use of the revenue and provide copies of the plan, and
14 amendments, to the house environment and natural resources
15 committee, senate agriculture and natural resources committee,
16 and other interested parties. The committees must review issues
17 and trends in the management and improvement of fishing
18 resources using information obtained by and presented to the
19 committees by public and private agencies and organizations and
20 other parties interested in management and improvement of
21 fishing resources. [97.86 s. 2]

22 Sec. 13. [97A.071] [WILDLIFE ACQUISITION ACCOUNT.]

23 Subdivision 1. [ACCOUNT ESTABLISHED.] The wildlife
24 acquisition account is established as an account in the game and
25 fish fund. [97.483]

26 Subd. 2. [REVENUE FROM THE SMALL GAME LICENSE SURCHARGE.]
27 Revenue from the small game surcharge shall be credited to the
28 wildlife acquisition account and the money in the account shall
29 be used by the commissioner for the purposes of this section,
30 and acquisition of wildlife lands under section 28, in
31 accordance with appropriations made by the legislature.
32 [97.483]

33 Subd. 3. [USE OF WILDLIFE ACQUISITION ACCOUNT MONEY.] The
34 wildlife acquisition account may be used for developing,
35 preserving, restoring, and maintaining waterfowl breeding
36 grounds in Canada under agreement or contract with any nonprofit

AN ACT

H. F. No. 2138
CHAPTER No.

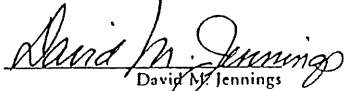
429

Subd. 8. (a) For the purposes of this subdivision, "wild rice licenses" means licenses issued by the commissioner under the provisions of section 98.46, subdivision 3, clause (1), and subdivision 18, clause (1).

(b) All money received from the sale of wild rice licenses shall be paid into an account, known as the "wild rice management account," to be established in the state treasury for the management of designated public waters to improve natural wild rice production.

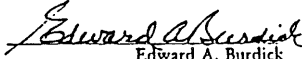
(c) Any money not otherwise appropriated from the wild rice management account, and any monetary interest accrued to the state as a result of this money, shall remain in the wild rice management account until appropriated.

effective 7/1/86

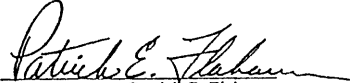

David M. Jennings
Speaker of the House of Representatives.


Jerome M. Hughes
President of the Senate.

Passed the House of Representatives this 15th day of March in the year of Our Lord
one thousand nine hundred and eighty-six.

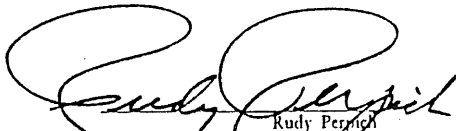

Edward A. Burdick
Chief Clerk, House of Representatives.

Passed the Senate this 17th day of March in the year of Our Lord one thousand
nine hundred and eighty-six.


Patrick E. Flahaven
Secretary of the Senate.

Approved

March 24, 1986


Rudy Perpich
Governor of the State of Minnesota.

Filed

3/24/86

-76a-


Joan Anderson Growe
Secretary of State.

1 ten percent of the annual revenue. [97.4841 s. 1, 4]

2 Subd. 3. [TROUT AND SALMON STAMP.] The commissioner may
3 use the revenue from trout and salmon stamps for:

4 (1) the development, restoration, maintenance, and
5 preservation of trout streams and lakes;

6 (2) rearing and stocking of trout and salmon in trout
7 streams and lakes and Lake Superior; and

8 (3) necessary related administrative costs not to exceed
9 ten percent of the annual revenue. [97.4842 s. 3]

10 Subd. 4. [PHEASANT STAMP.] The commissioner may use the
11 revenue from pheasant stamps for:

12 (1) the development, restoration, maintenance, and
13 preservation of suitable habitat for ringnecked pheasants on
14 public and private land including the establishment of nesting
15 cover, winter cover, and reliable food sources;

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

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

20 (4) the promotion of pheasant habitat development,
21 maintenance, and preservation; and

22 (5) necessary related administrative and personnel costs
23 not to exceed ten percent of the annual revenue. [97.4843 s.

24 1(c), 4] *see 1986 Chapter 429, (Subd. 8)*
25 Sec. 15. [97A.081] [POSTING LAND.]

26 The commissioner may post land acquired for public hunting
27 grounds, food and cover planting areas, game refuges, wildlife
28 lands, and conservation area lands so as to identify and
29 indicate the management purpose. [97.48 s. 25]

30 Sec. 16. [97A.085] [GAME REFUGES.]

31 Subdivision 1. [STATE PARKS.] All state parks are
32 designated as game refuges. [99.25 s. 1]

33 Subd. 2. [ESTABLISHMENT BY COMMISSIONER'S ORDER.] The
34 commissioner may designate, by order, a contiguous area of at
35 least 640 acres as a game refuge if more than 50 percent of the
36 area is in public ownership. [99.25 s. 2, 5]

1 Subd. 3. [ESTABLISHMENT BY PETITION OF LAND HOLDERS.] The
 2 commissioner may designate by order land area described in a
 3 petition as a game refuge. The petition must be signed by the
 4 owner, the lessee, or the person in possession of each tract in
 5 the area. A certificate of the auditor of the county where the
 6 lands are located must accompany the petition stating that the
 7 persons named in the petition are the owners, lessees, or
 8 persons in possession of all of the land described according to
 9 the county records. The game refuge must be a contiguous area
 10 of at least 640 acres unless it borders or includes a marsh, or
 11 other body of water or watercourse suitable for wildlife
 12 habitat. [99.25 s. 3, 5]

13 Subd. 4. [ESTABLISHMENT BY PETITION OF COUNTY RESIDENTS.]
 14 The commissioner may, by order, designate as a game refuge a
 15 contiguous area of at least 640 acres, described in a petition,
 16 signed by 50 or more residents of the county where the area is
 17 located. Before designation, the commissioner must hold a
 18 public hearing on the petition. The notices of the time and
 19 place of the hearing must be posted in five of the most
 20 conspicuous places within the proposed game refuge at least 15
 21 days before the hearing. A notice of the hearing must be
 22 published in a legal newspaper in each county where the area is
 23 located at least seven days before the hearing. The game refuge
 24 may be designated only if the commissioner finds that protected
 25 wild animals are depleted and are in danger of extermination, or
 26 that it will best serve the public interest. [99.25 s. 4, 5, 6]

27 Subd. 5. [SPECIES REFUGE FOR SPECIFIED GAME.] The
 28 commissioner may, by order, designate a species refuge for only
 29 specified species. The game refuge must be posted accordingly.
 30 [99.25 s. 6a, 7]

31 Subd. 6. [AREA INCLUDED IN GAME REFUGE.] A state game
 32 refuge includes all public lands, waters, highways, and railroad
 33 right-of-way within the refuge boundary and, in the discretion
 34 of the commissioner, may include adjacent public lands and
 35 waters. [99.25 s. 6]

36 Subd. 7. [GAME REFUGE BOUNDARY POSTING.] (a) The

1 designation of a state game refuge is not effective until the
2 boundary has been posted with notices that measure at least 12
3 inches. The notices posted on state park boundaries must have
4 black letters on a yellow background stating that the area is a
5 state park. The notices on other game refuges must have black
6 letters on a white background stating that the area is a state
7 game refuge.

8 (b) The notices must be posted at intervals of not more
9 than 500 feet or less along the boundary. The notices must also
10 be posted at all public road entrances to the refuges, except
11 where the boundary is also an international or state boundary in
12 public waters. Where the boundary of a refuge extends more than
13 500 feet continuously through a body of water, instead of
14 placing notices in the water, notices with the words, "Adjacent
15 Waters Included," may be placed on the shoreline at the
16 intersection of the boundary and the water 20 feet or less above
17 the high water mark and at intervals of 500 feet or less along
18 the shoreline.

19 (c) A certification by the commissioner or the director, or
20 a certification filed with the commissioner or director by a
21 conservation officer, refuge supervisor, or other authorized
22 officer or employee, stating that the required notices have been
23 posted is prima facie evidence of the posting. [99.25 s. 7]

24 Subd. 8. [MODIFICATION OR ABANDONMENT.] A state game
25 refuge may be vacated or modified by order of the commissioner.
26 The commissioner may not vacate or modify boundaries of a state
27 game refuge established under subdivision 4 until the
28 requirements of a petition, notice, and hearing have been

29 complied with to vacate or modify the boundaries. [99.25 s. 8]

30 Sec. 17. [97A.091] [HUNTING ON GAME REFUGES.]

31 Subdivision 1. [HUNTING AND POSSESSION OF
32 FIREARMS.] Except as provided in subdivision 2, a person may not
33 take a wild animal, except fish, within a state game refuge. A
34 person may not carry a firearm within a refuge unless the
35 firearm is unloaded and contained in a case, or unloaded and
36 broken down. [99.26 s. 1]

1 Subd. 2. [WHEN HUNTING ALLOWED.] (a) The commissioner may
2 allow hunting of a protected wild animal species within any
3 portion of a state game refuge, including a state park, during
4 the next regular open season. Hunting in a refuge may only be
5 allowed if the commissioner finds:

6 (1) the population of the species exceeds the refuge's
7 carrying capacity;

8 (2) the species is causing substantial damage to
9 agricultural or forest crops in the vicinity;

10 (3) the species or other protected wild animals are
11 threatened by the species population; or

12 (4) a harvestable surplus of the species exists.

13 (b) The commissioner may prescribe rules for any hunting
14 allowed within a refuge. [99.26 s. 2]

15 Subd. 3. [TRAP OR TARGET SHOOTING.] The commissioner may
16 issue special permits, without fee, to the owner or lessee of
17 privately owned land within the boundaries of a state game
18 refuge for trap or target shooting. [98.48 s. 8]

19 Sec. 18. [97A.095] [WATERFOWL PROTECTED AREAS.]

20 Subdivision 1. [MIGRATORY WATERFOWL REFUGES.] The
21 commissioner shall designate by order any part of a state game
22 refuge as a migratory waterfowl refuge if there is presented to
23 the commissioner a petition signed by ten resident licensed
24 hunters describing an area that is primarily a migratory
25 waterfowl refuge. The commissioner shall post the area as a
26 migratory waterfowl refuge. A person may not enter a posted
27 migratory waterfowl refuge during the open migratory waterfowl
28 season unless accompanied by a conservation officer or game
29 refuge manager. [99.26 s. 4]

30 Subd. 2. [WATERFOWL FEEDING AND RESTING AREAS.] The
31 commissioner may, by order designate any part of up to 13 lakes
32 as a migratory feeding and resting area. Before designation,
33 the commissioner must receive a petition signed by at least ten
34 resident licensed hunters describing the area of the lake that
35 is a substantial feeding and resting ground for migratory
36 waterfowl, and find that the statements in the petition are

1 correct, and that adequate, free public access to the lake
2 exists near the designated area. The commissioner shall post
3 the area as a migratory waterfowl feeding and resting area. A
4 person may not enter a posted migratory waterfowl feeding and
5 resting area during the open migratory waterfowl season with
6 watercraft or aircraft propelled by a motor. [99.26 s. 5]

7 Subd. 3. [HUNTING ON MUSKRAT LAKE.] The commissioner may
8 prohibit migratory waterfowl hunting on Muskrat Lake in Beltrami
9 county by posting accordingly. [99.26 s. 5]

10 Sec. 19. [97A.101] [PUBLIC WATER RESERVES AND MANAGEMENT
11 DESIGNATION.]

12 Subdivision 1. [RESERVES.] The commissioner may designate
13 and reserve public waters of the state to propagate and protect
14 wild animals. [97.48 s. 11]

15 Subd. 2. [MANAGEMENT DESIGNATION.] (a) The commissioner
16 may designate, reserve, and manage public waters for wildlife
17 after giving notice and holding a public hearing. The hearing
18 must be held in the county where the major portion of the waters
19 are located. Notice of the hearing must be published in a legal
20 newspaper within each county where the waters are located at
21 least seven days before the hearing.

22 (b) The commissioner may contract with riparian owners for
23 water projects under section 105.39, subdivision 5, and may
24 acquire land, accept local funding, and construct, maintain, and
25 operate structures to control water levels under section 105.48
26 to manage designated waters. [97.48 s. 11]

27 Subd. 3. [FISHING MAY NOT BE RESTRICTED.] Seasons or
28 methods of taking fish may not be restricted under this
29 section. [97.48 s. 11]

30 Sec. 20. [97A.105] [GAME AND FUR FARMS.]

31 Subdivision 1. [LICENSE REQUIREMENTS.] A person may breed
32 and propagate fur-bearing animals, game birds, bear, or deer
33 only on privately owned or leased land and after obtaining a
34 license. "Privately owned or leased land" includes waters that
35 are shallow or marshy, are not actually navigable, and are not
36 of substantial beneficial public use. Before an application for

1 a license is considered, the applicant must enclose the area to
2 sufficiently confine the animals to be raised in a manner
3 approved by the commissioner. A license may be granted only if
4 the commissioner finds the application is made in good faith
5 with intention to actually carry on the business described in
6 the application and the commissioner determines that the
7 facilities are adequate for the business. [99.27, s. 1, 4]

8 Subd. 2. [TRANSFER OF LICENSE.] (a) A game or fur farm
9 license is transferable with the transfer of all or a portion of
10 the title or leasehold of the land if:

11 (1) the land transferred complies with the license
12 requirements;

13 (2) the land is used for the purposes of the license; and

14 (3) a verified written report of the existing and intended
15 land use is made to the commissioner, accompanied by a copy of
16 deed, assignment, lease, or other instrument transferring the
17 corresponding title or leasehold in the enclosed land.

18 (b) A transfer of less than the whole interest in the
19 license is not valid. Each bona fide partner or associate in
20 the ownership or operation of a game or fur farm must obtain a
21 separate license. [99.27 s. 3, 4]

22 Subd. 3. [OWNERSHIP OF WILD ANIMALS.] All wild animals and
23 their offspring, of the species identified in the license, that
24 are within the enclosure are the property of the game and fur
25 farm licensee. [99.27 s. 2]

26 Subd. 4. [SALE OF LIVE ANIMALS.] A sale of live animals
27 from a licensed fur or game farm is not valid unless the animals
28 are delivered to the purchaser or they are identified and kept
29 separately. The sale agreement or contract must be in writing.
30 The licensee must notify a purchaser of the death of an animal
31 within 30 days and of the number of increase before July 20 of
32 each year. [99.27 s. 6]

33 Subd. 5. [SALE OF PELTS.] The commissioner shall prescribe:

34 (1) the manner that pelts and products of wild animals
35 raised on fur or game farms may be sold or transported; and

36 (2) the tags or seals to be affixed to the pelts and

1 products. [99.27 s. 7]

2 Subd. 6. [FOX AND MINK.] Fox and mink may not be bought or
3 sold for breeding or propagating unless they have been pen-bred
4 for at least two generations. [99.27 s. 5]

5 Subd. 7. [TRANSPORTATION OF LIVE BEAVER.] Live beaver may
6 not be transported without a permit from the commissioner.
7 [99.27 s. 5]

8 Subd. 8. [PENALTY.] A licensee that does not comply with a
9 provision of this section subjects all wild animals on the game
10 or fur farm to confiscation. [99.27 s. 7]

11 Sec. 21. [97A.111] [MUSKRAT FARMS.]

12 Subdivision 1. [APPLICATION FOR A LICENSE.] An owner of
13 suitable land may operate a muskrat farm for breeding, raising,
14 trapping, and dealing in muskrats in accordance with this
15 section. A person may apply for a muskrat farm license by
16 filing with the commissioner a signed statement describing the
17 land, title, and number of acres where the farm is to be
18 located. [99.28 s. 1, 2]

19 Subd. 2. [ISSUANCE OF LICENSE.] (a) The commissioner shall
20 investigate the application filed and may require the applicant
21 to produce evidence of the facts stated. The commissioner shall
22 issue a muskrat farm license to an applicant if the commissioner
23 determines that:

24 (1) the applicant is the owner of the land;

25 (2) the applicant intends to establish and operate a
26 muskrat farm; and

27 (3) the establishment of a muskrat farm in the proposed
28 area will conserve the natural resources.

29 (b) The license must describe the land and certify that the
30 licensee is entitled to use the land to breed, raise, trap, and
31 trade muskrats. The license expires on December 31 each year
32 but may be renewed annually at the discretion of the
33 commissioner upon payment of the license fee. [99.28 s. 3, 7]

34 Subd. 3. [OWNERSHIP, TAKING, SALE, AND TRANSPORTATION.] A
35 licensee is the owner of all muskrats on the licensed muskrat
36 farm. The licensee may take and trap the muskrats at any time

1 and in any manner, except by firearm or spear. Muskrats taken
 2 for pelting purposes may only be trapped under a permit issued
 3 by the commissioner. The licensee may sell and transport the
 4 muskrats or their pelts from the muskrat farm at any time. The
 5 pelts must be be tagged as prescribed by the commissioner. The
 6 commissioner shall furnish tags to the licensee at cost. The
 7 tags must be numbered to identify the muskrat farm license.

8 [99.28 s. 4, 11]

9 Subd. 4. [POSTING NOTICE.] Within 30 days after a muskrat
 10 farm license is issued, the licensee must post and maintain
 11 notices on posts, stakes, or enclosures on the boundary of the
 12 farm at intervals of not more than 70 feet. The notices stating
 13 the existence of a muskrat farm must be furnished by the
 14 commissioner to the licensee for 12 cents each. [99.28 s. 6]

15 Subd. 5. [ALTERATION OF BOUNDARIES.] The licensee may not
 16 alter the boundaries of the muskrat farm without consent of the
 17 commissioner. [99.28 s. 12]

18 Subd. 6. [ILLEGAL TAKING.] An unauthorized person who
 19 takes muskrats from a muskrat farm is liable to the licensee for
 20 \$25 and all damages. An action for the trespass and taking must
 21 be brought by the licensee. [99.28 s. 8]

22 Subd. 7. [ANNUAL REPORT.] By March 1 of each year, the
 23 licensee must submit a signed report to the commissioner
 24 covering the preceding calendar year. The report must be
 25 completed on a form furnished by the commissioner stating the
 26 license number, the number and value of muskrats killed,
 27 transported, and sold from the muskrat farm, and other
 28 information required by the commissioner. [99.28 s. 9]

29 Sec. 22. [97A.115] [ESTABLISHMENT OF PRIVATE SHOOTING
 30 PRESERVES.]

31 Subdivision 1. [LICENSES; RULES.] A person must be
 32 licensed to operate a private shooting preserve. The
 33 commissioner may issue a license for a privately owned and
 34 operated shooting preserve if the commissioner determines that
 35 it is in the public interest. The commissioner may make rules
 36 to implement this section and section 23. [100.32]

1 Subd. 2. [GAME AVAILABLE.] Game that may be released and
2 hunted in a licensed shooting preserve must be specified in the
3 license and is limited to pheasant, quail, chukar partridge,
4 turkey, mallard duck, black duck, and other species designated
5 by the commissioner. These game birds must be pen hatched and
6 raised. [100.33, 100.35 s. 2]

7 Subd. 3. [SIZE OF PRESERVE.] A private shooting preserve
8 must be at least 100 but not more than 1,000 contiguous acres,
9 including any water area. A preserve limited to duck hunting
10 may be a minimum of 50 contiguous acres including water area.
11 [100.34 s. 3]

12 Subd. 4. [POSTING OF BOUNDARIES.] The boundaries of a
13 private shooting preserve must be clearly posted in a manner
14 prescribed by the commissioner. [100.34 s. 4]

15 Subd. 5. [REVOCATION OF LICENSE.] The commissioner may
16 revoke a private shooting preserve license if the licensee or
17 persons authorized to hunt in the preserve have been convicted
18 of a violation under this section or section 23. After
19 revocation, a new license may be issued in the discretion of the
20 commissioner. [100.37]

21 Sec. 23. [97A.121] [HUNTING IN PRIVATE SHOOTING
22 PRESERVES.]

23 Subdivision 1. [HUNTER'S LICENSE.] A person hunting in a
24 private shooting preserve must have the licenses required by law
25 for the hunting of game birds. A nonresident may obtain a
26 special private shooting preserve license that is valid for the
27 entire preserve season for the same fee as a resident small game
28 hunting license. [100.35 s. 3]

29 Subd. 2. [SEASON.] The season for hunting in private
30 shooting preserves is from September 1 through March 31. The
31 commissioner may restrict the season after receiving a
32 complaint, holding a public hearing, and finding that the
33 population of wild game birds is in danger by hunting in the
34 preserve. [100.36]

35 Subd. 3. [OPERATOR MAY ESTABLISH RESTRICTIONS.] A private
36 shooting preserve licensee may determine who is allowed to hunt

1 in the preserve. In each preserve the licensee may establish
 2 the charge for taking game, the shooting hours, the season,
 3 limitations, and restrictions on the age, sex, and number of
 4 each species that may be taken by a hunter. These provisions
 5 may not conflict with this section or section 22 and may not be
 6 less restrictive than any rule or order. [100.35 s. 4]

7 Subd. 4. [LIMITS AND MARKING OF GAME BIRDS.] The
 8 commissioner shall prescribe the minimum number of each
 9 authorized species that may be released and the percentage of
 10 each species that may be taken. The commissioner shall
 11 prescribe methods for identifying birds to be released. [100.35
 12 s. 7]

13 Subd. 5. [MARKING HARVESTED GAME.] Harvested game, except
 14 ducks that are marked in accordance with regulations of the
 15 United States fish and wildlife service, must be tagged with a
 16 self-sealing tag, identifying the private shooting preserve.
 17 The commissioner shall issue the tags at a cost of 15 cents
 18 each. The tag must remain attached on the bird until the bird
 19 is actually prepared for consumption. [100.35 s. 5]

20 Subd. 6. [RECORDKEEPING.] A private shooting preserve
 21 licensee must maintain a registration book listing the names,
 22 addresses, and hunting license numbers of all hunters, the date
 23 when they hunted, the amount and species of game taken, and the
 24 tag numbers affixed to each bird. A record must be kept of the
 25 number of each species raised and purchased and the date and
 26 number of each species released. The records must be open to
 27 inspection by the commissioner at all reasonable times. [100.35
 28 s. 6]

29 Sec. 24. [97A.125] [WILDLIFE HABITAT ON PRIVATE LAND.]
 30 The commissioner may enter into agreements with landowners
 31 to develop or improve wildlife habitat on private land and
 32 provide financial, technical, and professional assistance and
 33 material. [97.48 s. 27]

34 Sec. 25. [97A.131]. [GAME FARMS AND HATCHERIES.]
 35 The commissioner may acquire property by gift, lease,
 36 purchase, or condemnation and may construct, maintain, operate,

1 and alter facilities for game farms and hatcheries. [97.48 s.
2 12]

3 Sec. 26. [97A.135] [ACQUISITION OF WILDLIFE LANDS.]

4 Subdivision 1. [PUBLIC HUNTING AND WILDLIFE AREAS.] (a)
5 The commissioner or the commissioner of administration shall
6 acquire and improve land for public hunting, game refuges, and
7 food and cover planting. The land may be acquired by a gift,
8 lease, easement, or condemnation. At least two-thirds of the
9 total area acquired in a county must be open to public hunting.
10 The commissioner may designate land acquired under this
11 subdivision a wildlife management area for the purposes of the
12 outdoor recreation system. [97.48 s. 13]

13 (b) The commissioner of administration may transfer money
14 to the commissioner for acquiring wetlands to qualify for
15 Pittman-Robertson funds. The transferred money is
16 reappropriated to the commissioner for the wetland acquisition.
17 [97.48 s. 28]

18 Subd. 2. [DISPOSAL OF UNSUITABLE HUNTING AREAS.] The
19 commissioner shall sell or exchange land acquired for public
20 hunting that is unnecessary or unsuitable. The land may not be
21 sold for less than its purchase price. The land may be
22 exchanged for land of equal value that adds to existing public
23 hunting areas. The sales and exchanges must be approved by the
24 executive council. [97.48 s. 14]

25 Sec. 27. [97A.141] [PUBLIC WATER ACCESS SITES.]

26 Subdivision 1. [ACQUISITION; GENERALLY.] The commissioner
27 shall acquire access sites adjacent to public waters and
28 easements and rights-of-way necessary to connect the access
29 sites with public highways. The land may be acquired by gift,
30 lease, or purchase, or by condemnation with approval of the
31 executive council. An access site may not exceed seven acres
32 and may only be acquired where access is inadequate. [97.48 s.
33 15]

34 Subd. 2. [ACQUISITION; LIMITATIONS.] Access sites may not
35 be acquired under this section adjacent to public waters that
36 are unmeandered or completely surrounded by land owned and

1 maintained for the purpose of an educational or religious
2 institution. Access sites adjacent to public waters that
3 contain less than 200 acres within the meander lines may not be
4 acquired by condemnation and may only be acquired if:

5 (1) the public water contains at least 150 acres within the
6 meander lines; or

7 (2) the public waters are to be managed intensively for
8 fishing. [97.48 s. 15]

9 Subd. 3. [MAINTENANCE.] The commissioner shall maintain
10 the sites, easements, and rights-of-way acquired under this
11 section. The commissioner may make an agreement for the
12 maintenance of the site easements and rights-of-way with a
13 county board if the connecting public highway is a county
14 state-aid highway or county highway, or the town board if the
15 connecting highway is a town road. The county board and town
16 board may spend money from its road and bridge funds for
17 maintenance under the agreement. [97.48 s. 15]

18 Sec. 28. [97A.145] [WETLANDS FOR WILDLIFE.]

19 Subdivision 1. [ACQUISITION; GENERALLY.] (a) The
20 commissioner or the commissioner of administration may acquire
21 wetlands and bordering areas, including marshes, ponds, small
22 lakes, and stream bottoms for water conservation relating to
23 wildlife development. The lands that are acquired may be
24 developed for wildlife, recreation, and public hunting. The
25 wetlands may be acquired by gift, lease, purchase, or exchange
26 of state lands.

27 (b) The commissioner may also acquire land owned by the
28 state and tax-forfeited land that is suitable for wildlife
29 development. The wetlands may not be acquired unless public
30 access by right-of-way or easement from a public road is also
31 acquired or available. In acquiring wetlands under this section
32 the commissioner shall assign highest priority to type 3 and 4
33 wetlands, as defined in United States Fish and Wildlife Service
34 Circular No. 39 (1971 edition), that are public waters. Lands
35 purchased or leased under this section may not be used to
36 produce crops unless needed for wildlife. The commissioner may

1 designate land acquired under this section as a wildlife
2 management area for purposes of the outdoor recreation system.
3 [97.48 s. 28; 97.481 s. 1]

4 Subd. 2. [ACQUISITION PROCEDURE.] (a) Lands purchased or
5 leased under this section must be acquired in accordance with
6 this subdivision.

7 (b) The commissioner must notify the county board and the
8 town officers where the land is located and furnish them a
9 description of the land to be acquired. The county board must
10 approve or disapprove the proposed acquisition within 90 days
11 after being notified. The commissioner may extend the time up
12 to 30 days. The soil and water conservation district
13 supervisors shall counsel the county board on drainage and flood
14 control and the best utilization and capability of the land.

15 (c) If the county board approves the acquisition within the
16 prescribed time, the commissioner may acquire the land.

17 (d) If the county board disapproves the acquisition, it
18 must state valid reasons. The commissioner may not purchase or
19 lease the land if the county board disapproves the acquisition
20 and states its reasons within the prescribed time period. The
21 landowner or the commissioner may appeal the disapproval to the
22 district court having jurisdiction where the land is located.

23 (e) The commissioner or the owner of the land may submit
24 the proposed acquisition to the land exchange board if: (1) the
25 county board does not give reason for disapproval, or does not
26 approve or disapprove the acquisition within the prescribed time
27 period; or (2) the court finds that the disapproval is arbitrary
28 and capricious, or that the reasons stated for disapproval are
29 invalid.

30 (f) The land exchange board must conduct a hearing and make
31 a decision on the acquisition within 60 days after receiving the
32 proposal. The land exchange board must give notice of the
33 hearing to the county board, the commissioner, the landowner,
34 and other interested parties. The land exchange board must
35 consider the interests of the county, the state, and the
36 landowner in determining whether the acquisition is in the

1 public interest. If a majority of the land exchange board
2 members approves the acquisition, the commissioner may acquire
3 the land. If a majority disapproves, the commissioner may not
4 purchase or lease the land. [97.481 s. 2]

5 Subd. 3. [MANAGEMENT.] If a drainage outlet is petitioned
6 and drainage proceedings are conducted under the drainage code,
7 chapter 106A, the commissioner should not interfere with or
8 unnecessarily delay the proceedings. [97.481 s. 1]

9 Sec. 29. [97A.151] [LEECH LAKE INDIAN RESERVATION
10 AGREEMENT.]

11 Subdivision 1. [PURPOSE.] The purpose of this section is
12 to give recognition and effect to the rights of the Leech Lake
13 Band of Chippewa Indians that are preserved by federal treaty
14 relating to hunting, fishing, and trapping, and to the gathering
15 of wild rice on the Leech Lake Indian reservation. These rights
16 have been recognized and given effect by the decision of the
17 United States District Court in the following entitled actions:
18 Leech Lake Band of Chippewa Indians, et al v. Robert L. Herbst,
19 No. 3-69 Civ. 65; and United States of America v. State of
20 Minnesota, No. 3-70 Civ. 228. The state of Minnesota desires to
21 settle all outstanding issues and claims relating to the above
22 rights. [97.431 s. 1]

23 Subd. 2. [DEFINITIONS.] The definitions in this
24 subdivision apply to this section.

25 (a) "Band" means the Leech Lake Band of Chippewa Indians.

26 (b) "Committee" means the reservation business committee of
27 the Leech Lake Band of Chippewa Indians.

28 (c) "Reservation" means the Leech Lake Indian reservation
29 described in the settlement agreement.

30 (d) "Settlement agreement" means the document entitled
31 "Agreement and Settlement" on file and of record in the United
32 States District Court for the District of Minnesota, Third
33 Division, in the following entitled actions: Leech Lake Band of
34 Chippewa Indians, et al v. Robert L. Herbst, No. 3-69 Civ. 65;
35 and United States of America v. State of Minnesota, No. 3-70
36 Civ. 228. [97.431 s. 2]

1 Subd. 3. [RATIFICATION OF SETTLEMENT AGREEMENT.]

2 Notwithstanding the provisions of any other law to the contrary,
3 the state of Minnesota by this section ratifies and affirms the
4 agreement set forth in the settlement agreement. [97.431 s. 3]

5 Subd. 4. [COMMISSIONER'S POWERS AND DUTIES.] (a)

6 Notwithstanding the provisions of any other law to the contrary,
7 the commissioner, on behalf of the state of Minnesota, shall
8 take all actions, by order or otherwise, necessary to carry out
9 the duties and obligations of the state of Minnesota arising
10 from the agreement entered into by the parties to the settlement
11 agreement.

12 (b) These actions include but are not limited to the
13 following:

14 (1) the implementation of the exemption of members of the
15 band and other members of the Minnesota Chippewa tribe from
16 state laws relating to hunting, fishing, trapping, the taking of
17 minnows and other bait, and the gathering of wild rice within
18 the reservation, together with exemption from related possession
19 and transportation laws, to the extent necessary to effectuate
20 the terms of the settlement agreement;

21 (2) the establishment of a system of special licenses and
22 related license fees for persons who are not members of the
23 Minnesota Chippewa tribe for the privilege of hunting, fishing,
24 trapping, or taking minnows and other bait within the
25 reservation. All money collected by the commissioner for
26 special licenses shall be deposited in the state treasury and
27 credited to the Leech Lake Band and White Earth Band special
28 license account, which is hereby created. All money in the
29 state treasury credited to the Leech Lake Band and White Earth
30 Band special license account, less any deductions for
31 administrative costs authorized by the terms of the settlement
32 agreement, is appropriated to the commissioner who shall remit
33 the money to the committee pursuant to the terms of the
34 settlement agreement;

35 (3) to the extent necessary to effectuate the terms of the
36 settlement agreement, the promulgation of rules for the

1 harvesting of wild rice within the reservation by non-Indians;
2 (4) to the extent necessary to effectuate the terms of the
3 settlement agreement, the establishment of policies and
4 procedures for the enforcement by conservation officers of the
5 conservation code adopted by the band; and

6 (5) the arbitration of disputes arising under the terms of
7 the settlement agreement. [97.431 s. 4]

8 Sec. 30. [97A.155] [AMENDMENTS TO LEECH LAKE INDIAN
9 RESERVATION AGREEMENT.]

10 Subdivision 1. [PAYMENT IN LIEU OF SPECIAL LICENSES.] The
11 commissioner may enter into an agreement with authorized
12 representatives of the Leech Lake Band of Chippewa Indians to
13 amend the settlement agreement adopted by section 29 by
14 providing that in lieu of the system of special licenses and
15 license fees for persons who are not members of the Minnesota
16 Chippewa tribe for the privilege of hunting, fishing, trapping,
17 or taking minnows and other bait within the reservation, five
18 percent of the proceeds from all licenses sold in the state for
19 hunting, fishing, trapping, and taking minnows and other bait
20 shall be credited to the special license account established by
21 section 29. The funds shall be remitted to the Leech Lake Band
22 in the manner and subject to the terms and conditions that may
23 be mutually agreed upon. [97.433 s. 2]

24 Subd. 2. [PAYMENT IN LIEU OF MIGRATORY WATERFOWL STAMP
25 FEE.] The commissioner may enter into an agreement with the
26 reservation business committee of the Leech Lake Indian
27 Reservation to amend the settlement agreement adopted in section
28 29 by providing that in lieu of collecting an additional fee in
29 connection with the state migratory waterfowl stamp for the
30 privilege of hunting waterfowl on the Leech Lake Indian
31 Reservation five percent of the proceeds from the sale of state
32 migratory waterfowl stamps shall be credited to the special
33 license account established by section 29. The funds shall be
34 remitted to the Leech Lake reservation business committee in the
35 manner and subject to the terms and conditions provided in
36 section 29. [97.432]

1 Sec. 31. [97A.161] [AGREEMENT WITH WHITE EARTH INDIANS.]

2 The commissioner may enter into an agreement with
 3 authorized representatives of the White Earth Band of Chippewa
 4 Indians on substantially the same terms as the agreement adopted
 5 by section 29 and amended under section 30; except that the
 6 agreement shall provide that 2-1/2 percent of the proceeds from
 7 all licenses sold in the state for hunting, fishing, trapping,
 8 and taking of minnows and other bait shall be credited to the
 9 special license account established by section 29. The funds
 10 shall be remitted to the White Earth Band in the manner and
 11 subject to the terms and conditions that may be mutually agreed
 12 upon. An agreement negotiated under this section shall be for a
 13 term of at least four years following the date of its
 14 execution. [97.433 s. 1]

15 Sec. 32. [97A.165] [SOURCE OF PAYMENTS FOR INDIAN

16 AGREEMENT.]

17 Money to make payments to the Leech Lake Band and White
 18 Earth Band special license account under sections 94.16 and
 19 section 29, subdivision 4, is annually appropriated for that
 20 purpose in a ratio of 60 percent from the game and fish fund and
 21 40 percent from the general fund. [97.433 s. 3]

22 ENFORCEMENT

23 Sec. 33. [97A.201] [ENFORCEMENT.]

24 Subdivision 1. [ENFORCEMENT BY THE COMMISSIONER.] The
 25 commissioner shall execute and enforce the laws relating to wild
 26 animals. The commissioner may delegate execution and
 27 enforcement of the wild animal laws to the director, game refuge
 28 managers, and conservation officers. [84.083, 97.48 s. 7]

29 Subd. 2. [DUTY OF COUNTY ATTORNEYS AND PEACE
 30 OFFICERS.] County attorneys and all peace officers must enforce
 31 the game and fish laws. [97.52 s. 1]

32 Sec. 34. [97A.205] [ENFORCEMENT OFFICER POWERS.]

33 An enforcement officer is authorized to:

34 (1) execute and serve court issued warrants and processes
 35 relating to wild animals, wild rice, public waters, water
 36 pollution, conservation, and use of water, in the same manner as

- 1 a constable or sheriff; [97.50 s. 1]
- 2 (2) enter any land to carry out the duties and functions of
- 3 the division; [97.50 s. 2]
- 4 (3) make investigations of violations of the game and fish
- 5 laws; [97.50 s. 2]
- 6 (4) take an affidavit, if it aids an investigation; [97.50
- 7 s. 2]
- 8 (5) arrest, without a warrant, a person that is detected in
- 9 the actual violation of the game and fish laws, a provision of
- 10 chapters 84A, 85, 86A, 88 to 106A, 361, and sections 18.341 to
- 11 18.436; 609.66, subdivision 1, clauses (1), (2), (5), and (7);
- 12 and 609.68; and [97.50 s. 1]
- 13 (6) take an arrested person before a court in the county
- 14 where the offense was committed and make a complaint. [97.50 s.
- 15 1]

16 Sec. 35. [97A.211] [ARREST PROCEDURES.]

17 Subdivision 1. [NOTICE TO APPEAR IN COURT.] (a) A person

18 must be given notice to appear in court for a misdemeanor

19 violation of the game and fish laws, chapters 84, 105, or 106,

20 or section 609.68 if:

- 21 (1) the person is arrested and is released from custody
- 22 prior to appearing before a court; or
- 23 (2) the person is subject to a lawful arrest and is not
- 24 arrested because it reasonably appears to the enforcement
- 25 officer that arrest is unnecessary to prevent further criminal
- 26 conduct and that there is a substantial likelihood that the
- 27 person will respond to a notice.

28 (b) The enforcement officer shall prepare, in

29 quadruplicate, a written notice to appear in court. The notice

30 must be in the form and has the effect of a summons and

31 complaint. The notice must contain the name and address of the

32 person charged, the offense, and the time and the place to

33 appear in court. The court must have jurisdiction within the

34 county where the offense is alleged to have been committed.

35 [97.50 s. 1]

36 Subd. 2. [RELEASE AFTER ARREST.] A person arrested for a

1 misdemeanor violation of the game and fish laws, chapters 84,
 2 105, or 106 or section 609.68 may obtain release by signing the
 3 written notice prepared by the arresting officer promising to
 4 appear in court. The officer shall deliver a copy marked
 5 "SUMMONS" to the person arrested. The officer must then release
 6 the person from custody. [97.50 s. 1]

7 Subd. 3. [COURT APPEARANCE.] On or before the court
 8 appearance date, the enforcement officer must deliver the
 9 summons and complaint to the court. If the person summoned
 10 fails to appear in court on the day specified, the court shall
 11 issue a warrant for the person's arrest. [97.50 s. 1]

12 Sec. 36. [97A.215] [INSPECTIONS.]

13 Subdivision 1. [STORAGE OF WILD ANIMALS.] (a) An
 14 enforcement officer may enter and inspect any commercial cold
 15 storage warehouse, hotel, restaurant, ice house, locker plant,
 16 butcher shop, and other building used to store dressed meat,
 17 game, or fish, to determine whether wild animals are kept and
 18 stored in compliance with the game and fish laws.

19 (b) When an enforcement officer has probable cause to
 20 believe that wild animals taken or possessed in violation of the
 21 game and fish laws are present, the officer may:

22 (1) enter and inspect any place or vehicle; and
 23 (2) open and inspect any package or container. [97.45 s.
 24 14; 97.50 s. 3]

25 Subd. 2. [RECORDS.] An enforcement officer may inspect the
 26 relevant records of any person that the officer has probable
 27 cause to believe has violated the game and fish laws. [97.50 s.
 28 3]

29 Subd. 3. [LICENSED ACTIVITY.] An enforcement officer may,
 30 at reasonable times:

31 (1) enter and inspect the premises of an activity requiring
 32 a license under the game and fish laws; and [97.50 s. 4]

33 (2) stop and inspect a motor vehicle requiring a license
 34 under the game and fish laws. [97.50's. 9]

35 Sec. 37. [97A.221] [CONFISCATION OF PROPERTY.]

36 Subdivision 1. [PROPERTY SUBJECT TO CONFISCATION.] (a) An

1 enforcement officer may confiscate:

2 (1) wild animals, wild rice, and other aquatic vegetation
3 taken, bought, sold, transported, or possessed in violation of
4 the game and fish laws or chapter 84; and

5 (2) firearms, bows and arrows, nets, boats, lines, poles,
6 fishing rods and tackle, lights, lanterns, snares, traps,
7 spears, dark houses, fish houses, and wild rice harvesting
8 equipment used, with the owner's knowledge to unlawfully take or
9 transport wild animals, wild rice, or other aquatic vegetation.

10 (b) An enforcement officer must confiscate nets and
11 equipment unlawfully possessed within 10 miles of Lake of the
12 Woods or Rainy Lake.

13 (c) Confiscated property may be disposed of, retained for
14 use by the division, or sold at the highest price obtainable as
15 prescribed by the commissioner. [97.50 s. 5, 102.26 s. 5]

16 Subd. 2. [CONFISCATION OF COMMINGLED SHIPMENTS.] A whole
17 shipment or parcel is contraband if two or more wild animals are
18 shipped or possessed in the same container, vehicle, or room, or
19 in any way commingled, and any of the animals are contraband.
20 Confiscation of any part of a shipment includes the entire
21 shipment. [97.46]

22 Sec. 38. [97A.225] [SEIZURE AND CONFISCATION OF MOTOR
23 VEHICLES AND BOATS.]

24 Subdivision 1. [SEIZURE.] (a) An enforcement officer must
25 seize all motor vehicles used to:

26 (1) shine wild animals in violation of article 2, section
27 17, subdivision 1;

28 (2) transport big game animals illegally taken or
29 fur-bearing animals illegally purchased; or

30 (3) transport minnows in violation of article 3, sections
31 46, 49, or 51.

32 (b) An enforcement officer must seize all boats and motors
33 used in netting fish on Lake of the Woods, Rainy Lake, Lake
34 Superior, Namakan Lake, and Sand Point Lake in violation of
35 licensing or operating requirements of section 68, subdivisions
36 31, 32, 33, or 37, or article 3, sections 65, 66, or 67, or an

1 order or rule of the commissioner relating to these provisions.
2 [97.50 s. 6]

3 Subd. 2. [PROCEDURE FOR CONFISCATION OF PROPERTY SEIZED.]
4 The enforcement officer must hold the seized property, subject
5 to the order of the court having jurisdiction where the offense
6 was committed. The property held is confiscated when the
7 commissioner complies with this section and the person from whom
8 it was seized is convicted of the offense. [97.50 s. 6]

9 Subd. 3. [COMPLAINT AGAINST PROPERTY.] The commissioner
10 shall file with the court a separate complaint against the
11 property held. The complaint must identify the property,
12 describe its use in the violation, and specify the time and
13 place of the violation. A copy of the complaint must be served
14 upon the defendant or the owner of the property. [97.50 s. 6]

15 Subd. 4. [RELEASE OF PROPERTY AFTER POSTING BOND.] At any
16 time after seizure of the property specified in this section,
17 the property must be returned to the owner or person having the
18 legal right to possession upon execution of a valid bond to the
19 state with a corporate surety. The bond must be approved by a
20 judge of the court of jurisdiction, conditioned to abide by an
21 order and judgment of the court and to pay the full value of the
22 property at the time of seizure. The bond must be for \$100 or
23 for a greater amount not more than twice the value of the
24 property seized. [97.50 s. 6]

25 Subd. 5. [COURT ORDER.] (a) If the person arrested is
26 acquitted, the court shall dismiss the complaint against the
27 property and order it returned to the person legally entitled to
28 it.

29 (b) Upon conviction of the person, the court shall issue an
30 order directed to any person that may have any right, title, or
31 interest in, or lien upon, the seized property. The order must
32 describe the property and state that it was seized and that a
33 complaint against it has been filed. The order shall require a
34 person claiming right, title, or interest in, or lien upon, the
35 property to file with the clerk of court an answer to the
36 complaint, stating the claim, within ten days after the service

1 of the order. The order shall contain a notice that if the
2 person fails to file an answer within the time limit, the
3 property may be ordered sold by the commissioner.

4 (c) The court order must be served upon any person known or
5 believed to have any right, title, interest, or lien in the same
6 manner as provided for service of a summons in a civil action,
7 and upon unknown persons by publication, in the same manner as
8 provided for publication of a summons in a civil action. (97.50
9 s. 6]

10 Subd. 6. [COURT ORDERED SALE AFTER NO ANSWER.] If an
11 answer is not filed within the time provided in subdivision 5,
12 the court administrator shall notify the court and the court
13 shall order the commissioner to sell the property. The net
14 proceeds of the sale shall be deposited in the state treasury
15 and credited to the game and fish fund. [97.50 s. 6]

16 Subd. 7. [HEARING AFTER ANSWER.] If an answer is filed
17 within the time provided in subdivision 5, the court shall
18 schedule a hearing within ten to 30 days after the time expired
19 for filing the answer. The court, without a jury, shall
20 determine whether any of the property was used in a violation
21 specified in the complaint and whether the owner had knowledge
22 or reason to believe that the property was being used, or
23 intended to be used, in the violation. The court shall order
24 the commissioner to sell the property that was unlawfully used
25 with knowledge of the owner and to return to the owner property
26 that was not unlawfully used with the knowledge of the owner.
27 If the property is to be sold, the court shall determine the
28 priority of liens against the property and whether the
29 lienholders had knowledge that the property was being used or
30 was intended to be used. Lienholders that had knowledge of the
31 property's use in the violation are not to be paid. The court
32 order must state the priority of the liens to be paid. [97.50 s
33 6]

34 Subd. 8. [PROCEEDS OF SALE.] After determining the expenses
35 of seizing, keeping, and selling the property, the commissioner
36 must pay the liens from the proceeds according to the court

1 order. The remaining proceeds shall be deposited in the state
2 treasury and credited to the game and fish fund. [97.50 s. 6]

3 Subd. 9. [CANCELATION OF SECURITY INTERESTS.] A sale under
4 this section cancels all liens on and security interests in the
5 property sold. [97.50 s. 6]

6 Sec. 39. [97A.231] [SEARCH WARRANTS.]

7 Upon complaint establishing that the complainant has
8 probable cause to believe that a wild animal taken, bought,
9 sold, transported, or possessed in violation of the game and
10 fish laws, or contraband is concealed or illegally kept in a
11 place, a judge, authorized to issue warrants in criminal cases,
12 may issue a search warrant. The judge may direct that the place
13 be entered, broken open, and examined. Property seized under
14 the warrant shall be safely kept under the direction of the
15 court so long as necessary for the purpose of being used as
16 evidence in a trial and subsequently disposed of as otherwise
17 provided. [97.50 s.7]

18 Sec. 40. [97A.235] [JURISDICTION OVER BOUNDARY WATERS.]

19 Courts in counties having jurisdiction adjacent to boundary
20 waters and enforcement officers have jurisdiction over the
21 entire boundary waters. The courts and enforcement officers of
22 North Dakota, South Dakota, Iowa, Wisconsin, and Michigan have
23 concurrent jurisdiction over boundary waters. [97.50 s. 8]

24 Sec. 41. [97A.241] [RECIPROCITY WITH OTHER STATES IN
25 APPOINTING OFFICERS.]

26 Subdivision 1. [OFFICERS OF OTHER JURISDICTIONS AS SPECIAL
27 CONSERVATION OFFICERS.] With approval of the proper authority of
28 another state or the United States, the commissioner may appoint
29 any salaried and bonded officer of that jurisdiction authorized
30 to enforce its wild animal laws a special conservation officer
31 of this state. A special conservation officer is subject to the
32 supervision and control of and serves at the pleasure of the
33 commissioner, but may not be compensated by this state. A
34 special conservation officer has powers of and is subject to the
35 liabilities of conservation officers of this state, except as
36 otherwise directed by the commissioner. [97.501 s. 2]

1 Subd. 2. [OFFICERS OF THIS STATE AS OFFICERS OF OTHER
 2 JURISDICTIONS.] An enforcement officer or peace officer of this
 3 state may enforce wild animal laws of another state, or the
 4 United States, under conditions prescribed by the commissioner.
 5 The officer may serve under the laws of another jurisdiction to
 6 the extent they are compatible with the duties of an officer of
 7 this state. [97.501 s. 3]

8 Subd. 3. [RECIPROCAL EFFECT.] This section is effective
 9 with respect to another state or the United States to the extent
 10 that there is a similar provision in effect in that jurisdiction
 11 with respect to this state. [97.501 s. 1]

12 Sec. 42. [97A.245] [REWARDS.]

13 The commissioner may pay rewards for information leading to
 14 the conviction of a person that has violated a provision of laws
 15 relating to wild animals or threatened or endangered species of
 16 wildlife. A reward may not exceed \$500, except a reward for
 17 information relating to big game or threatened or endangered
 18 species of wildlife, may be up to \$1,000. The rewards may only
 19 be paid from funds donated to the commissioner for these
 20 purposes and may not be paid to salaried conservation officers
 21 or peace officers. [97.51] .

22 Sec. 43. [97A.251] [OBSTRUCTION OF OFFICERS.]

23 Subdivision 1. [UNLAWFUL CONDUCT.] A person may not:

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

27 (2) refuse to submit to inspection of firearms while in the
 28 field, licenses, or wild animals; or

29 (3) refuse to allow inspection of a motor vehicle, boat, or
 30 other conveyance used while taking or transporting wild
 31 animals. [97.52 s. 2]

32 Subd. 2. [CIVIL ACTIONS.] In addition to criminal
 33 prosecution, the state may bring a civil action to recover
 34 damages resulting from and enjoin the continuance of a violation
 35 of this section. The civil actions may be brought by the
 36 attorney general on the request of the commissioner. [97.52 s.

1 3] .

2 Sec. 44. [97A.255] [PROSECUTIONS.]

3 Subdivision 1. [STATUTE OF LIMITATIONS.] A prosecution
 4 under the game and fish laws may not be brought more than three
 5 years after commission of the offense. [97.54 s. 1]

6 Subd. 2. [BURDEN OF PROOF.] In a prosecution that alleges
 7 animals have been taken, bought, sold, transported, or possessed
 8 in violation of the game and fish laws, the burden of
 9 establishing that the animals were domesticated, reared in a
 10 private preserve, raised in a private fish hatchery, taken for
 11 scientific purposes, or lawfully taken outside of this state, is
 12 on the defendant. [97.54 s. 2]

13 Subd. 3. [PRESUMPTION OF ILLEGAL TAKING.] Possession of
 14 protected wild animals more than five days after the close of
 15 the season, or in excess of the prescribed limits is presumptive
 16 evidence that the animals were unlawfully taken, except as to
 17 those tagged, sealed, or identified under the game and fish
 18 laws. [97.54 s. 3]

19 Subd. 4. [EACH VIOLATION A SEPARATE OFFENSE.] Each wild
 20 animal unlawfully taken, bought, sold, transported, or possessed
 21 is a separate offense. If acquitted, a person may not be
 22 prosecuted for a similar offense involving another animal in the
 23 same incident. [97.55 s. 1]

24 PENALTIES

25 Sec. 45. [97A.301] [GENERAL PENALTY PROVISIONS.]

26 Subdivision 1. [MISDEMEANOR.] Unless a different penalty
 27 is prescribed, a person is guilty of a misdemeanor if that
 28 person:

29 (1) takes, buys, sells, transports or possesses a wild
 30 animal in violation of the game and fish laws;

31 (2) aids or assists in committing the violation;

32 (3) knowingly shares in the proceeds of the violation;

33 (4) fails to perform a duty or comply with a requirement of
 34 the game and fish laws;

35 (5) knowingly makes a false statement related to an
 36 affidavit regarding a violation of the game and fish laws; or

1 (6) violates or attempts to violate an order or rule under
 2 the game and fish laws. [97.55 s. 1, 2, 3, 4, 11]

3 Subd. 2. [GROSS MISDEMEANOR.] Unless a different penalty
 4 is prescribed, a person convicted of violating a provision of
 5 the game and fish laws that is defined as a gross misdemeanor is
 6 subject to a fine of not less than \$100 nor more than \$3,000 and
 7 imprisonment in the county jail for not less than 90 days or
 8 more than one year. [97.55 s. 5]

9 Sec. 46. [97A.305] [IMPERSONATION OF AN ENFORCEMENT
 10 OFFICER.]

11 A person that purports to be acting in an official capacity
 12 and causes another to be injured or defrauded while falsely
 13 impersonating an enforcement officer or other officer acting
 14 under authority of the game and fish laws, or falsely claiming
 15 to have special authority under those laws, is guilty of a gross
 16 misdemeanor. [97.55 s. 6]

17 Sec. 47. [97A.311] [LICENSES.]

18 Subdivision 1. [ALTERATION OF A LICENSE.] A person that
 19 alters a license in a material manner is guilty of a
 20 misdemeanor. [97.55 s. 12]

21 Subd. 2. [FALSE STATEMENT.] A person that knowingly makes
 22 a false statement related to an application for a license, a
 23 license, or certificate, required by or issued under the game
 24 and fish laws, is guilty of a misdemeanor. [97.48 s. 22; 97.55
 25 s. 11]

26 Subd. 3. [LICENSE AGENT VIOLATIONS.] A license agent that
 27 knowingly issues a license to an ineligible person or predates a
 28 license is guilty of a misdemeanor. [97.55 s. 11]

29 Subd. 4. [SUSPENSION OF LICENSE.] In addition to other
 30 penalties, a license agent that violates a law, rule, or order
 31 of the commissioner relating to license sales, handling, or
 32 accounting forfeits the right to sell and handle licenses for a
 33 period of one year. [98.50 s. 7]

34 Sec. 48. [97A.315] [TRESPASS.]

35 Subdivision 1. [CRIMINAL PENALTIES.] (a) A person that
 36 violates a provision of article 2, section 1, relating to

1 trespass is guilty of a misdemeanor except as provided in
 2 paragraph (b).

3 (b) A person is guilty of a gross misdemeanor if the person:

4 (1) knowingly disregards signs prohibiting trespass;

5 (2) trespasses after personally being notified by the
 6 landowner or lessee not to trespass; or

7 (3) is convicted of violating this section more than once
 8 in a three-year period. [100.273 s. 9]

9 Subd. 2. [LICENSE REVOCATIONS.] (a) If a person convicted
 10 under subdivision 1 of trespassing while exercising or
 11 attempting to exercise an activity licensed under the game and
 12 fish laws or requiring snowmobile registration under section
 13 84.82, the applicable license and registration are null and
 14 void. [100.273 s. 9]

15 (b) A person convicted of a gross misdemeanor under
 16 subdivision 1, paragraph (b), may not be issued a license to
 17 take game for two years after the conviction. [100.273 s. 9]

18 Sec. 49. [97A.321] [DOGS PURSUING OR KILLING BIG GAME.]

19 The owner of a dog that kills or pursues a big game animal
 20 is guilty of a petty misdemeanor and is subject to a civil
 21 penalty of up to \$500 for each violation. [100.29 s. 19]

22 Sec. 50. [97A.325] [PENALTIES FOR UNLAWFULLY BUYING OR
 23 SELLING WILD ANIMALS.]

24 Subdivision 1. [GROSS MISDEMEANOR FOR SALES OF \$300 OR
 25 MORE.] (a) A person that buys or sells protected wild animals in
 26 violation of the game and fish laws where the sales total \$300
 27 or more is guilty of a gross misdemeanor. The person is subject
 28 to the penalty in section 45, subdivision 2, except that the
 29 fine is not less than \$3,000 or more than \$10,000.

30 (b) Licenses possessed by a person convicted under this
 31 subdivision are null and void and the person may not take wild
 32 animals for three years after the conviction. [97.55 s. 16]

33 Subd. 2. [DEER; MOOSE; ELK; CARIBOU.] Except as provided
 34 in subdivision 1, a person that violates a provision of the game
 35 and fish laws relating to buying or selling deer, moose, elk, or
 36 caribou is guilty of a gross misdemeanor. [97.55 s. 8, 9;

1 100.29 s. 11]

2 Subd. 3. [SMALL GAME AND GAME FISH.] Except as provided in
3 subdivision 1, a person that buys or sells small game or game
4 fish in violation of the game and fish laws where the sales
5 total \$50 or more is guilty of a gross misdemeanor. [97.55 s.
6 15]

7 Subd. 4. [FUR-BEARING ANIMALS.] Except as provided in
8 subdivision 1, a person that buys fur-bearing animals in
9 violation of the game and fish laws is guilty of a gross
10 misdemeanor. [100.29 s. 11; 97.55 s. 9]

11 Sec. 51. [97A.331] [PENALTIES RELATED TO HUNTING.]

12 Subdivision 1. [HUNTING WHILE INTOXICATED OR USING
13 NARCOTIC DRUGS.] A person that violates a provision relating to
14 hunting while visibly intoxicated or under the influence of a
15 narcotic drug under article 2, section 14, is guilty of a gross
16 misdemeanor. [97.55 s. 10]

17 Subd. 2. [SHINING.] A person that violates article 2,
18 section 17, relating to the use of an artificial light to locate
19 wild animals while in possession of a firearm, bow, or other
20 implement capable of killing big game is guilty of a gross
21 misdemeanor. [97.55 s. 9]

22 Subd. 3. [TRANSPORTING ILLEGAL BIG GAME.] A person that
23 knowingly transports big game taken in violation of the game and
24 fish laws is guilty of a gross misdemeanor. [97.55 s. 9]

25 Subd. 4. [TAKING AND POSSESSING BIG GAME OUT OF SEASON.] A
26 person that takes or illegally possesses big game during the
27 closed season is guilty of a gross misdemeanor. [97.55 s. 9]

28 Subd. 5. [MOOSE; ELK; CARIBOU.] A person that unlawfully
29 takes, transports, or possesses moose, elk, or caribou in
30 violation of the game and fish laws is guilty of a gross
31 misdemeanor. [97.55 s. 8]

32 Subd. 6. [PINE MARTEN; OTTER; FISHER; WOLVERINE.] A person
33 that takes, transports, or possesses pine marten, otter, fisher,
34 or wolverine in violation of the game and fish laws is guilty of
35 a gross misdemeanor. [97.55 s. 8]

36 Sec. 52. [97A.335] [PENALTIES RELATED TO FISHING.]

1 Subdivision 1. [TAKING FISH WITH ILLEGAL DEVICES OR
2 SUBSTANCES.] A person that takes fish with devices, chemicals or
3 substances in violation of article 3, section 27, is guilty of a
4 gross misdemeanor. [97.55 s. 14]

5 Subd. 2. [ILLEGALLY TAKING OR POSSESSING MUSKELLUNGE.] A
6 person who takes or possesses a muskellunge in violation of the
7 game and fish laws is guilty of a misdemeanor and subject to a
8 fine of up to \$1,000. [97.55 s. 17]

9 LICENSES AND PERMITS

10 Sec. 53. [97A.401] [SPECIAL PERMITS.]

11 Subdivision 1. [COMMISSIONER'S AUTHORITY.] The
12 commissioner may issue special permits for the activities in
13 this section. [98.48]

14 Subd. 2. [ZOOLOGICAL SPECIMEN COLLECTING.] Special permits
15 may be issued without a fee to municipalities, incorporated
16 natural history societies, high schools, colleges, and
17 universities that maintain a zoological collection, to collect
18 specimens of eggs, nests, and wild animals for scientific or
19 exhibition purposes. [98.48 s. 1]

20 Subd. 3. [TAKING, POSSESSING, AND TRANSPORTING WILD
21 ANIMALS FOR CERTAIN PURPOSES.] (a) Except as provided in
22 paragraph (b), special permits may be issued without a fee to
23 take, possess, and transport wild animals as pets and for
24 scientific, educational, and exhibition purposes. The
25 commissioner shall prescribe the conditions for taking,
26 possessing, transporting, and disposing of the wild animals.

27 (b) A special permit may not be issued to take or possess
28 wild or native deer for exhibition or propagation.

29 (c) The commissioner shall establish criteria for issuing
30 special permits for persons to possess wild and native deer as
31 pets. [98.48 s. 3]

32 Subd. 4. [TAKING WILD ANIMALS FROM GAME REFUGES AND
33 WILDLIFE MANAGEMENT AREAS.] Special permits may be issued, with
34 or without a fee, to take a wild animal from game refuges,
35 wildlife management areas, and state parks. [98.48 s. 4]

36 Subd. 5. [WILD ANIMALS DAMAGING PROPERTY.] Special permits

1 may be issued with or without a fee to take protected wild
 2 animals that are damaging property. A special permit issued
 3 under this subdivision to take beaver must state the number to
 4 be taken. [98.48 s. 5]

5 Subd. 6. [ENDANGERED MUSKRATS.] Special permits may be
 6 issued with or without a fee to take muskrats in danger of
 7 freezing out or starving in the winter. [98.48 s. 6]

8 → Subd. 7 added 3/25/86
 8 Sec. 54. [97A.405] [LICENSE REQUIREMENTS.]

9 Subdivision 1. [PROTECTED WILD ANIMALS.] Unless allowed
 10 under the game and fish laws, a person may not take, buy, sell,
 11 transport, or possess protected wild animals of this state
 12 without a license. [98.45 s. 1; 98.46 s. 24]

13 Subd. 2. [PERSONAL POSSESSION.] A person to whom a license
 14 is issued must have the license in personal possession while
 15 acting under the license and while traveling to and from the
 16 area where the licensed activity is performed. If possession of
 17 a license is required, a person must exhibit the proper license
 18 when requested by a conservation officer or peace officer. A
 19 receipt for license fees, a copy of a license, or evidence
 20 showing the issuance of a license does not entitle a licensee to
 21 exercise the rights or privileges conferred by a license.
 22 [98.45 s. 2]

23 Subd. 3. [DUPLICATE LICENSES.] The commissioner shall
 24 prescribe rules for issuing duplicate licenses to persons whose
 25 licenses are lost or destroyed. A duplicate license may not be
 26 issued unless the applicant takes an oath covering the facts of
 27 loss or destruction of the license. [98.50 s. 6]

28 Sec. 55. [97A.411] [VALIDITY OF LICENSES.]

29 Subdivision 1. [LICENSE PERIOD.] A license is valid during
 30 the lawful time within the license year that the licensed
 31 activity may be performed. A license year begins on the first
 32 day of March and ends on the last day of February. [97.4841 s.
 33 3; 97.4842 s. 2; 97.4843 s. 2; 98.45 s. 1]

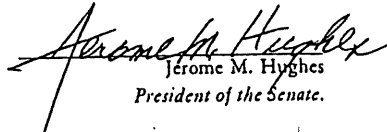
34 Subd. 2. [SIGNATURE ON STAMPS.] A stamp issued under the
 35 game and fish laws must be signed by the licensee across the
 36 front of the stamp to be valid. [97.4841 s. 2; 97.4842 s. 1;

AN ACT

H. F. No. 2170
CHAPTER No.
450

Subd. 7. [RAPTORS.] The commissioner shall prescribe conditions and may issue permits for persons to breed, propagate, and sell raptors.

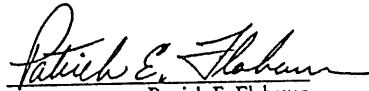

David M. Jennings
Speaker of the House of Representatives.


Jerome M. Hughes
President of the Senate.

Passed the House of Representatives this 17th day of March in the year of Our Lord one thousand nine hundred and eighty-six.



Edward A. Burdick
Chief Clerk, House of Representatives.

Passed the Senate this 15th day of March in the year of Our Lord one thousand nine hundred and eighty-six.


Patrick E. Flahaven
Secretary of the Senate.

Approved

March 25, 1986


Rudy Perpich
Governor of the State of Minnesota.

Filed

3/25/86


Joan Anderson Grove
Secretary of State.

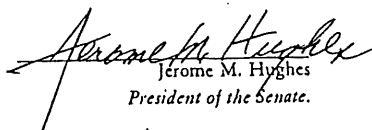
AN ACT

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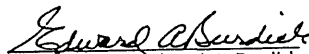
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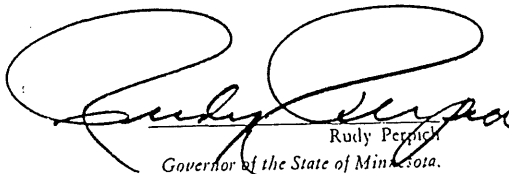

Edward A. Burdick
Chief Clerk, House of Representatives.

Passed the Senate this 15th day of March in the year of Our Lord one thousand nine hundred and eighty-six.


Patrick E. Flahaven
Secretary of the Senate.

Approved

March 25, 1986


Rudy Perpich
Governor of the State of Minnesota.

Filed

3/25/86


Joan Anderson Grove
Secretary of State.

1 97.4843 s. 2]

2 Subd. 3. [ARCHERY DEER LICENSE.] A license to take deer by
3 archery issued after the opening of the archery deer season is
4 not valid until the fifth day after it is issued. [98.45 s. 1]

5 Sec. 56. [97A.415] [LICENSE RESTRICTIONS.]

6 Subdivision 1. [ONE LICENSE PER PERSON.] Only one license
7 of each kind may be issued to a person in a license year, except
8 the nonresident short term angling license, unless authorized by
9 commissioner's order. [98.45 s. 1]

10 Subd. 2. [TRANSFER PROHIBITED.] A person may not lend,
11 transfer, borrow, or solicit a license, application for a
12 license, coupon, tag, or seal, or use a license, coupon, tag, or
13 seal not issued to the person unless otherwise expressly
14 authorized. [98.45 s. 1, 3, 100.271 s. 5]

15 Subd. 3. [NONRESIDENTS.] Nonresidents may not obtain a
16 license for an activity unless the activity is expressly
17 authorized for nonresidents. [98.45 s. 4, 5]

18 Sec. 57. [97A.421] [VALIDITY AND ISSUANCE OF LICENSES
19 AFTER CONVICTION.]

20 Subdivision 1. [GENERAL.] (a) The license of a person
21 convicted of a violation of the game and fish laws relating to
22 the license or wild animals covered by the license is void when:
23 [98.52 s. 1]

24 (1) a second conviction occurs within three years under a
25 license to take small game or to take fish by angling or
26 spearing;

27 (2) a third conviction occurs within one year under a
28 minnow dealer's license; or

29 (3) the conviction occurs under a license not described in
30 clauses (1) or (2). [98.52 s. 1, 2]

31 (b) Except as provided in this section, and for one year
32 after the conviction, the person may not obtain that kind of
33 license.

34 Subd. 2. [ISSUANCE OF LICENSE AFTER CONVICTION FOR BUYING
35 AND SELLING WILD ANIMALS.] A person may not obtain a license to
36 take any wild animal for a period of three years after being

1 convicted of buying or selling game fish, big game, or small
 2 game, and the total amount of the sale is \$300 or more. [98.52
 3 s. 6]

4 Subd. 3. [ISSUANCE OF A BIG GAME LICENSE AFTER
 5 CONVICTION.] A person may not obtain any big game license for
 6 three years after the person is convicted of:

7 (1) a gross misdemeanor violation under the game and fish
 8 laws relating to big game;

9 (2) doing an act without a required big game license; or

10 (3) the second violation within three years under the game
 11 and fish laws relating to big game. [98.52 s. 1]

12 Subd. 4. [ISSUANCE AFTER INTOXICATION OR NARCOTICS
 13 CONVICTION.] A person convicted of a violation under article 2,
 14 section 14, relating to hunting while intoxicated or using
 15 narcotics, may not obtain a license to hunt with a firearm or by
 16 archery for five years after conviction. [98.52 s. 4]

17 Subd. 5. [COMMISSIONER MAY REINSTATE CERTAIN LICENSES
 18 AFTER CONVICTION.] If the commissioner determines that the
 19 public welfare will not be injured, the commissioner may
 20 reinstate licenses voided under subdivision 1 and issue licenses
 21 to persons ineligible under subdivision 2. The commissioner's
 22 authority applies only to licenses to:

23 (1) maintain and operate fur or game farms or private fish
 24 hatcheries;

25 (2) take fish commercially in Lake of the Woods, Rainy
 26 Lake, Namakan Lake, or Lake Superior;

27 (3) buy fish from Lake of the Woods, Rainy Lake, Namakan
 28 Lake, or Lake Superior commercial fishing licensees; and

29 (4) sell live minnows. [98.52 s. 3]

30 Subd. 6. [APPLICABILITY TO MOOSE LICENSES.] In this
 31 section the term "license" includes an application for a license
 32 to take moose. [98.50 s. 9]

33 Sec. 58. [97A.425] [RECORD AND REPORTING REQUIREMENTS FOR
 34 DEALERS, TANNERS, AND TAXIDERMISTS.]

35 Subdivision 1. [REQUIREMENT.] A person required to have a
 36 license under the game and fish laws to buy or sell wild

1 animals, to tan or dress raw furs, or to mount specimens of wild
2 animals, must keep complete records in a book of all
3 transactions and activities covered by the license and submit
4 reports to the commissioner. [98.51 s. 2]

5 Subd. 2. [RECORDS.] (a) The records must show:

6 (1) the names and addresses of persons from whom wild
7 animals were obtained and to whom they were transferred;

8 (2) the dates of receipt, shipment, and sale of wild
9 animals;

10 (3) detailed descriptions of the number and type of wild
11 animals purchased, sold, and shipped;

12 (4) serial numbers of seals, tags, or permits required to
13 be attached to the wild animals; and

14 (5) trapping license numbers for protected fur-bearing
15 animals, unless the trapper is exempt from the license
16 requirement, which must be noted.

17 (b) A licensed fur dealer, buying for one employer at the
18 employer's place of business is not required to keep separate
19 records if the employer notifies the commissioner in writing
20 that the employer will account for the fur dealer.

21 (c) The records required under this section must be
22 available for inspection by the commissioner, the director, or
23 their agents at all reasonable times. The records must be
24 preserved and available for two years after the expiration of a
25 license that required them. [98.51 s. 2]

26 Subd. 3. [REPORTS.] An annual notarized report covering
27 the preceding calendar year must be submitted to the
28 commissioner by January 15. The commissioner may require other
29 reports for statistical purposes. The reports must be on forms
30 supplied by the commissioner. [98.51 s. 3]

31 Sec. 59. [97A.431] [MOOSE LICENSES.]

32 Subdivision 1. [NUMBER OF LICENSES.] The commissioner
33 shall include in an order setting the dates for a moose season
34 the number of licenses to be issued. [100.271 s. 1]

35 Subd. 2. [ELIGIBILITY.] Persons eligible for a moose
36 license shall be determined under this section and

1 commissioner's order. A person is eligible for a moose license
2 only if the person:

3 (1) is a resident;

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

5 (3) has not been issued a moose license for any of the last
6 five seasons. [100.271 s. 3, 3a]

7 Subd. 3. [APPLICATION FOR LICENSE.] An application for a
8 moose license must be on a form provided by the commissioner and
9 accompanied by a \$1 application fee. A person may not make more
10 than one application for each season. If a person makes more
11 than one application, the person is ineligible for a license for
12 that season after determination by the commissioner, without a
13 hearing. [100.271 s. 2, 4]

14 Subd. 4. [SEPARATE SELECTION; ELIGIBILITY.] The
15 commissioner may conduct a separate selection for up to 20
16 percent of the moose licenses to be issued for an area. Only
17 owners of, and tenants living on, at least 160 acres of
18 agricultural or grazing land in the area are eligible for the
19 separate selection. Persons that are unsuccessful in a separate
20 selection must be included in the selection for the remaining
21 licenses. [100.271 s. 1]

22 Sec. 60. [97A.435] [TURKEY LICENSES; APPLICATION AND
23 ELIGIBILITY.]

24 Subdivision 1. [NUMBER OF LICENSES TO BE ISSUED.] The
25 commissioner shall include in an order setting the dates for a
26 turkey season the number of licenses to be issued. [100.271 s.
27 1]

28 Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey
29 license shall be determined by this section and commissioner's
30 order. A person is eligible for a turkey license only if the
31 person is a resident and at least age 16 before the season
32 opens. [100.271 s. 3]

33 Subd. 3. [APPLICATION FOR LICENSE.] An application for a
34 turkey license must be on a form provided by the commissioner
35 and accompanied by a \$3 application fee. A person may not make
36 more than one application for each season. If a person makes

1 more than one application the person is ineligible for a license
2 for that season after determination by the commissioner, without
3 a hearing. [100.271 s. 2, 4]

4 Subd. 4. [SEPARATE SELECTION OF ELIGIBLE LICENSEES.] The
5 commissioner may conduct a separate selection for up to 20
6 percent of the turkey licenses to be issued for any area. Only
7 persons that are owners or tenants of and that live on at least
8 40 acres of agricultural or grazing land in the area are
9 eligible applicants for turkey licenses for the separate
10 selection. Persons that are unsuccessful in a separate
11 selection must be included in the selection for the remaining
12 licenses. Persons that obtain a license in a separate selection
13 must allow public turkey hunting on their land during that
14 turkey season. [100.271 s. 1]

15 Sec. 61. [97A.441] [LICENSES TO BE ISSUED WITHOUT A FEE.]

16 Subdivision 1. [ANGLING AND SPEARING; DISABLED RESIDENTS.]
17 Licenses to take fish by angling or spearing shall be issued
18 without a fee to a resident that is:

19 (1) blind;

20 (2) a recipient of supplemental security income for the
21 aged, blind, and disabled;

22 (3) a recipient of social security aid to the disabled
23 under United States Code, title 42, section 416, paragraph
24 (i)(1) or section 423(d); or

25 (4) is a recipient of workers' compensation based on a
26 finding of total and permanent disability. [98.47 s. 8]

27 Subd. 2. [ANGLING; FOREIGN EXCHANGE STUDENTS.] A license
28 to take fish by angling shall be issued without a fee to a
29 citizen of a foreign country that is attending school in this
30 state as an exchange student. [98.47 s. 11]

31 Subd. 3. [ANGLING; RESIDENTS OF STATE INSTITUTIONS.] The
32 commissioner may issue a license, without a fee, to take fish by
33 angling to a person that is a ward of the commissioner of human
34 services and a resident of a state institution upon application
35 by the commissioner of human services. [98.47 s. 13]

36 Subd. 4. [ANGLING; MENTALLY RETARDED RESIDENTS.] A person

1 authorized to issue licenses must issue, without a fee, a
 2 permanent license to take fish by angling to a resident at least
 3 16 years old that is mentally retarded upon being furnished
 4 satisfactory evidence of the disability. [98.47 s. 15]

5 Subd. 5. [ANGLING; DISABLED VETERANS.] A person authorized
 6 to issue licenses must issue, without a fee, a permanent license
 7 to take fish by angling to a resident that is a veteran, as
 8 defined in section 197.447, and that has a 100 percent service
 9 connected disability as defined by the United States Veterans
 10 Administration upon being furnished satisfactory evidence.
 11 [98.47 s. 16]

12 Subd. 6. [TAKING DEER; DISABLED VETERANS.] A person
 13 authorized to issue licenses must issue, without a fee, a
 14 license to take deer with firearms or by archery to a resident
 15 that is a veteran, as defined in section 197.447, and that has a
 16 100 percent service connected disability as defined by the
 17 United States Veterans Administration upon being furnished
 18 satisfactory evidence. [98.47 s.18]

19 Sec. 62. [97A.445] [EXEMPTIONS FROM LICENSE REQUIREMENT.]

20 Subdivision 1. [ANGLING; TAKE A KID FISHING WEEKEND.] A
 21 resident over age 18 may take fish by angling without a license
 22 during the second Saturday and Sunday of the angling season if
 23 accompanied by a child who is under age 16. The commissioner
 24 shall publicize the Saturday and Sunday as "Take a Kid Fishing
 25 Weekend." [98.45 s. 9]

26 Subd. 2. [ANGLING; INSTITUTIONAL RESIDENTS.] A license is
 27 not required to take fish by angling with the written consent of
 28 the superintendent or chief executive of the institution for the
 29 following persons:

- 30 (1) a resident of a state hospital;
 31 (2) a patient of a United States Veteran's Administration
 32 hospital; and
 33 (3) an inmate of a state correctional facility. [98.47 s.

34 12]

35 Subd. 3. [ANGLING AND SPEARING; DISABLED RAILROAD AND
 36 POSTAL RETIREES.] A license is not required to take fish by

1 angling or spearing for a resident that is:

2 (1) receiving aid under the federal Railroad Retirement Act
3 of 1937, 45 United States Code Annotated, section 228b(a)5; or

4 (2) a former employee of the United States Postal Service
5 receiving disability pay under United States Code Annotated,
6 title 5, section 8337. [98.47 s. 17]

7 Sec. 63. [97A.451] [LICENSE REQUIREMENTS AND EXEMPTIONS
8 RELATING TO AGE.]

9 Subdivision 1. [RESIDENTS OVER AGE 65; FISHING.] A
10 resident age 65 or over may take fish by angling or spearing
11 without a license if the resident has a valid driver's license,
12 Minnesota identification card, or other document^o showing age and
13 residency in possession while taking fish and while traveling to
14 and from the location where fish are taken. The person must
15 exhibit the proof of age at the request of a conservation
16 officer or peace officer. [97.4842 s. 1, 98.45 s. 2, 98.47 s.
17 1]

18 Subd. 2. [RESIDENTS UNDER AGE 16; FISHING.] A resident
19 under the age of 16 years may take fish without a license.
20 [97.4842 s. 1; 98.47 s. 1]

21 Subd. 3. [PERSONS UNDER AGE 16; SMALL GAME.] (a) A person
22 under age 16 may not obtain a small game license but may take
23 small game by firearms or bow and arrow without a license if the
24 person is a resident:

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

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

29 (3) age 12 or under and is accompanied by a parent or
30 guardian. [98.47 s. 1]

31 (b) A resident under age 16 may take small game by trapping
32 without a small game license, but a resident over age 13 must
33 have a trapping license. A resident under age 14 may trap
34 without a trapping license.

35 Subd. 4. [PERSONS UNDER AGE 16; BIG GAME.] A person under
36 the age of 16 may not obtain a license to take big game unless

1 the person possesses a firearms safety certificate. A person
2 under the age of 14 must be accompanied by a parent or guardian
3 to hunt big game. [98.47 s. 1]

4 Subd. 5. [NONRESIDENTS UNDER AGE 16; FISHING WITH
5 PARENTS.] A nonresident under the age of 16 may take fish by
6 angling without a license if a parent or guardian has a
7 nonresident fishing license. Fish taken by a nonresident under
8 the age of 16 without a license must be included in the limit of
9 the parent or guardian. [97.45 s. 6, 98.47 s. 1]

10 Subd. 6. [NONRESIDENTS UNDER AGE 16 ATTENDING CAMPS;
11 FISHING.] A nonresident under the age of 16 that is attending a
12 camp conducted by a nonprofit organization may take fish by
13 angling in adjacent and connected public waters without a
14 license. The organization must have a certificate from the
15 commissioner that describes the public waters where the fishing
16 is allowed. The nonresident must possess a document, prescribed
17 by the commissioner, for identification of the nonresident and
18 the authorized fishing waters. The document must be signed and
19 dated within the current calendar year by the person in charge
20 of the camp. [98.47 s. 1]

21 Sec. 64. [97A.455] [NONRESIDENT STUDENTS; FISHING AND
22 SMALL GAME.]

23 A nonresident that is a full-time student at an educational
24 institution in the state and resides in the state during the
25 school year may obtain a resident license to take fish or small
26 game by providing proof of student status as prescribed by the
27 commissioner. [98.45 s. 7]

28 Sec. 65. [97A.461] [NONRESIDENT LICENSES FOR BOUNDARY
29 WATER HUNTING OR FISHING.]

30 Licenses to take fish or small game in or on boundary
31 waters may be granted to nonresidents upon the same terms and
32 conditions as licenses granted by the adjacent state or province
33 to nonresidents of the adjacent state or province for those
34 boundary waters. The fees for a license granted by this state
35 may not be less than the fees for a corresponding resident
36 license. [98.47 s. 5]

1 Sec. 66. [97A.465] [MILITARY PERSONNEL; FISHING AND
2 HUNTING.]

3 Subdivision 1. [RESIDENTS ON LEAVE.] A resident that is in
4 the armed forces of the United States, stationed outside of the
5 state, and in the state on leave, may hunt and fish without a
6 license if the resident possesses official military leave papers.
7 The resident must obtain the seals, tags, and coupons required
8 of a licensee, which must be furnished without charge. This
9 subdivision does not apply to the taking of moose. [98.47 s. 2]

10 Subd. 2. [CAMP RIPLEY PERSONNEL.] A nonresident who is in
11 the military and in training at Camp Ripley may obtain a
12 resident license to take fish. [98.47 s. 3a]

13 Subd. 3. [NONRESIDENTS STATIONED IN THE STATE.] The
14 commissioner may issue a resident license to take fish or game
15 to a person in the armed forces of the United States that is
16 stationed in the state. This subdivision does not apply to the
17 taking of moose. [98.47 s. 3]

18 Subd. 4. [DISCHARGED RESIDENT; OBTAINING DEER LICENSE
19 DURING SEASON.] Notwithstanding section 69, subdivision 9, a
20 resident that is discharged from the United States armed forces
21 during, or within ten days before, the firearms deer season may,
22 upon showing the official discharge paper, obtain a firearm deer
23 license during the season. [98.45 s. 1]

24 Sec. 67. [97A.471] [NONRESIDENT COURTESY LICENSES.]

25 Subdivision 1. [GAME AND FISH OFFICERS OF OTHER
26 JURISDICTIONS.] The commissioner may issue a courtesy
27 nonresident license to take game or fish without charge to a
28 game and fish or conservation employee of another state or of
29 the United States that is in the state to assist or cooperate
30 with the commissioner. [98.47 s. 4]

31 Subd. 2. [GUESTS OF THE GOVERNOR OR COMMISSIONER.] The
32 commissioner may issue a nonresident courtesy license to take
33 game or fish without charge to an official of another state, the
34 United States, or foreign country and to a representative of a
35 conservation organization or publication that is in the state as
36 a guest of the governor or commissioner. [98.47 s. 4]

1 Subd. 3. [NONAPPLICABILITY TO MOOSE HUNTING.] This section
2 does not apply to taking moose. [98.47 s. 4]

3 Sec. 68. [97A.475] [LICENSE FEES.]

4 Subdivision 1. [REQUIREMENTS FOR ISSUANCE.] A license
5 shall be issued when the requirements of the law are met and the
6 license fee specified in this section is paid. [98.46 s. 1]

7 Subd. 2. [RESIDENT HUNTING.] Fees for the following
8 licenses, to be issued to residents only, are:

- 9 (1) for persons under age 65 to take small game, \$7;
10 (2) for persons age 65 or over, \$3.50;
11 (3) to take turkey, \$10;
12 (4) to take deer with firearms, \$15;
13 (5) to take deer by archery, \$15;
14 (6) to take moose, for a party of not more than four
15 persons, \$200; and

- 16 (7) to take bear, \$25. [98.45 s. 8, 98.46 s. 2]

17 Subd. 3. [NONRESIDENT HUNTING.] Fees for the following
18 licenses, to be issued to nonresidents, are:

- 19 (1) to take small game, \$46;
20 (2) to take deer with firearms, \$100;
21 (3) to take deer by archery, \$100;
22 (4) to take bear, \$150;
23 (5) to take turkey, \$30; and
24 (6) to take raccoon, bobcat, fox, coyote, or lynx, \$100.

25 [98.46 s. 14]

26 Subd. 4. [SMALL GAME SURCHARGE.] Fees for licenses to take
27 small game must be increased by a surcharge of \$4. An
28 additional commission may not be assessed on the surcharge and
29 this must be stated on the back of the license with the
30 following statement: "This \$4 surcharge is being paid by
31 hunters for the acquisition and development of wildlife lands."

32 [97.482 s. 1]

33 Subd. 5. [HUNTING STAMPS.] Fees for the following stamps
34 are:

- 35 (1) migratory waterfowl stamp, \$5; and
36 (2) pheasant stamp, \$5. [97.4841 s. 3, 98.4843 s. 3]

1 Subd. 6. [RESIDENT FISHING.] Fees for the following
 2 licenses to be issued to residents only are:

3 (1) to take fish by angling, \$6.50;

4 (2) to take fish by angling, for a combined license for a
 5 married couple, \$10.50; and

6 (3) to take fish by spearing from a dark house, \$7.50.

7 [98.46 s. 2, 5]

8 Subd. 7. [NONRESIDENT FISHING.] Fees for the following
 9 licenses, to be issued to nonresidents, shall be

10 (1) to take fish by angling, \$16;

11 (2) to take fish by angling limited to seven consecutive
 12 days, \$13

13 (3) to take fish by angling for three days, \$10; and

14 (4) to take fish by angling for a combined license for a
 15 family, \$27.50. [98.46 s. 15]

16 Subd. 8. [MINNESOTA SPORTING.] The commissioner shall
 17 issue Minnesota sporting licenses to residents only. The
 18 licensee may take fish by angling and small game. The fee for
 19 the license is:

20 (1) for an individual, \$12; and

21 (2) for a combined license for a married couple to take
 22 fish and for one spouse to take small game, \$16. [98.46 s. 2a]

23 Subd. 9. [FISHING SURCHARGE.] The fees for the following
 24 licenses must be increased by a surcharge of \$2.50:

25 (1) resident angling, under subdivision 6, clauses (1) and
 26 (2);

27 (2) nonresident angling, under subdivision 7;

28 (3) Minnesota sporting, under subdivision 8;

29 (4) nonresident fish houses, under subdivision 12; and

30 (5) to net fish for domestic use, under subdivision 13.

31 [97.86 s. 1]

32 Subd. 10. [TROUT AND SALMON STAMP.] The fee for a trout
 33 and salmon stamp is \$5. [97.4842 s. 2]

34 Subd. 11. [FISH HOUSES AND DARK HOUSES; RESIDENTS.] Fees
 35 for the following licenses are:

36 (1) for a fish house or dark house that is not rented, \$5;

1 and

2 (2) for a fish house or dark house that is rented, \$15.

3 [98.46 s. 5]

4 Subd. 12. [FISH HOUSES; NONRESIDENT.] The fee for a fish
 5 house license for a nonresident is \$15. [98.46 s. 15]

6 Subd. 13. [NETTING WHITEFISH AND CISCOES FOR PERSONAL
 7 CONSUMPTION.] The fee for a license to net whitefish and ciscoes
 8 in inland lakes and international waters for personal
 9 consumption is, for each net, \$3. [98.46 s. 5]

10 Subd. 14. [ROUGH FISH; MINNESOTA AND MISSISSIPPI RIVERS.]
 11 The fee for a license to take rough fish for domestic use with a
 12 set line, in the Minnesota and Mississippi rivers is \$13.
 13 [98.46 s. 9]

14 Subd. 15. [LAKE SUPERIOR FISHING GUIDES.] The fee for a
 15 license to operate a charter boat and guide anglers on Lake
 16 Superior is:

17 (1) for a resident, \$25;

18 (2) for a nonresident, \$100; or

19 (3) if another state charges a Minnesota resident a fee
 20 greater than \$100 for a Lake Superior fishing guide license in
 21 that state, the nonresident fee for a resident of that state is
 22 that greater fee. [98.457]

23 Subd. 16. [RESIDENT HUNTING GUIDES.] The fees for the
 24 following resident guide licenses are:

25 (1) to guide bear hunters, \$75; and

26 (2) to guide turkey hunters, \$20. [98.46 s. 4]

27 Subd. 17. [NONRESIDENT BEAR GUIDES.] The fee for a license
 28 to guide bear hunters for a nonresident is \$400. [98.46 s. 16]

29 Subd. 18. [SHOOTING PRESERVES.] The fee for a shooting
 30 preserve license is \$75. [100.35 s. 1]

31 Subd. 19. [TAXIDERMISTS.] The fee for a taxidermist
 32 license, to be issued for a three-year period to residents only
 33 is:

34 (1) for persons age 18 and older, \$40; and

35 (2) for persons under age 18, \$25. [98.46 s. 5]

36 Subd. 20. [TRAPPING LICENSE.] The fee for a license to

1 trap fur-bearing animals is:

2 (1) for persons over age 13 and under age 18, \$3.50; and

3 (2) for persons age 18 and older, \$13. [98.46 s. 4]

4 Subd. 21. [FUR BUYING AND SELLING; RESIDENTS.] (a) The fee
5 for a license for a resident to buy and sell raw furs is \$100.

6 (b) The fee for a supplemental license to buy and sell furs
7 is \$50. [98.46 s. 4]

8 Subd. 22. [FUR BUYING AND SELLING; NONRESIDENTS.] The fee
9 for a license for a nonresident to buy and sell raw furs is
10 \$500. [98.46 s. 16]

11 Subd. 23. [RAW FUR TANNING.] The fee for a license to tan
12 and dress raw furs to be issued to residents and nonresidents is
13 \$15. [98.46 s. 19(3)]

14 Subd. 24. [GAME AND FUR FARMS.] The fee for a game and fur
15 farm license is \$15. [98.46 s. 5]

16 Subd. 25. [MUSKRAT FARMS.] The fee for a muskrat farm
17 license is \$10. [99.28 s. 5]

18 Subd. 26. [MINNOW DEALERS.] The fees for the following
19 licenses are:

20 (1) minnow dealer, \$70;

21 (2) minnow dealer's helper, \$5;

22 (3) minnow dealer's vehicle, \$10;

23 (4) exporting minnow dealer, \$250; and

24 (5) exporting minnow dealer's vehicle, \$10. [98.46 s. 5]

25 Subd. 27. [MINNOW RETAILERS.] The fees for the following
26 licenses, to be issued to residents and nonresidents, are:

27 (1) minnow retailer, \$10; and

28 (2) minnow retailer's vehicle, \$10. [98.46 s. 17]

29 Subd. 28. [NONRESIDENT MINNOW HAULERS.] The fees for the
30 following licenses, to be issued to nonresidents, are:

31 (1) exporting minnow hauler, \$525; and

32 (2) exporting minnow hauler's vehicle, \$10. [98.46 s. 5]

33 Subd. 29. [PRIVATE FISH HATCHERIES.] The fees for the
34 following licenses to be issued to residents and nonresidents
35 are:

36 (1) for a private fish hatchery, with annual sales under

1 \$200, \$25;

2 (2) for a private fish hatchery, with annual sales of \$200
3 or more, \$50; and

4 (3) To take sucker eggs from public waters for a private
5 fish hatchery, \$150, plus \$3 for each quart in excess of 100
6 quarts. [98.46 s. 17]

7 Subd. 30. [COMMERCIAL NETTING OF FISH IN INLAND WATERS.]
8 The fee for a license to net commercial fish in inland waters,
9 to be issued to residents and nonresidents is \$70, plus:

10 (1) for each hoop net pocket, 75 cents;

11 (2) for each 1,000 feet of seine, \$15; and

12 (3) for each helper's license, \$5. [98.46 s. 9a, 102.285 s.

13 1]

14 Subd. 31. [COMMERCIAL NETTING OF FISH IN LAKE OF THE
15 WOODS.] The fee for a license to commercially net fish in Lake
16 of the Woods is:

17 (1) for each pound net or staked trap net, \$45;

18 (2) for each fyke net, \$10, plus \$5 for each two-foot
19 segment, or fraction, of the wings or lead in excess of four
20 feet in height;

21 (3) for each 100 feet of gill net, \$2.50;

22 (4) for each submerged trap net, \$15; and

23 (5) for each helper's license, \$15. [98.46 s. 10]

24 Subd. 32. [COMMERCIAL NETTING OF FISH IN RAINY LAKE.] The
25 fee for a license to commercially net fish in Rainy Lake is:

26 (1) for each pound net, \$45;

27 (2) for each 100 feet of gill net, \$2.50; and

28 (3) for each helper's license, \$15. [98.46 s.11]

29 Subd. 33. [COMMERCIAL NETTING OF FISH IN NAMAKAN AND SAND
30 POINT LAKES.] The fee for a license to commercially net fish in
31 Namakan Lake and Sand Point Lake is:

32 (1) for each 100 feet of gill net, \$1.50;

33 (2) for each pound, fyke, and submerged trap net, \$15; and

34 (3) for each helper's license, \$5. [98.46 s. 13]

35 Subd. 34. [COMMERCIAL SEINE AND SET LINES TO TAKE FISH IN
36 THE MISSISSIPPI RIVER.] (a) The fee for a license to

1 commercially seine rough fish in the Mississippi river from St.
2 Anthony Falls to the St. Croix river junction is:
3 (1) for a seine not exceeding 500 feet, \$25; or
4 (2) for a seine over 500 feet, \$40, plus \$2 for each 100
5 foot segment or fraction over 1,000 feet.
6 (b) The fee for each helper's license issued under
7 paragraph (a) is \$5. [98.46 s. 8]
8 Subd. 35. [COMMERCIAL SEINING OF FISH IN WISCONSIN
9 BOUNDARY WATERS.] The fee for a license to commercially seine
10 fish in the boundary waters between Wisconsin and Minnesota from
11 Taylor's Falls to the Iowa border is:
12 (1) for a seine not exceeding 500 feet, \$25; or
13 (2) for a seine over 500 feet, \$40, plus \$2.50 for each 100
14 feet over 1,000 feet; and
15 (3) for each helper's license to be issued to residents and
16 nonresidents, \$5. [98.46 s. 6]
17 Subd. 36. [COMMERCIAL NETTING IN WISCONSIN BOUNDARY
18 WATERS.] The fee for a license to commercially net in the
19 boundary waters between Wisconsin and Minnesota from Lake St.
20 Croix to the Iowa border is:
21 (1) for each gill net not exceeding 500 feet, \$13;
22 (2) for each gill net over 500 feet, \$25;
23 (3) for each fyke net and hoop net, \$10;
24 (4) for each bait net, \$1.50;
25 (5) for each turtle net, \$1.50;
26 (6) for each set line identification tag, \$13; and
27 (7) for each helper's license to be issued to residents and
28 nonresidents, \$5. [98.46 s. 7]
29 Subd. 37. [COMMERCIAL NETTING OF FISH IN LAKE SUPERIOR.]
30 The fee for a license to commercially net fish in Lake Superior
31 is:
32 (1) for each gill net, \$70 plus \$2 for each 1,000 feet over
33 1,000 feet;
34 (2) for a pound or trap net, \$70 plus \$2 for each
35 additional pound or trap net; and
36 (3) for each helper's license, \$5. [98.46 s. 12a]

Subd. 38. [FISH BUYERS.] The fees for licenses to buy fish from commercial fishing licensees to be issued residents and nonresidents are:

(1) for Lake Superior fish bought for sale to retailers, \$50;

(2) for Lake Superior fish bought for sale to consumers, \$10;

(3) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for sale to retailers, \$100; and

(4) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for shipment only on international boundary waters, \$10. [98.46 s. 19]

Subd. 39. [FISH PACKER.] The fee for a license to prepare dressed game fish for transportation or shipment is \$13. [98.46 s. 5]

Subd. 40. [FISH VENDORS.] The fee for a license to use a motor vehicle to sell fish is \$25. [98.46 s. 19]

Subd. 41. [TURTLE SELLERS.] The fee for a license to take, transport, purchase, and possess unprocessed turtles for sale is \$50. [98.46 s. 5]

Subd. 42. [FROG DEALERS.] The fee for the licenses to deal in frogs that are to be used for purposes other than bait are:

(1) for a resident to purchase, possess, and transport frogs, \$70;

(2) for a nonresident to purchase, possess, and transport frogs, \$200; and

(3) for a resident to take, possess, transport, and sell frogs, \$10. [101.44]

Sec. 69. [97A.481] [LICENSE APPLICATIONS UNDER OATH.]

All information required on a license application form must be furnished. The application must be made in writing and under oath. A person authorized to issue licenses has the authority to administer oaths to applicants, and a license may not be issued without actually administering the oath. [98.49 s. 2]

Sec. 70. [97A.485] [ISSUANCE OF LICENSES.]

Subdivision 1. [COMMISSIONER.] The commissioner shall

1 issue and sell licenses. The commissioner shall furnish
2 licenses and applications to agents authorized to issue
3 licenses. [97.4841 s. 2; 97.4842 s. 1; 97.4843 s. 2; 98.49 s.
4 1; 98.50]

5 Subd. 2. [COUNTY AUDITORS TO SELL LICENSES.] County
6 auditors are agents of the commissioner for the issuance and
7 sale of licenses. The commissioner may require a county auditor
8 to provide a corporate surety bond in addition to the auditor's
9 official bond. [98.50 s. 1, 2]

10 Subd. 3. [APPOINTMENT OF SUBAGENTS.] A county auditor may
11 appoint residents to be subagents of the auditor within the
12 county or adjacent counties to issue and sell licenses. The
13 auditor shall notify the commissioner of the name and address of
14 a subagent when appointed. The appointment may be revoked by
15 the auditor at any time, and when directed by the commissioner,
16 the auditor must revoke the appointment. [98.50 s. 1, 5]

17 Subd. 4. [APPLICATION TO SELL LICENSES BY SUBAGENT.] To be
18 a subagent, a person must apply in writing to an appropriate
19 county auditor in a manner approved by the commissioner. The
20 auditor may require a subagent to provide a bond or pay for
21 licenses before furnishing the licenses. License application
22 forms may only be furnished to subagents in groups of ten or
23 more for resident licenses and five or more for nonresident
24 licenses. [98.50 s. 1, 5, 10]

25 Subd. 5. [COUNTY AUDITORS RESPONSIBLE FOR LICENSES AND
26 FEES.] (a) The county auditor is responsible for licenses and
27 fees received by the subagents, except in a county that has a
28 population over 150,000 and an area greater than 5,000 square
29 miles and in a county where the county auditor does not retain
30 fees paid for licenses. In these counties the responsibility
31 imposed on the county auditor is imposed on the county. [98.50
32 s. 1]

33 (b) The county auditor must promptly deposit all money
34 received from the sale of licenses with the county treasurer.
35 The auditor must promptly submit payments and required reports
36 as required by the commissioner. [98.50 s. 5]

1 Subd. 6. [LICENSES TO BE SOLD AND ISSUING FEES.] (a)
2 Persons authorized to sell licenses under this section must sell
3 the following licenses for the license fee and the following
4 issuing fees:

5 (1) to take deer with firearms and by archery, the issuing
6 fee is \$1;

7 (2) Minnesota sporting, the issuing fee is \$1; and

8 (3) to take bear and small game, to take fish by angling or
9 spearing, and to trap furbearing animals, the issuing fee is 75
10 cents.

11 (b) An issuing fee for a stamp may not be collected when a
12 stamp is issued simultaneously with the related small game,
13 fishing, or sporting license. Only one issuing fee may be
14 collected when selling more than one stamp in the same
15 transaction after the end of the season for which the stamp was
16 issued.

17 (c) The auditor or subagent shall keep the issuing fee as a
18 commission for selling the licenses. [98.501]

19 (d) The commissioner shall collect the issuing fee on
20 licenses sold by the commissioner.

21 (e) A license, except stamps, must state the amount of the
22 issuing fee and that the issuing fee is kept by the seller as a
23 commission for selling the licenses. [98.50 s. 5]

24 Subd. 7. [COUNTY AUDITOR'S COMMISSION.] The county auditor
25 shall retain for the county treasury a commission of four
26 percent of all license fees collected by the auditor and the
27 auditor's subagents, excluding the small game surcharge and
28 issuing fees. In addition, the auditor shall collect the
29 issuing fees on licenses sold by the auditor to a licensee.
30 [98.50 s. 5]

31 Subd. 8. [REDEMPTION OF UNSOLD LICENSES.] The commissioner
32 must redeem unsold licenses submitted within the redemption time
33 prescribed by the commissioner. Licenses that are not submitted
34 for redemption within the prescribed time are considered to have
35 been sold and the auditor or county to whom the licenses were
36 furnished are accountable for them. A county auditor must

1 refund the license fees prepaid by the auditor's subagent for
2 unsold licenses submitted within a time period established by
3 the commissioner. [98.50 s. 5]

4 Subd. 9. [CERTAIN LICENSES NOT TO BE ISSUED AFTER SEASON
5 OPENS.] (a) The following licenses may not be issued after the
6 day before the opening of the related firearms season:

7 (1) to take deer with firearms or by archery; [98.45 s. 1]

8 (2) to guide bear hunters; and [98.455]

9 (3) to guide turkey hunters. [98.456]

10 (b) Paragraph (a) does not apply to deer licenses for
11 discharged military personnel under section 66, subdivision 4.
12 [98.45 s. 1]

13 (c) A nonresident license or tag to take and possess
14 raccoon, bobcat, Canada lynx, or fox may not be issued after the
15 fifth day of the open season. [98.46 s. 26]

16 Subd. 10. [RETURN OF UNSOLD DEER AND BEAR LICENSES.]
17 Subagents must return stubs and unsold licenses for the taking
18 of deer to the county auditor on the first business day after
19 the first day of the firearms deer season. Subagents must
20 return stubs and unsold licenses for guiding bear hunters to the
21 county auditor as prescribed by the commissioner. [98.45 s.1,
22 98.455]

23 Subd. 11. [RULES FOR ACCOUNTING AND PROCEDURES.] The
24 commissioner shall prescribe rules for the accounting and
25 procedural requirements necessary to assure the efficient
26 handling of licenses and license fees. The commissioner may, by
27 order, establish standards for the appointment and revocation of
28 subagents to assure the efficient distribution of licenses
29 throughout the state. [98.50 s. 2]

30 POSSESSION AND TRANSPORTATION OF WILD ANIMALS

31 Sec. 71. [97A.501] [WILD ANIMALS; GENERAL RESTRICTIONS.]

32 Subdivision 1. [GENERAL RESTRICTIONS.] A person may not
33 take, buy, sell, transport, or possess a protected wild animal
34 unless allowed by the game and fish laws. The ownership of all
35 wild animals is in the state, unless the wild animal has been
36 lawfully acquired under the game and fish laws. The ownership

1 of a wild animal that is lawfully acquired reverts to the state
 2 if a law relating to sale, transportation, or possession of the
 3 wild animal is violated. [97.43]

4 Subd. 2. [ENDANGERED SPECIES.] A person may not take,
 5 import, transport, or sell an endangered species of wild animal,
 6 or sell, or possess with intent to sell an article made from the
 7 parts of a wild animal, except as provided in article 4, section
 8 8. [97.488 s. 1]

9 Sec. 72. [97A.505] [POSSESSION OF WILD ANIMALS.]

10 Subdivision 1. [POSSESSION OUTSIDE OF THE SEASON
 11 PROHIBITED.] A person may only possess a protected wild animal
 12 during the open season and the following five days as prescribed
 13 by law, unless otherwise allowed by law or authorized by the
 14 commissioner. [97.44 s. 2]

15 Subd. 2. [POSSESSION OF UNLAWFUL ANIMALS BROUGHT INTO THE
 16 STATE PROHIBITED.] A person may not possess a wild animal that
 17 has been unlawfully taken, bought, sold, or possessed outside
 18 the state, or unlawfully shipped into the state. [97.44 s. 1]

19 Subd. 3. [PERMIT TO BRING ANIMALS INTO STATE.] Wild
 20 animals lawfully taken, bought, sold, or possessed outside the
 21 state may be brought or shipped into the state:

22 (1) during the open season and the following five days; or
 23 (2) after obtaining a permit from the commissioner. [97.44
 24 s. 3]

25 Subd. 4. [STORAGE OF PROTECTED WILD ANIMALS.] A person
 26 that stores protected wild animals must plainly mark the
 27 package, in ink, with the name and address of the owner, the
 28 license number of the person taking the animal, and the number
 29 and species in the package. A person may not use a commercial
 30 cold storage warehouse for protected wild animals, except
 31 lawfully taken fish and furs. [97.44 s. 4]

32 Subd. 5. [LICENSE NOT REQUIRED FOR ANIMALS ACQUIRED BY
 33 GIFT.] Protected wild animals may be transferred by gift. A
 34 person is not required to have a license to possess and
 35 transport protected wild animals acquired by gift. If wild
 36 animals are transported out of the county where the recipient

1 resides, the recipient must:

2 (1) attach a tag marked in ink, with the name and address
3 of the owner and the license number of the person taking the
4 animals; or

5 (2) furnish an affidavit showing the name and address of
6 the donor. [97.44 s. 5]

7 Subd. 6. [BEAVER AND MUSKRAT PELTS; TAGS REQUIRED.] A
8 licensed tanner must attach a tag or seal prescribed by the
9 commissioner to each beaver or muskrat pelt or hide in
10 possession. [97.44 s. 7]

11 Subd. 7. [EXCEPTIONS TO THIS SECTION.] This section does
12 not apply to mounted specimens of wild animals, antlers, tanned
13 hides, and dressed furs lawfully taken. [97.44 s. 6]

14 Sec. 73. [97A.511] [FUR-BEARING ANIMALS.]

15 The skins of fur-bearing animals and the flesh of beaver,
16 muskrat, raccoon, rabbits and hares, legally taken and bearing
17 the required seals or tags required by the game and fish laws,
18 may be bought, sold, and transported at any time. The flesh of
19 beaver, raccoon, rabbits, and hare may not be transported out of
20 the state. [100.30]

21 Sec. 74. [97A.515] [PELTS, SKINS, AND HIDES TAKEN ON
22 INDIAN RESERVATIONS.]

23 The pelts, skins, and hides of protected wild animals taken
24 on an Indian reservation in this state, except the Fond du Lac
25 reservation, may be transported, sold, and disposed of as
26 prescribed by the commissioner. [100.303]

27 Sec. 75. [97A.521] [TRANSPORTATION OF WILD ANIMALS;
28 GENERALLY.]

29 Subdivision 1. [GENERAL AUTHORITY; RESIDENTS.] A resident
30 may transport wild animals to any place in the state if the
31 resident and the animals are in the same vehicle. [97.45 s. 3]

32 Subd. 2. [GENERAL AUTHORITY; NONRESIDENTS.] A nonresident
33 may transport wild animals taken in the state if the nonresident
34 and the animals are in the same vehicle. [97.45 s. 6, 7]

35 Subd. 3. [WILD ANIMALS IN CONTAINERS.] A person that
36 transports wild animals in a container must mark or identify the

1 container as prescribed under the game and fish laws or by
 2 commissioner's order. [97.45 s. 1]

3 Subd. 4. [ANIMALS THAT MAY BE LAWFULLY SOLD.] During the
 4 open season a person may transport a protected wild animal
 5 within the state, and to a destination outside the state, if the
 6 animal may be lawfully sold and the transportation is not
 7 otherwise prohibited. [97.45 s. 2]

8 Subd. 5. [UNLAWFUL WILD ANIMALS PROHIBITED.] A person may
 9 not transport wild animals taken, bought, sold, or possessed in
 10 violation of the game and fish laws. [97.45 s. 1]

11 Sec. 76. [97A.525] [TRANSPORTATION OF WILD ANIMALS BY
 12 COMMON CARRIER.]

13 Subdivision 1. [RESIDENTS.] A resident may transport wild
 14 animals within the state by common carrier without being in the
 15 vehicle if the resident has the license required to take the
 16 animals and they are shipped to the resident. The wild animals
 17 that may be transported by common carrier are:

- 18 (1) deer, bear, and moose;
 19 (2) undressed game birds; and
 20 (3) fish. [97.45 s. 4]

21 Subd. 2. [NONRESIDENTS.] A nonresident may transport wild
 22 animals by common carrier without being in the vehicle if the
 23 nonresident has the license required to take the animals and
 24 they are shipped to the nonresident. [97.45 s. 6, 7]

25 Subd. 3. [EMPLOYEE OF CARRIER.] An employee of a carrier
 26 may not transport wild animals as baggage while performing
 27 duties for the carrier. [97.45 s. 3]

28 Subd. 4. [STATEMENT REQUIRED FOR PROTECTED WILD ANIMALS.]
 29 A person that transports protected wild animals by common
 30 carrier, including animals carried in baggage, must attach a
 31 statement to each shipment. The statement must include the
 32 name, address, and license number of the person shipping the
 33 animals, the number and species of the animals in the shipment,
 34 and the signature of the licensee. [97.45 s. 3, 12]

35 Subd. 5. [CARRIER MUST BE SHOWN SHIPPER'S LICENSE.] A
 36 common carrier may not accept a shipment of big or small game

1 unless the carrier is shown the license of the shipper to take
2 the game. [97.45 s. 11]

3 Subd. 6. [WAYBILL MUST SPECIFY ANIMALS.] The waybill or
4 receipt issued by a common carrier to a shipper must specify the
5 number and species of wild animals being shipped. [97.45 s. 14]

6 Subd. 7. [ANIMALS IN POSSESSION OF SHIPPER.] Wild animals
7 that are transported by common carrier are considered to be in
8 the possession of the shipper. [97.45 s. 7(a), 10]

9 Sec. 77. [97A.531] [SHIPMENT OF WILD ANIMALS TAKEN IN
10 CANADA.]

11 A person may ship, within or out of the state, wild animals
12 lawfully taken and possessed in Canada and that have lawfully
13 entered the state. The shipment must have the shipping coupons
14 required for a shipment originating in the province where the
15 animals were taken. Fish that are lawfully taken and possessed
16 in Canada may be brought into the state for filleting and
17 packing and may be transported within the state or out of the
18 state. [97.45 s. 8]

19 Sec. 78. [97A.535] [POSSESSION AND TRANSPORTATION OF DEER,
20 BEAR, AND MOOSE.]

21 Subdivision 1. [TAGS REQUIRED.] A person may not possess
22 or transport deer, bear, or moose taken in the state unless a
23 tag is attached to the carcass in a manner prescribed by the
24 commissioner. The commissioner must prescribe the type of tag
25 that has the license number of the owner, the year of its issue,
26 and other information prescribed by the commissioner. The tag
27 must be attached to the deer, bear, or moose when:

28 (1) the animal is in a camp, or a place occupied overnight
29 or the yard surrounding the place; or

30 (2) the animal is on a motor vehicle. [98.46 s. 22]

31 Subd. 2. [DEER TAKEN BY ARCHERY AND MOOSE MUST HAVE
32 ADDITIONAL TAG.] Deer taken by archery and moose must be tagged
33 as prescribed by the commissioner, in addition to the tag
34 required in subdivision 1. [98.46 s. 22]

35 Subd. 3. [TRANSPORTATION PERIOD RESTRICTED.] A person may
36 transport one deer, one bear, or one moose during the open

1 season and the two days following the season, and afterwards as
2 prescribed by the commissioner. [97.45 s. 1, 7]

3 Subd. 4. [TRANSPORTATION BY PERSON OTHER THAN LICENSEE.] A
4 person other than the licensee may transport deer, bear, or
5 moose that the licensee has registered as prescribed by the
6 commissioner. The person must transport the animal by the most
7 direct route. A tag must be attached to the animal and marked
8 in ink with the address, license number, signature of the
9 licensee, and the locations from which and to which the animal
10 is being transported. [97.45 s. 4a]

11 Subd. 5. [HEADS, HIDES, AND CLAWS.] A resident that has a
12 license to take deer, bear, or moose may transport the head or
13 hide of the animal within or out of the state for mounting or
14 tanning. The hides of deer, bear, and moose, and the claws of
15 bear legally taken and with the tags that are required by this
16 section, may be bought, sold, and transported at any time.
17 [97.45 s. 3, 4, 100.30]

18 Sec. 79. [97A.541] [NONRESIDENT: SMALL GAME TAGS.]
19 A nonresident may not possess or transport a raccoon,
20 bobcat, Canada lynx, or fox taken in this state without a tag
21 attached to the animal. The commissioner shall prescribe, by
22 order, the type of tag and the number of tags to be issued with
23 each nonresident raccoon, bobcat, Canada lynx, or fox license
24 and shall furnish the tags with the licenses to be issued.
25 [98.46 s. 26]

26 Sec. 80. [97A.545] [TRANSPORTATION OF GAME BIRDS.]

27 Subdivision 1. [RESIDENTS SHIPPING BY COMMON CARRIER.] A
28 resident that ships undressed game birds to the resident by
29 common carrier without being in the vehicle may not make more
30 than three shipments during a license year. A shipment may not
31 contain more than the resident's daily limit. [97.45 s. 4]

32 Subd. 2. [NONRESIDENTS SHIPPING BY COMMON CARRIER.] A
33 nonresident that ships undressed game birds to the nonresident
34 by common carrier without being in the vehicle must obtain a
35 shipping permit from the commissioner. The commissioner shall
36 issue the permit upon request, without a fee. The carrier

1 receiving the shipment must cancel the permit as prescribed by
 2 the commissioner. [97.45 s. 7b]

3 Subd. 3. [SHIPPING TO OTHER PERSONS.] A person must obtain
 4 a permit from the commissioner to ship game birds to another
 5 person within or out of the state. The person must have the
 6 licenses required to take the game birds. [97.45 s. 9]

7 Subd. 4. [UNDRESSED GAME BIRDS TAKEN IN ADJACENT STATES.]
 8 A person may transport into the state dressed game birds that
 9 are lawfully taken and possessed in adjacent states. A resident
 10 may ship the undressed game birds by common carrier within the
 11 state. A nonresident may ship the undressed game birds out of
 12 the state by common carrier. Each shipment must be tagged or
 13 sealed by a conservation officer as prescribed by the
 14 commissioner. [97.45 s. 9]

15 Sec. 81. [97A.551] [TRANSPORTATION OF FISH.]

16 Subdivision 1. [NONRESIDENTS SHIPPING BY COMMON CARRIER.]
 17 (a) A nonresident that ships fish to the nonresident by common
 18 carrier without being in the vehicle may only make one shipment
 19 of fish during a license year. The shipment may contain one of
 20 the following:

- 21 (1) one undressed fish of any size;
- 22 (2) 25 pounds or less of undressed fish; or
- 23 (3) 15 pounds or less of filleted or dressed game fish.

24 [97.45 s. 6(1)]

25 (b) The nonresident must obtain a shipping permit from the
 26 commissioner. The commissioner shall issue a shipping permit
 27 upon request, without a fee. The carrier receiving the shipment
 28 must cancel the permit as prescribed by the commissioner.
 29 [97.45 s. 6(1)]

30 (c) For shipments of filleted or dressed game fish under
 31 this subdivision, the statement required under section 76,
 32 subdivision 4, must include the net weight of the fish. [97.45
 33 s. 6]

34 Subd. 2. [FISH TRANSPORTED THROUGH STATE.] A person may
 35 not transport game fish taken in another state or country
 36 through the state during the closed season or in excess of the

possession limit unless the fish are:

(1) transported by common carrier; or

(2) tagged, sealed, or marked as prescribed by the

commissioner. [97.45 s. 13]

Subd. 3. [SHIPPING ONE FISH TO ANY PERSON.] A person that

has a license to take fish may ship one fish to any person

within or out of the state after obtaining a permit from the

commissioner. [97.45 s. 9]

ARTICLE 2

CHAPTER 97B

HUNTING

HUNTING RESTRICTIONS AND REQUIREMENTS

Section 1. [97B.001] [TRESPASS.]

Subdivision 1. [AGRICULTURAL LAND DEFINITION.] For
purposes of this section, "agricultural land" means land:

(1) that is plowed or tilled;

(2) that has standing crops or crop residues; or

(3) within a maintained fence for enclosing domestic
livestock. [100.273 s. 1]

Subd. 2. [PERMISSION REQUIRED TO ENTER AGRICULTURAL LAND
TO HUNT OR OPERATE VEHICLES.] Except as provided in subdivisions
5 and 6, a person may not enter agricultural land to hunt or
operate a motor vehicle for pleasure purposes, unless the person
obtains permission of the owner, occupant, or lessee. [100.273
s. 2]

Subd. 3. [ENTERING LAND PROHIBITED AFTER NOTICE.] Except
as provided in subdivisions 5 and 6, a person may not enter any
land to take a wild animal after being notified not to do so
orally by the owner, occupant, or lessee. [100.273 s. 3]

Subd. 4. [ENTERING POSTED LAND PROHIBITED; SIGNS.] (a)
Except as provided in subdivision 6, a person may not enter any
land that is posted under this subdivision to take a wild animal
unless the person has obtained the permission of the owner,
occupant, or lessee. [100.273 s. 3]

(b) The owner, occupant, or lessee of private land, or an
authorized manager of public land may prohibit unauthorized

1 hunting, trapping, fishing, or trespassing on the land by
2 posting signs that:

3 (1) display letters at least two inches high;

4 (2) are signed by the owner, occupant, lessee, or
5 authorized manager; and

6 (3) are at intervals of 1,000 feet or less along the
7 boundary of the area, or in a wooded area where boundary lines
8 are not clear, at intervals of 500 feet or less.

9 (c) A person may not erect a sign that states "no hunting,"
10 "no trapping," "no fishing," "no trespassing," or another sign
11 that prohibits trespass on land or water where the person does
12 not have a property right, title, or interest to use the land.
13 [100.273 s. 6]

14 Subd. 5. [RETRIEVING WOUNDED GAME FROM AGRICULTURAL LAND.]
15 A hunter, on foot, may retrieve wounded game, during the open
16 season for the game, from agricultural land that is not posted
17 under subdivision 4, without permission of the landowner. The
18 hunter must leave the land immediately after retrieving the
19 wounded game. [100.273 s. 7]

20 Subd. 6. [RETRIEVING DOGS FROM PRIVATE LAND.] A person
21 may, without permission of the landowner, enter private land on
22 foot to retrieve a dog that has treed or is at bay with a
23 raccoon, bobcat, coyote, or fox. After retrieving the dog, the
24 person must immediately leave the premises. [100.273 s. 7]

25 Subd. 7. [TAKING WITH FIREARMS IN CERTAIN AREAS.] (a) A
26 person may not take a wild animal with a firearm within 500 feet
27 of a building occupied by a human or livestock without the
28 written permission of the owner or occupant:

29 (1) on another person's private agricultural land; or

30 (2) on a public right-of-way.

31 (b) A person may not take a wild animal with a firearm
32 without the written permission of the owner within 500 feet of a
33 stockade or corral containing livestock.

34 (c) A person may not take a wild animal with a firearm:

35 (1) on land other than agricultural land within 200 feet of
36 a building occupied by a human without the oral permission of

1 the owner or occupant of the building; or (100.273 s. 5)

2 (2) within 500 feet of a burning area.

3 Subd. 8. [DESTRUCTION OF PROPERTY; GATE CLOSING.] A person
4 may not:

5 (1) wound or kill another person's domestic animal;

6 (2) destroy, cut, or tear down another person's fence,
7 building, grain, crops, live tree, or sign erected under
8 subdivision 4; or

9 (3) pass through another person's closed gate without
10 returning the gate to its original position. (100.273 s. 4)

11 Sec. 2. (97B.005) [TRAINING DOGS.]

12 Subdivision 1. [FIELD TRAINING; PERMIT REQUIRED FOR
13 CERTAIN PERIOD.] A person may not train hunting dogs afield from
14 April 16 to July 14 except by special permit. The commissioner
15 may issue a special permit, without a fee, to train hunting dogs
16 afield on land owned by the trainer or on land that the owner
17 provides written permission. The written permission must be
18 carried in personal possession of the trainer while training the
19 dogs. (98.48 s. 13, 100.29 s. 20)

20 Subd. 2. [RESTRICTION ON AMMUNITION WHILE TRAINING.] A
21 person that is training a dog afield and carrying a firearm may
22 only have blank cartridges and shells in personal possession
23 when the season is not open for any game bird. (100.29 s. 20)

24 Subd. 3. [PERMITS FOR ORGANIZATIONS TO USE GAME BIRDS AND
25 FIREARMS.] The commissioner may issue special permits, without a
26 fee, to organizations to use firearms and live ammunition on
27 domesticated birds or banded game birds from game farms for
28 holding field trials and training retrieving dogs. (98.48 s. 2)

29 Subd. 4. [USE OF RACCOONS.] The commissioner may issue
30 special permits, without a fee, to possess one raccoon to train
31 dogs for raccoon hunting. (98.48 s. 7)

32 Sec. 3. (97B.011) [DOGS PURSUING BIG GAME.]

33 A dog that is known to have killed or is observed wounding,
34 killing, or pursuing in a manner that endangers big game may be
35 killed by a peace officer or conservation officer, or, between
36 January 1 and July 14, by any person. The officer or person is

1 not liable for damages for killing the dog. [100.29 s. 19]

2 Sec. 4. [97B.015] [FIREARM SAFETY COURSE.]

3 Subdivision 1. [ESTABLISHMENT.] The commissioner shall
4 make rules establishing a statewide course in the safe use of
5 firearms. At least one course must be held within the boundary
6 of each school district. The courses must be conducted by the
7 commissioner in cooperation with other organizations. The
8 courses must instruct youths in commonly accepted principles of
9 safety in hunting and handling common hunting firearms. [97.81
10 s. 1]

11 Subd. 2. [ADMINISTRATION, SUPERVISION, AND ENFORCEMENT.]

12 (a) The commissioner shall appoint a qualified person from the
13 enforcement division under civil service rules as supervisor of
14 hunting safety and prescribe the duties and responsibilities of
15 the position. The commissioner shall determine and provide the
16 enforcement division with the necessary personnel for this
17 section.

18 (b) The commissioner may appoint one or more county
19 directors of hunting safety in each county. An appointed county
20 director is responsible to the enforcement division. The
21 enforcement division may appoint instructors necessary for this
22 section. County directors and instructors shall serve on a
23 voluntary basis without compensation. The enforcement division
24 must supply the materials necessary for the course. [97.82,
25 97.85 s. 1]

26 Subd. 3. [LIABILITY INSURANCE.] The commissioner shall
27 obtain insurance to cover all liability incurred by the county
28 directors and instructors for bodily injury, death, and property
29 damage in the performance of their duties under this section.
30 [97.85 s. 2]

31 Subd. 4. [STUDENT FEE.] To defray the expense of the
32 course, the enforcement division shall collect a fee not to
33 exceed \$5 from each person that takes the firearm safety course.
34 [97.85 s. 1]

35 Subd. 5. [FIREARMS SAFETY CERTIFICATE.] The commissioner
36 shall issue a firearms safety certificate to a person that

1 satisfactorily completes the required course of instruction. A
2 certificate may not be issued to a person under age 12. A
3 person that is age 11 may take the firearms safety course and
4 may receive a firearms safety certificate at age 12. The form
5 and content of the firearms safety certificate shall be
6 prescribed by the commissioner. (97.81 s. 2, 97.83 s. 1)

7 Sec. 5. [97B.021] [POSSESSION OF FIREARMS BY PERSONS UNDER
8 AGE 16.]

9 Subdivision 1. [RESTRICTIONS.] (a) Except as provided in
10 this subdivision, a person under the age of 16 may not possess a
11 firearm, unless accompanied by a parent or guardian. (97.83 s.
12 1)

13 (b) A person under age 16 may possess a firearm without
14 being accompanied by a parent or guardian:

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

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

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

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

23 (c) For purposes of this section a guardian is a legal
24 guardian or a person age 18 or older that has been authorized by
25 the parent or legal guardian to supervise the person under age
26 16. (97.83 s. 1)

27 Subd. 2. [SEIZURE OF UNLAWFULLY POSSESSED FIREARMS.] A law
28 enforcement officer shall seize a firearm used in violation of
29 this section. The officer must tag the seized firearm with the
30 name and address of the person from whom it was taken and give
31 the person a receipt. The firearm shall be placed in the
32 custody of the conservation officer in charge of the area where
33 the seizure was made. (97.83 s. 2)

34 Subd. 3. [RETURN OR FORFEITURE OF SEIZED FIREARMS.] A
35 firearm seized under this section must be returned to the person
36 from whom it was seized when the person presents a firearms

1 safety certificate to the conservation officer. The person must
2 present the certificate within 90 days after the beginning of
3 the first firearms training course in the county after the
4 firearm was seized. If the person does not present a
5 certificate, the firearm is contraband and forfeited to the
6 state, and shall be disposed of as prescribed by the
7 commissioner. [97.83 s. 3]

8 Sec. 6. [97B.025] [ADVANCED HUNTER EDUCATION.]

9 The commissioner may establish advanced education courses
10 for hunters and trappers. The commissioner, with the approval
11 of the commissioner of finance, may impose a fee not to exceed
12 \$10 for each person attending an advanced education course. The
13 commissioner shall establish the fee under section 16A.128.
14 [97.851]

15 Sec. 7. [97B.031] [USE AND POSSESSION OF FIREARMS.]

16 Subdivision 1. [FIREARMS AND AMMUNITION THAT MAY BE USED
17 TO TAKE BIG GAME.] (a) A person may take big game with a firearm
18 only if:

19 (1) the rifle, shotgun, and handgun used is a caliber of at
20 least .23 inches;

21 (2) the firearm is loaded only with single projectile
22 ammunition;

23 (3) a projectile used is a caliber of at least .23 inches
24 and has a soft point or is an expanding bullet type;

25 (4) the ammunition has a case length of at least 1.285
26 inches;

27 (5) the muzzle-loader used is incapable of being loaded at
28 the breech;

29 (6) the smooth-bore muzzle-loader used is a caliber of at
30 least .45 inches; and

31 (7) the rifled muzzle-loader used is a caliber of at least
32 .40 inches.

33 (b) A person may not take big game with a .30 caliber M-1
34 carbine cartridge. [100.29 s. 9]

35 Subd. 2. [HANDGUNS FOR SMALL GAME.] A person may take
36 small game with a handgun of any caliber in a manner prescribed

1 by the commissioner. [100.29 s. 2]

2 Subd. 3. [FIREARMS LARGER THAN TEN GAUGE PROHIBITED.] A
3 person may not use a firearm with a bore larger than a ten gauge
4 to take a protected wild animal. [100.29 s. 2]

5 Subd. 4. [SILENCERS PROHIBITED.] A person may not own or
6 possess a silencer for a firearm or a firearm equipped to have a
7 silencer attached. [100.29 s. 4]

8 Sec. 8. [97B.035] [RESTRICTIONS ON ARCHERY EQUIPMENT.]

9 Subdivision 1. [HUNTING WITH BOWS RELEASED BY MECHANICAL
10 DEVICES.] A person may not hunt with a bow drawn, held, or
11 released by a mechanical device, except with a disabled hunter
12 permit issued under section 29. [100.29 s. 7, 26]

13 Subd. 2. [POSSESSION OF CROSSBOWS.] A person may not
14 possess a crossbow outdoors or in a motor vehicle during the
15 open season for any game, unless the crossbow is unstrung, and
16 in a case or in a closed trunk of a motor vehicle. [100.29 s.
17 26]

18 Subd. 3. [POISONED AND EXPLOSIVE ARROWS.] A person may not
19 hunt with an arrow that is poisoned or has an explosive tip.
20 [100.29 s. 7]

21 Sec. 9. [97B.041] [POSSESSION OF FIREARMS AND AMMUNITION
22 RESTRICTED IN DEER ZONES.]

23 A person may not possess a firearm or ammunition outdoors
24 during the period beginning the tenth day before the open
25 firearms season and ending the second day after the close of the
26 season within an area where deer may be taken by a firearm,
27 except:

28 (1) during the open season and in an area where big game
29 may be taken, a firearm and ammunition authorized for taking big
30 game in that area may be used to take big game in that area if
31 the person has a valid big game license in possession;

32 (2) a firearm that is unloaded and in a case or in a closed
33 trunk of a motor vehicle;

34 (3) a shotgun and only shells containing shot;

35 (4) a handgun or rifle and only short, long, and long rifle
36 cartridges that are caliber of .22 inches;

1 (5) handguns possessed by a person authorized to carry a
2 handgun under sections 624.714 and 624.715 for the purpose
3 authorized; and

4 (6) on a target range operated under a permit from the
5 commissioner. [100.29 s.3]

6 Sec. 10. [97B.045] [TRANSPORTATION OF FIREARMS.]

7 A person may not transport a firearm in a motor vehicle
8 unless the firearm is:

9 (1) unloaded and in a gun case expressly made to contain a
10 firearm, and the case fully encloses the firearm by being
11 zipped, snapped, buckled, tied, or otherwise fastened, and
12 without any portion of the firearm exposed;

13 (2) unloaded and in the closed trunk of a motor vehicle; or

14 (3) a handgun carried in compliance with sections 624.714
15 and 624.715. [100.29 s. 5]

16 Sec. 11. [97B.051] [TRANSPORTATION OF ARCHERY BOWS.]

17 A person may not transport an archery bow in a motor
18 vehicle unless the bow is:

19 (1) unstrung;

20 (2) completely contained in a case; or

21 (3) in the closed trunk of a motor vehicle. [100.29 s. 5]

22 Sec. 12. [97B.055] [DISCHARGING FIREARMS AND BOWS AND
23 ARROWS.]

24 Subdivision 1. [RESTRICTIONS RELATED TO HIGHWAYS.] A
25 person may not discharge a firearm or an arrow from a bow on,
26 over; or across an improved public highway at a big game
27 animal. A person may not discharge a firearm or bow and arrow
28 within the the right-of-way of an improved public highway at a
29 big game animal. The commissioner may by order extend the
30 application of this subdivision to the taking of migratory
31 waterfowl in designated locations. [100.31]

32 Subd. 2. [RESTRICTIONS RELATED TO MOTOR VEHICLE.] A person
33 may not take a wild animal with a firearm or by archery from a
34 motor vehicle except as permitted in this section. [100.29 s.
35 5]

36 Subd. 3. [HUNTING FROM VEHICLE BY DISABLED HUNTERS.] The

1 commissioner may issue a special permit, without a fee, to
2 discharge a firearm or bow and arrow from a stationary motor
3 vehicle to a licensed hunter that is physically unable to walk
4 with or without crutches, braces, or other mechanical support.
5 A person with a temporary disability may be issued an annual
6 permit and a person with a permanent disability may be issued a
7 permanent permit. [98.48 s. 12]

8 Subd. 4. (TAKING BOUNTY ANIMALS FROM AIRPLANES AND
9 SNOWMOBILES.) The commissioner may issue a special permit,
10 without fee, to take animals that the state pays a bounty for,
11 from an airplane or a snowmobile. [98.48 s. 10]

12 Sec. 13. [97B.061] [REPORTS AND RECORDS.]
13 If requested by the commissioner, a person who has taken
14 game must submit a report to the commissioner on a furnished
15 form before February 1, stating the number and kind of each game
16 animal taken during the preceding calendar year. [98.51 s. 1]

17 Sec. 14. [97B.065] [HUNTING WHILE INTOXICATED OR USING
18 NARCOTICS PROHIBITED.]

19 A person may not take protected wild animals with a firearm
20 or by archery while visibly intoxicated or under the influence
21 of narcotics. [100.29 s. 6]

22 Sec. 15. [97B.071] [RED OR BLAZE ORANGE REQUIREMENTS.]

23 A person may not hunt or trap during the open season in a
24 zone or area where deer may be taken by firearms, unless the
25 visible portion of the person's cap and outer clothing above the
26 waist, excluding sleeves and gloves, is bright red or blaze
27 orange. Blaze orange includes a camouflage pattern of at least
28 50 percent blaze orange within each foot square. [100.29 s. 8]

29 Sec. 16. [97B.075] [HUNTING RESTRICTED BETWEEN EVENING AND
30 MORNING.]

31 A person may not take protected wild animals, except
32 raccoon and fox, with a firearm or by archery between the
33 evening and morning times established by commissioner's order.
34 [100.29 s. 1]

35 Sec. 17. [97B.081] [USING ARTIFICIAL LIGHTS TO LOCATE
36 ANIMALS.]

1 Subdivision 1. [WITH FIREARMS AND BOWS.] (a) A person may
2 not cast the rays of a spotlight, headlight, or other artificial
3 light on a highway, or in a field, woodland, or forest, to spot,
4 locate, or take a wild animal, while having in possession,
5 either individually or as one of a group of persons, a firearm,
6 bow, or other implement that could be used to kill big game.

7 (b) This subdivision does not apply to a firearm that is:
8 (1) unloaded;

9 (2) in a gun case expressly made to contain a firearm that
10 fully encloses the firearm by being zipped, snapped, buckled,
11 tied, or otherwise fastened without any portion of the firearm
12 exposed; and

13 (3) in the closed trunk of a motor vehicle.

14 (c) This subdivision does not apply to a bow that is:

15 (1) completely encased or unstrung; and

16 (2) in the closed trunk of a motor vehicle.

17 (d) If the motor vehicle under paragraph (b) or (c) does
18 not have a trunk, the firearm or bow must be placed in the
19 rearmost location of the vehicle. [100.29 s. 10]

20 Subd. 2. [WITHOUT FIREARMS.] Between the hours of 10:00
21 p.m. and 6:00 a.m. from September 1 to December 31, a person may
22 not cast the rays of a spotlight, headlight, or other artificial
23 light in a field, woodland, or forest to spot, locate, or take a
24 wild animal except to take raccoons under section 46,
25 subdivision 3. It is not a violation of this subdivision for a
26 person to carry out any agricultural, occupational, or
27 recreational practice, including snowmobiling that is not
28 related to spotting, locating or taking a wild animal. [100.29
29 s. 9a]

30 Sec. 18. [97B.085] [USE OF RADIOS TO TAKE ANIMALS.]

31 Subdivision 1. [TAKING PROTECTED ANIMALS PROHIBITED.] A
32 person may not use radio equipment to take a protected wild
33 animal. [100.29 s. 27]

34 Subd. 2. [TAKING UNPROTECTED WILD ANIMALS; PERMIT
35 REQUIRED.] A person may not use radio equipment to take
36 unprotected wild animals without a permit. The commissioner may

1 issue a permit to take unprotected animals with radio
 2 equipment. The commissioner shall cancel the permit upon
 3 receiving a valid complaint of misconduct regarding the
 4 permittee's hunting activities. [100.29 s. 27]

5 Sec. 19. [97B.091] [USE OF MOTOR VEHICLES TO CHASE WILD
 6 ANIMALS PROHIBITED.]

7 A person may not use a motor vehicle to intentionally
 8 drive, chase, run over, kill, or take a wild animal. [100.26 s.
 9 1, 100.29 s. 28, 29]

10 Sec. 20. [97B.095] [DISTURBING BURROWS AND DENS.]

11 A person may not disturb the burrow or den of a wild animal.
 12 between November 1 and April 1 without a permit. [100.29 s. 24]

13 Sec. 21. [97B.101] [HUNTING WITH FERRETS PROHIBITED.]

14 A person may not take a protected wild animal with the aid
 15 of a ferret. [100.29 s. 23]

16 Sec. 22. [97B.105] [HUNTING BY FALCONRY.]

17 A person may take a protected wild animal by falconry under
 18 rules prescribed by the commissioner. [100.27 s. 8]

19 BIG GAME

20 Sec. 23. [97B.201] [NO OPEN SEASON FOR ELK, CARIBOU, AND
 21 ANTELOPE.]

22 There may not be an open season on elk, caribou, or
 23 antelope. [100.27 s. 1]

24 Sec. 24. [97B.205] [USE OF DOGS AND HORSES TO TAKE BIG
 25 GAME PROHIBITED.]

26 A person may not use a dog or horse to take big game.
 27 [100.29 s. 14]

28 Sec. 25. [97B.211] [HUNTING BIG GAME BY ARCHERY.]

29 Subdivision 1. [POSSESSION OF FIREARMS PROHIBITED.] A
 30 person may not take big game by archery while in possession of a
 31 firearm. [100.29 s. 7]

32 Subd. 2. [ARROWHEAD REQUIREMENTS.] Arrowheads used for
 33 taking big game must be sharp and barbless and have a single
 34 two-edged blade at least one inch wide, or three or more blades
 35 at least three inches in circumference. The arrowhead must be
 36 made of:

- 1 (1) hiearbon steel and weigh at least 110 grains; or
- 2 (2) mill-tempered spring steel with a plastic core or
- 3 ferrule and weigh at least 90 grains. [100.29 s. 7]

4 DEER

5 Sec. 26. [97B.301] [DEER LICENSES AND LIMITS.]

6 Subdivision 1. [LICENSES REQUIRED.] A person may not take
 7 deer without a license. A person must have a firearms deer
 8 license to take deer with firearms and an archery deer license
 9 to take deer by archery except as provided in this section.
 10 [98.45 s. 1, 100.272]

11 Subd. 2. [LIMIT OF ONE DEER.] Except as provided in
 12 subdivisions 3 and 4, a person may obtain one firearms deer
 13 license and one archery deer license in the same license year,
 14 but may take only one deer. [100.272]

15 Subd. 3. [PARTY HUNTING.] If two or more persons with
 16 licenses to take deer by firearms, or two or more persons with
 17 licenses to take deer by archery, are hunting as a party, a
 18 member of the party may take more than one deer, but the total
 19 number of deer taken by the party may not exceed the number of
 20 persons licensed to take deer in the party. [100.272]

21 Subd. 4. [EXPERIMENTAL TWO DEER.] The commissioner may, by
 22 order, allow a person to take two deer during each of the 1986
 23 and 1987 calendar years. The commissioner shall prescribe the
 24 conditions for taking the second deer including:

- 25 (1) taking by firearm or archery;
- 26 (2) obtaining an additional license; and
- 27 (3) payment of a fee not more than the fee for a firearms
 28 deer license. [100.281]

29 Sec. 27. [97B.305] [COMMISSIONER MAY LIMIT NUMBER OF DEER
 30 HUNTERS.]

31 The commissioner may limit the number of persons that may
 32 hunt deer in an area if it is necessary to prevent an
 33 overharvest or improve the distribution of hunters. The
 34 commissioner may, by order, establish a method, including a
 35 drawing, to impartially select the hunters for an area. The
 36 commissioner shall give preference to hunters that have

1 previously applied and have not been selected. [97.48 s. 24]

2 Sec. 28. [97B.311] [DEER SEASONS AND RESTRICTIONS.]

3 The commissioner may, by order, prescribe restrictions and
4 designate areas where deer may be taken. The commissioner may,
5 by order, prescribe the open seasons for deer within the
6 following periods:

7 (1) taking with firearms, other than muzzle-loading
8 firearms, between November 1 and December 15;

9 (2) taking with muzzle-loading firearms between September 1
10 and December 31; and

11 (3) taking by archery between September 1 and December 31.
12 [100.27 s. 2]

13 Sec. 29. [97B.315] [CROSSBOW PERMITS.]

14 The commissioner may issue a special permit, without a fee,
15 to take deer with a crossbow to a person that is unable to hunt
16 in another manner because of a permanent physical disability.
17 The disability, established by medical evidence, and the
18 inability to hunt in another manner must be verified in writing
19 by a licensed physician. The person must obtain an archery deer
20 license. The crossbow must:

21 (1) be fired from the shoulder;

22 (2) deliver at least 42 foot-pounds of energy at a distance
23 of ten feet;

24 (3) have a stock at least 30 inches long;

25 (4) have a working safety; and

26 (5) be used with arrows or bolts of at least ten inches
27 long with a broadhead. [98.48 s. 16]

28 Sec. 30. [97B.321] [SNARES, TRAPS, SET GUNS, AND SWIVEL
29 GUNS PROHIBITED.]

30 A person may not take deer with the aid of a snare, trap,
31 set gun, or swivel gun. [100.29 s. 12]

32 Sec. 31. [97B.325] [DEER STAND RESTRICTIONS.]

33 A person may not take deer from a man-made platform or
34 other structure higher than nine feet above the ground. The
35 restriction does not apply to a portable stand that is chained,
36 belted, clamped, or tied with rope. [100.29 s. 14]

BEAR

Sec. 32. [97B.401] [BEAR LICENSE REQUIRED.]

A person may not take bear without a bear license except as provided in section 35 to protect property. [98.45 s. 1]

Sec. 33. [97B.405] [COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.]

The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by order, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected. [97.48 s. 24, 100.27 s. 2, 9]

Sec. 34. [97B.411] [BEAR SEASON AND RESTRICTIONS.]

The commissioner may, by order, prescribe the open season and the areas and restrictions for the taking of bear. [100.27 s. 2, 9]

Sec. 35. [97B.415] [TAKING BEAR TO PROTECT PROPERTY.]

A person may take a bear at any time to protect the person's property. The person must report the bear taken to a conservation officer within 48 hours. The bear may be disposed of as prescribed by the commissioner. [100.27 s. 9]

Sec. 36. [97B.421] [PERMIT REQUIRED TO SNARE BEARS.]

A person may not use a snare to take a bear except under a permit from the commissioner. [100.29 s. 13]

Sec. 37. [97B.425] [BAITING BEARS.]

A person placing bait to take bear must display a tag at each site where bait is placed and register the sites. The commissioner shall prescribe the method of tagging and registering the sites. A person may not use solid waste containing bottles, cans, plastic, paper, metal, or other materials that are not readily biodegradable as a bait to attract bear. [100.29 s. 31]

Sec. 38. [97B.431] [BEAR HUNTING GUIDES.]

A person may not place bait for bear, or guide hunters to

1 take bear, for compensation without a bear hunting guide
 2 license. A bear hunting guide is not required to have a license
 3 to take bear unless the guide is attempting to shoot a bear.
 4 The commissioner shall adopt rules for qualifications for
 5 issuance and administration of the licenses. [98.455]

6 MOOSE

7 Sec. 39. [97B.501] [MOOSE LICENSE REQUIRED.]
 8 A person may not take moose without a moose license.
 9 [98.45 s. 1]
 10 Sec. 40. [97B.505] [MOOSE SEASON AND RESTRICTIONS.]
 11 The commissioner may, by order, prescribe the open season
 12 and the areas and conditions for the taking of moose. [100.27 s.
 13 2]

14 Sec. 41. [97B.511] [MOOSE STAND RESTRICTIONS.]
 15 A person may not take moose from a man-made platform or
 16 other structure higher than nine feet above the ground. The
 17 restriction does not apply to a portable stand that is chained,
 18 belted, clamped, or tied with rope. [100.29 s. 14]

19 SMALL GAME

20 Sec. 42. [97B.601] [SMALL GAME LICENSES.]
 21 Subdivision 1. [REQUIREMENT.] A person may not take small
 22 game without a small game license except as provided in
 23 subdivision 4. [98.47 s. 6]

24 Subd. 2. [TRAPPING SMALL GAME.] A person may not take
 25 small game with traps without a trapping license and a small
 26 game license except as provided in subdivision 4. [98.47 s. 6]

27 Subd. 3. [NONRESIDENTS: RACCOON, BOBCAT, FOX, COYOTE,
 28 CANADA LYNX.] A nonresident may not take raccoon, bobcat, fox,
 29 coyote, or Canada lynx without a separate license to take that
 30 animal in addition to a small game license. [98.46 s. 14]

31 Subd. 4. [EXCEPTION TO LICENSE REQUIREMENTS.] (a) A
 32 resident under age 16 may take small game without a small game
 33 license, and a resident under age 13 may trap without a trapping
 34 license, as provided in article 1, section 63, subdivision 3.

35 (b) A person may take small game without a small game
 36 license on land occupied by the person as a principal residence.

1 (c) An owner or occupant may take certain small game
 2 causing damage without a small game or trapping license as
 3 provided in section 53. [98.47 s. 1, 10, 100.27 s. 7]

4 Sec. 43. [97B.605] [COMMISSIONER MAY RESTRICT TAKING OF
 5 CERTAIN SMALL GAME ANIMALS.]

6 The commissioner may prescribe restrictions on and
 7 designate areas where gray and fox squirrels; cottontail and
 8 jack rabbits; snowshoe hare; raccoon; lynx; bobcat; fox;
 9 fishers; and badger may be taken and possessed. [100.27 s. 3]

10 Sec. 44. [97B.611] [SQUIRRELS.]

11 Subdivision 1. [SEASONS FOR GRAY AND FOX SQUIRRELS.] The
 12 statewide open season for gray and fox squirrels may be
 13 prescribed by the commissioner between October 15 and December
 14 31. The commissioner may prescribe areas with additional open
 15 seasons. [100.27 s. 3]

16 Subd. 2. [FIRE AND SMOKE PROHIBITED.] A person may not set
 17 fire to a tree or use smoke to take squirrels. [100.29 s. 15]

18 Sec. 45. [97B.615] [RABBIT AND HARE SEASON.]

19 The statewide open season for cottontail, jack rabbits, and
 20 snowshoe hare may be prescribed by the commissioner between
 21 September 16 and March 1. [100.27 s. 3]

22 Sec. 46. [97B.621] [RACCOONS.]

23 Subdivision 1. [SEASON.] The statewide open season for
 24 raccoon may be prescribed by the commissioner between October 15
 25 and December 31. [100.27 s. 3]

26 Subd. 2. [PERIOD FOR TREEING RACCOONS.] Notwithstanding
 27 subdivision 1, a person may use dogs to pursue and tree raccoons
 28 without killing or capturing the raccoons from January 1 to
 29 April 15 and July 15 to October 14. [100.27 s. 3]

30 Subd. 3. [NIGHTTIME HUNTING RESTRICTIONS.] To take
 31 raccoons between sunset and sunrise, a person:

32 (1) must be on foot;

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

34 (3) may not use a rifle other than one of a .22 inch
 35 caliber with .22 short, long, or long rifle, rimfire ammunition;
 36 and

1 (4) may not use shotgun shells with larger than No. 4 shot.

2 [100.29 s. 10]

3 Subd. 4. [PROHIBITED METHODS OF TAKING.] A person may not
4 take a raccoon:

5 (1) in a den or hollow tree;

6 (2) by cutting down a tree occupied by raccoon; or

7 (3) by setting fire to a tree or using smoke. [100.29 s.

8 15]

9 Sec. 47. [97B.625] [LYNX AND BOBCAT.]

10 Subdivision 1. [SEASON.] Based upon population estimates,
11 the commissioner may set the open season for lynx or bobcat.

12 [100.27 s. 3]

13 Subd. 2. [PERMIT REQUIRED TO SNARE.] A person may not use
14 a snare to take lynx or bobcat except under a permit from the
15 commissioner. [100.29 s. 13]

16 Sec. 48. [97B.631] [FOX.]

17 Subdivision 1. [RESTRICTIONS ON TAKING.] A person may not
18 remove a fox from a den or trap fox within 300 feet of a fox den
19 from April 1 to August 31. [100.27 s. 3]

20 Subd. 2. [PERMIT REQUIRED TO SNARE.] A person may not use
21 a snare to take fox except under a permit from the commissioner.
22 [100.29 s. 13]

23 Sec. 49. [97B.635] [FISHER; BADGER; OPPOSSUM; AND PINE
24 MARTEN.]

25 Based upon population estimates, the commissioner may set
26 the open season for fisher, badger, opossum, and pine marten.
27 [100.27 s. 3]

28 Sec. 50. [97B.641] [COUGAR AND WOLVERINE.]

29 There is no open season for cougar or wolverine. [100.27
30 s. 1]

31 Sec. 51. [97B.645] [WOLVES.]

32 Subdivision 1. [USE OF DOGS AND HORSES PROHIBITED.] A
33 person may not use a dog or horse to take a timber wolf.

34 [100.29 s. 14]

35 Subd. 2. [PERMIT REQUIRED TO SNARE.] A person may not use
36 a snare to take a wolf except under a permit from the

1 commissioner. [100.29 s. 13]

2 Sec. 52. [97B.651] [UNPROTECTED MAMMALS.]

3 Mammals that are unprotected wild animals may be taken at
 4 any time and in any manner, except with artificial lights, or by
 5 using a motor vehicle in violation of section 19. Poison may
 6 not be used to take unprotected mammals unless the safety of
 7 humans and domestic livestock is ensured. Unprotected mammals
 8 may be possessed, bought, sold, or transported in any quantity.
 9 [100.26 s. 1, 3]

10 Sec. 53. [97B.655] [TAKING ANIMALS CAUSING DAMAGE.]

11 Subdivision 1. [OWNERS AND OCCUPANTS MAY TAKE CERTAIN
 12 ANIMALS.] A person may take mink, squirrel, rabbit, hare,
 13 raccoon, lynx, bobcat, fox, or beaver on land owned or occupied
 14 by the person where the animal is causing damage. The person
 15 may take the animal without a license and in any manner except
 16 by poison, or artificial lights in the closed season. Raccoons
 17 may be taken under this subdivision with artificial lights
 18 during open season. A person that kills mink, raccoon, lynx,
 19 bobcat, fox, or beaver under this subdivision must bring the
 20 entire animal to a conservation officer or employee of the
 21 division within 24 hours after the animal is killed. [100.27 s.
 22 7]

23 Subd. 2. [SPECIAL PERMIT FOR TAKING PROTECTED WILD
 24 ANIMALS.] The commissioner may issue special permits under
 25 article 1, section 53, subdivision 5, to take protected wild
 26 animals that are damaging property. A person must have the
 27 required license and seals to take beaver under the permit.
 28 [98.48 s. 5]

29 Sec. 54. [97B.661] [REMOVAL OF BEAVER FROM STATE LANDS.]

30 The commissioner may remove beaver at state expense from
 31 state land if the county board where the land is located adopts
 32 a resolution requesting the removal. [97.56]

33 Sec. 55. [97B.665] [IMPAIRMENT OF DRAINAGE BY BEAVER
 34 DAMS.]

35 Subdivision 1. [AGREEMENT BY COUNTY BOARD, LANDOWNER, AND
 36 COMMISSIONER.] (a) When a drainage watercourse is impaired by a

1 beaver dam, the commissioner shall take action to remove the
 2 impairment, if:

3 (1) the county board unanimously consents;

4 (2) the landowner approves;

5 (3) the commissioner agrees; and

6 (4) the action is financially feasible.

7 (b) In a county with unanimous consent of the county board
 8 of commissioners and approval of the landowner, the department
 9 shall take action agreed to by unanimous consent of the county
 10 board, the commissioner, and the landowner. The action may
 11 include destruction or alteration of beaver dams and removal of
 12 beaver. This subdivision does not apply to state parks, state
 13 game refuges, and federal game refuges. [97.57 s. 1]

14 Subd. 2. [PETITION TO DISTRICT COURT.] If a beaver dam
 15 causes a threat to personal safety or a serious threat to damage
 16 property, and a person cannot obtain consent under subdivision
 17 1, a person may petition the district court for relief. The
 18 court may order the commissioner to take action to reduce the
 19 threat. [97.57 s. 2]

20 Sec. 56. [97B.671] [PREDATOR CONTROL PROGRAM.]

21 Subdivision 1. [AUTHORIZATION TO TAKE PREDATORS.] If the
 22 commissioner determines that predators are damaging domestic or
 23 wild animals and further damage can be prevented, the
 24 commissioner shall authorize the taking of the predators by
 25 predator controllers. The commissioner shall define the area
 26 where the predators may be taken, the objectives to be achieved,
 27 payments to be made, the methods to be used, and when the
 28 predator control shall cease. [97.487 s. 3]

29 Subd. 2. [CERTIFICATION OF PREDATOR CONTROLLERS.] The
 30 commissioner shall certify a person as a predator controller if
 31 the person has not violated a provision of this section and
 32 meets qualifications of experience, ability, and reliability.
 33 The commissioner shall establish application procedures,
 34 prescribe forms, and maintain a list of predator controllers.
 35 The application procedures must include reports from
 36 conservation officers and other department field personnel as to

1 the ability and reliability of the applicants. [97.487 s. 4, 6]
 2 Subd. 3. [PREDATOR CONTROL PAYMENTS.] The commissioner
 3 shall pay a predator controller the amount the commissioner
 4 prescribes for each predator taken. The commissioner shall pay
 5 at least \$25 but not more than \$60 for each wolf or coyote
 6 taken. The commissioner may require the predator controller to
 7 submit proof of the taking and a signed statement concerning the
 8 predators taken. [97.487 s. 5]

9 BIRDS

10 Sec. 57. [97B.701] [PROTECTED BIRDS.]

11 Subdivision 1. [TAKING OF BIRDS, NESTS, AND EGGS MUST BE
 12 AUTHORIZED.] Protected birds, their nests, and their eggs may be
 13 taken only as authorized under the game and fish laws. [100.26
 14 s. 2]

15 Subd. 2. [PROHIBITED METHODS OF TAKING.] A person may not
 16 take protected birds:

17 (1) with a trap, net, or snare;

18 (2) using bird lime;

19 (3) with a swivel or set gun; or

20 (4) by dragging a rope, wire, or other device across a
 21 field. [100.29 s. 16]

22 Sec. 58. [97B.705] [RESTRICTIONS ON TRAPPING BIRDS.]

23 (a) Except as provided in this section, a person may not
 24 take a bird with a steel jaw leg-hold trap mounted on a pole,
 25 post, tree stump, or other perch more than three feet above the
 26 ground.

27 (b) A person that has a game farm license and a permit to
 28 take great horned owls issued under United States Code, title
 29 16, section 704, may trap great horned owls from April 1 to
 30 October 15. The trap must be a padded jaw trap as prescribed by
 31 the commissioner and mounted at a height so that the trapped owl
 32 may rest on the ground. Uninjured birds shall be released alive
 33 and injured birds receive appropriate veterinary treatment.

34 [100.29 s. 32]

35 Sec. 59. [97B.711] [GAME BIRDS.]

36 Subdivision 1. [SEASONS FOR CERTAIN UPLAND GAME

1 BIRDS.] (a) The commissioner may, by order, prescribe an open
 2 season in designated areas between September 15 and December 31
 3 for:

- 4 (1) pheasant;
- 5 (2) ruffed grouse;
- 6 (3) sharp tailed grouse;
- 7 (4) Canada spruce grouse;
- 8 (5) prairie chicken;
- 9 (6) gray partridge;
- 10 (7) chukar partridge;
- 11 (8) quail; and
- 12 (9) turkey.

13 (b) The commissioner may by order prescribe an open season
 14 for turkey in the spring. [100.27 s. 5]

15 Subd. 2. [DAILY AND POSSESSION LIMITS FOR CERTAIN UPLAND
 16 GAME BIRDS.] (a) A person may not take more than five in one day
 17 or possess more than ten of each of the following:

- 18 (1) pheasant;
- 19 (2) ruffed grouse;
- 20 (3) sharp tailed grouse;
- 21 (4) prairie chicken;
- 22 (5) gray partridge; and
- 23 (6) chukar partridge.

24 (b) A person may not take more than ten quail in one day or
 25 possess more than 15 bob-white quail.

26 (c) The commissioner may, by order, reduce the daily and
 27 possession limits established in this subdivision. [100.28 s.2]

28 Sec. 60. [97B.715] [PHEASANTS.]

29 Subdivision 1. [STAMP REQUIRED.] (a) Except as provided in
 30 paragraph (b), a person required to possess a small game license
 31 may not hunt pheasants without a pheasant stamp in possession.

32 (b) The following persons are exempt from this subdivision:

- 33 (1) residents under age 18 or over age 65; and
- 34 (2) persons hunting on licensed private shooting preserves
 35 in Norman, Becker, Wadena, Cass, Crow Wing, Aitkin, or Carlton
 36 county, and locations north of the northern boundaries of these

1 counties. [97.4843 s. 2]

2 Subd. 2. [DAILY AND POSSESSION HEN PHEASANT LIMITS.] A
3 person may not take more than one hen pheasant in one day or
4 possess more than two hen pheasants. [100.28 s. 2]

5 Subd. 3. [HUNTING HOURS.] A person may not take pheasants
6 between the evening time that the commissioner establishes by
7 order and 9 a.m. [100.29 s. 1]

8 Sec. 61. [97B.721] [LICENSE REQUIRED TO TAKE TURKEY.]
9 A person may not take turkey without a small game license
10 and a turkey license. [98.46 s. 2, 14]

11 Sec. 62. [97B.725] [LICENSE REQUIRED TO GUIDE HUNTERS.]
12 A person may not guide turkey hunters for compensation
13 without a turkey hunter guide license. The license must be
14 obtained before the day of the opening of the turkey season.
15 The commissioner shall prescribe qualifications for the issuance
16 of turkey hunter guide licenses. [98.456]

17 Sec. 63. [97B.731] [MIGRATORY BIRDS.]

18 Subdivision 1. [MIGRATORY GAME BIRDS.] Migratory game
19 birds may be taken and possessed. A person may not take
20 migratory game birds in violation of federal law. [100.27 s. 6]

21 Subd. 2. [TAKING MOURNING DOVES PROHIBITED.] Mourning
22 doves may not be taken in the state. [100.27 s. 6]

23 MIGRATORY WATERFOWL

24 Sec. 64. [97B.801] [MINNESOTA MIGRATORY WATERFOWL STAMP
25 REQUIRED.]

26 Except as provided in this section, a person required to
27 possess a small game license may not take migratory waterfowl
28 without a Minnesota migratory waterfowl stamp in possession.
29 Residents under age 18 or over age 65 and persons hunting on
30 their own property are not required to possess the stamp.
31 [97.4841 s. 2]

32 Sec. 65. [97B.805] [RESTRICTIONS ON METHOD OF TAKING
33 WATERFOWL ON WATER.]

34 Subdivision 1. [HUNTER MUST BE CONCEALED.] (a) A person
35 may not take migratory waterfowl, coots, or rails in open water
36 unless the person is:

1 (1) within a natural growth of vegetation sufficient to
 2 partially conceal the person or boat; or
 3 (2) pursuing or shooting wounded birds.

4 (b) A person may not take migratory waterfowl, coots, or
 5 rails in public waters from a permanent artificial blind or sink
 6 box. [100.29 s. 17]

7 Subd. 2. [RESTRICTIONS ON WATERCRAFT.]

8 (a) A person using watercraft to take migratory waterfowl
 9 must comply with subdivision 1.

10 (b) Migratory waterfowl may be taken from a watercraft
 11 propelled by motor or sails only if the watercraft has stopped
 12 and the motor is shut off and the sails are furled. [100.29 s.
 13 5]

14 (c) Migratory waterfowl may be taken from a floating
 15 watercraft if the craft is drifting, beached, moored, resting at
 16 anchor, or is being propelled by paddle, oars, or pole. [100.29
 17 s. 5]

18 Subd. 3. [UNATTENDED BOATS.] During the open season for
 19 waterfowl, a person may not leave an unattended boat used for
 20 hunting waterfowl in public waters between sunset and one hour
 21 before sunrise, unless the boat is adjacent to private land
 22 under the control of the person and the water does not contain a
 23 natural growth of vegetation sufficient to partially conceal a
 24 hunter or a boat. [100.29 s. 18]

25 Sec. 66. [97B.811] [DECOYS AND BLINDS ON PUBLIC LANDS AND
 26 WATERS.]

27 Subdivision 1. [BLINDS AND DECOYS PROHIBITED BEFORE
 28 SEASON.] A person may not erect a blind or place decoys in
 29 public waters or on public land more than one hour before the
 30 open season for waterfowl. [100.29 s. 18]

31 Subd. 2. [HOURS FOR PLACING DECOYS.] Except as provided in
 32 subdivisions 3 and 4, a person may not place decoys in public
 33 waters or on public lands more than one hour before sunrise
 34 during the open season for waterfowl. [100.29 s. 18]

35 Subd. 3. [RESTRICTIONS ON LEAVING DECOYS OVERNIGHT.]
 36 During the open season for waterfowl, a person may not leave

1 decoys in public waters between sunset and one hour before
2 sunrise unless:

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

5 (2) there is not natural vegetation growing in water
6 sufficient to partially conceal a hunter. [100.29 s. 18]

7 Subd. 4. [DECOYS THAT ARE NAVIGATIONAL HAZARD PROHIBITED.]
8 A person may not leave decoys in public waters between sunset
9 and one hour before sunrise if the decoys constitute a
10 navigational hazard. [100.29 s. 18]

11 FUR-BEARING ANIMALS, TRAPPING

12 Sec. 67. [97B.901] [COMMISSIONER MAY REQUIRE TAGS ON
13 FUR-BEARING ANIMALS.]

14 The commissioner may, by order, require persons taking
15 fur-bearing animals to tag the animals where they are taken.
16 The commissioner shall prescribe the manner of issuance and the
17 type of tag, which must show the year of issuance. The
18 commissioner shall issue the tag, without a fee, upon request.
19 [98.46 s. 21]

20 Sec. 68. [97B.905] [FUR BUYING AND SELLING LICENSES.]

21 Subdivision 1. [RESIDENT LICENSE.]

22 (a) A resident that has a license to buy and sell raw furs
23 may buy and sell raw furs in the state including:

24 (1) selling raw furs to a manufacturer, representing
25 nonresidents;

26 (2) selling raw furs to a broker or agent, representing a
27 nonresident; and

28 (3) conducting a fur auction that makes sales to resident
29 manufacturers and nonresidents.

30 (b) An employee, partner, or officer buying or selling only
31 for a raw fur dealer licensee at an established place of
32 business licensed under article 1, section 68, subdivision 21,
33 clause (a), may obtain a supplemental license under article 1,
34 section 68, subdivision 21, clause (b). [98.46 s. 4]

35 Subd. 2. [NONRESIDENT LICENSE.] A nonresident must obtain
36 a license under article 1, section 68, subdivision 22, to buy or

1 sell raw furs within the state, except a license is not required
2 to buy from a person licensed under article 1, section 68,
3 subdivision 21. [98.46 s. 16]

4 Subd. 3. [BOND REQUIRED FOR FUR BUYER LICENSE APPLICANTS.]
5 Applicants for a raw fur dealer's license must, at the time of
6 application for the license, furnish a corporate surety bond in
7 favor of the state for \$1,000 payable upon violation of the game
8 and fish laws. [98.46 s. 23]

9 Sec. 69. [97B.911] [MUSKRAT SEASONS.]

10 The commissioner may establish open seasons for muskrat
11 between October 25 and April 30. The open season in an area may
12 not exceed 90 days. The commissioner may prescribe restrictions
13 for the taking of muskrat. [100.27 s. 4]

14 Sec. 70. [97B.915] [MINK SEASONS.]

15 The commissioner may establish open seasons for mink
16 between October 25 and April 30. The open season in an area may
17 not exceed 90 days. The commissioner may prescribe restrictions
18 for the taking of mink. [100.27 s. 4]

19 Sec. 71. [97B.921] [OTTER SEASONS.]

20 The commissioner may establish open seasons for otter
21 between October 25 and April 30. The open season in an area may
22 not exceed 30 days. Otter may be taken only by trapping and is
23 subject to restrictions prescribed by the commissioner. [100.27
24 s. 4]

25 Sec. 72. [97B.925] [BEAVER SEASONS.]

26 The commissioner may establish open seasons for beaver
27 between October 25 and April 30. Beaver may be taken only by
28 trapping and is subject to restrictions prescribed by the
29 commissioner. [100.27 s. 4]

30 Sec. 73. [97B.931] [HOURS FOR TENDING TRAPS RESTRICTED.]

31 A person may not tend a trap set for wild animals between
32 7:00 p.m. and 5:00 a.m. [100.29 s. 25]

33 Sec. 74. [97B.935] [USE OF VEHICLES FOR TRAPPING BEAVER
34 AND OTTER.]

35 Subdivision 1. [GENERAL PROHIBITION.] Except as provided
36 in this section, a person may not use a snowmobile or an

1 all-terrain vehicle during the open season for beaver or otter,
2 and for two days after the open seasons end, to transport or
3 check beaver or otter traps or to transport beaver or otter
4 carcasses or pelts. [100.29 s. 30]

5 Subd. 2. [ALLOWED IN DESIGNATED COUNTIES.] The
6 commissioner may, by order, designate counties where snowmobiles
7 and all-terrain vehicles may be used to transport and check
8 beaver and otter traps and to transport beaver or otter
9 carcasses or pelts. [100.29 s. 30]

10 Subd. 3. [SPECIAL PERMIT FOR DISABLED.] The commissioner
11 may issue a special permit to use a snowmobile or all-terrain
12 vehicle to transport or check beaver or otter traps or to
13 transport beaver or otter carcasses or pelts to a licensed
14 trapper physically unable to walk as specified in section 12,
15 subdivision 3. [100.29 s. 30]

16 Sec. 75. [97B.941] [TAMPERING WITH TRAPS.]

17 A person may not remove or tamper with a trap legally set
18 to take fur-bearing animals or unprotected wild animals without
19 authorization. Authorized persons include the commissioner and
20 the owner or lessee of the land where the trap is located.
21 [100.29 s. 33]

22 Sec. 76. [97B.945] [SETTING OF TRAPS NEAR WATER
23 RESTRICTED.]

24 A person may not set a trap within 150 feet of a stream,
25 lake, or navigable water within 30 days before the open season
26 for mink and muskrat without a special permit by the
27 commissioner. [100.295]

28 ARTICLE 3

29 CHAPTER 97C

30 FISHING

31 FISHING HABITAT

32 Section 1. [97C.001] [EXPERIMENTAL WATERS.]

33 Subdivision 1. [DESIGNATION.] The commissioner may
34 designate all or part of a lake or stream as experimental
35 waters. The designated experimental waters may not exceed 100
36 lakes and 25 streams at one time. Only lakes and streams that

1 have a public access may be designated. The commissioner shall
2 establish methods and criteria for public initiation of
3 experimental waters designation and for public participation in
4 the evaluation of the waters designated. (97.48 s. 26)

5 Subd. 2. (PUBLIC MEETING.) Before the commissioner
6 designates experimental waters, a public meeting must be held in
7 the county where the largest portion of the lake or stream is
8 located. At least seven days before the public meeting, notice
9 of the meeting must be published in a legal newspaper within the
10 counties where the lake or stream is located. If a lake to be
11 designated has a water area of more than 1,500 acres, a public
12 meeting must also be held in the seven-county metropolitan area.
13 (97.48 s. 26)

14 Subd. 3. (SEASONS, LIMITS, AND REGULATIONS.) The
15 commissioner may, by order, establish open seasons, limits,
16 methods, and other regulations to take fish on experimental
17 waters. (97.48 s. 26)

18 Sec. 2. (97C.005) (SPECIAL MANAGEMENT LAKES.)
19 The commissioner may classify waters for their primary use
20 as trophy lakes, family fishing lakes, special species
21 management lakes, and other designated uses. (97.48 s. 26a)

22 Sec. 3. (97C.011) (MUSKELLUNGE LAKES.)

23 (a) The commissioner may, after holding a public meeting,
24 designate waters with muskellunge as muskellunge waters.

25 (b) The commissioner may prescribe rules for each
26 designated muskellunge waters that:

27 (1) restrict spearing from a darkhouse;
28 (2) restrict angling from a darkhouse;
29 (3) limit the open season to take fish;
30 (4) limit the size of fish that may be kept; and
31 (5) limit the number of each species of fish that may be
32 kept.

33 (c) The commissioner must give notice and hold a hearing
34 before adopting rules under this subdivision. The rules must
35 have a termination date and may only be extended upon a showing
36 by the commissioner, at a hearing, that the muskellunge

1 population in the designated waters has been enhanced.

2 (d) The provisions of section 39, subdivision 1, requiring
3 the angling season on a lake to be closed in proportion to the
4 spearing season do not apply to designated muskellunge lakes.
5 [101.475 s. 1, 2]

6 Sec. 4. [97C.015] [MISSISSIPPI RIVER FISH REFUGE.]

7 Subdivision 1. [ESTABLISHMENT.] The portion of the
8 Mississippi river described in subdivision 3 is a fish refuge
9 when the commissioner concludes a fish refuge agreement with the
10 appropriate state authority in Wisconsin. The agreement must
11 require that a similar fish refuge is established in the
12 Wisconsin waters of the Mississippi river described in
13 subdivision 3. [99.29 s. 1, 3]

14 Subd. 2. [FISHING RESTRICTION.] A person may not take fish
15 from a fish refuge after it is established under this section.
16 [99.29 s. 2]

17 Subd. 3. [LOCATION.] The location of the fish refuge is
18 the portion of the Mississippi river downstream from lock and
19 dam No. 3 located at milepost 796.9 above the mouth of the Ohio
20 river, to the downstream end of Diamond island located at
21 milepost 794.8. [99.29 s. 1]

22 Sec. 5. [97C.021] [ANGLING RESTRICTED IN TROUT STREAMS.]

23 A person may only take fish from a designated trout stream
24 during the open season for trout in the stream. [97.4842 s. 1,
25 101.42 s. 9]

26 Sec. 6. [97C.025] [FISHING AND MOTORBOATS PROHIBITED IN
27 SPAWNING BEDS AND FISH PRESERVES.]

28 A person may not take fish from or drive motorboats over
29 waters designated as spawning beds or fish preserves. [101.42 s.
30 15]

31 Sec. 7. [97C.031] [LAKES WITH UNBALANCED FISH
32 POPULATIONS.]

33 The commissioner may establish and amend a list of lakes
34 and rivers that have been found by the director, to contain an
35 unbalanced fish population, or to contain species of fish that
36 have become stunted from overpopulation. The list may not

1 include more than 100 lakes and rivers, or more than six in a
2 county. The commissioner may, by order, establish open seasons,
3 limits, and methods of taking fish from lakes and rivers on the
4 list. The order must be published in each county containing the
5 lake or river. [101.47 s. 1]

6 Sec. 8. [97C.035] [ENDANGERED FISH POPULATIONS.]

7 Subdivision 1. [CONDITIONS.] If the commissioner
8 determines that fish in shallow waters are endangered by lack of
9 oxygen in the winter, or if waters will be restored with the use
10 of piscicides, the commissioner shall rescue the fish under
11 subdivision 2 or allow taking of the fish under subdivision 3.
12 [97.48 s. 16]

13 Subd. 2. [RESCUE OF FISH.] If the commissioner rescues
14 fish endangered by lack of oxygen in the winter, the fish may be
15 transferred to other waters, sold, or otherwise disposed of.
16 [97.48 s. 16]

17 Subd. 3. [TAKING OF FISH.] (a) The commissioner may, by
18 order, authorize residents to take fish:

19 (1) in any quantity;

20 (2) in any manner, except by use of seines, hoop nets, fyke
21 nets, and explosives; and

22 (3) for personal use only, except rough fish may be sold.

23 (b) In an emergency the commissioner may authorize the
24 taking of fish without publishing the order if notice is posted
25 conspicuously along the shore of the waters. [97.48 s. 16]

26 Sec. 9. [97C.041] [COMMISSIONER MAY REMOVE ROUGH FISH.]

27 The commissioner may take rough fish, lake whitefish, and
28 rainbow smelt with seines, nets, and other devices. The
29 commissioner may hire or contract persons, or issue permits, to
30 take the fish. The commissioner shall prescribe the manner of
31 taking and disposal. The commissioner may award a contract
32 under this section without competitive bidding. Before
33 establishing the contractor's compensation, the commissioner
34 must consider the qualifications of the contractor, including
35 the contractor's equipment, knowledge of the waters, and ability
36 to perform the work. [97.48 s. 2, 4]

1 Sec. 10. [97C.045] [REMOVAL OF ROUGH FISH FROM BOUNDARY
2 WATERS.]

3 The commissioner may enter into agreements with North
4 Dakota, South Dakota, Wisconsin, and Iowa, relating to the
5 removal of rough fish in boundary waters. The agreements may
6 include:

7 (1) contracting to remove rough fish;

8 (2) inspection of the work;

9 (3) the division of proceeds; and

10 (4) regulating the taking of rough fish. [97.48 s. 2]

11 Sec. 11. [97C.051] [SPECIAL PERMITS TO USE PISCICIDES.]

12 Subdivision 1. [PERMIT.] The commissioner may issue a
13 special permit, without a fee, to apply piscicides to restore
14 waters at the permittee's expense. The permit may be issued to
15 an individual, a group of riparian owners, or a lake improvement
16 association. The permit may only be issued if all riparian
17 owners have consented in writing. [98.48 s. 15]

18 Subd. 2. [TAKING OF FISH.] The commissioner may set
19 special open seasons, limits, and methods to take fish before
20 the piscicides are applied. The commissioner must post the
21 special provisions at or near the waters. [98.48 s. 15]

22 Sec. 12. [97C.055] [DEAD FISH REMOVAL.]

23 The commissioner shall remove and dispose of dead fish that
24 accumulate in or upon the shores of public waters in quantities
25 that are a public nuisance or are detrimental to game fish.
26 [101.46]

27 Sec. 13. [97C.061] [DRAGGING A WEIGHT OR AN ANCHOR THROUGH
28 VEGETATION.]

29 A person may not use a motorboat to drag an anchor or other
30 weight through aquatic vegetation, except by commissioner's
31 order. [101.42 s. 19]

32 Sec. 14. [97C.065] [POLLUTANTS IN WATERS.]

33 A person may not dispose of any substance in state waters,
34 or allow any substance to enter state waters, in quantities that
35 injure or are detrimental to the propagation of wild animals or
36 taint the flesh of wild animals. Each day of violation is a

1 separate offense. An occurring or continuous violation is a
2 public nuisance. An action may be brought by the attorney
3 general to enjoin and abate nuisance upon request of the
4 commissioner. This section does not apply to chemicals used for
5 pest control for the general welfare of the public. [101.42 s.
6 17]

7 Sec. 15. [97C.071] [PERMIT REQUIRED FOR STRUCTURE IN
8 PUBLIC WATERS.]

9 A person may not construct or maintain a dam or other
10 obstruction, except a boat pier, in or over public waters
11 without a permit from the commissioner. The commissioner may
12 establish permit conditions for the construction or modification
13 of a fishway around or over a dam or obstruction. [101.42 s. 13]

14 Sec. 16. [97C.075] [FISH SCREENS IN FLOWING WATERS.]

15 A person may not obstruct a creek, stream, or river to
16 prevent the passage of fish with a rack or screen without the
17 permission of the commissioner. The person that erected the
18 obstruction, or the owner of the land where the obstruction is
19 located, must immediately remove the obstruction upon order of
20 the commissioner. [101.43]

21 Sec. 17. [97C.081] [FISHING CONTESTS.]

22 Subdivision 1. [RESTRICTIONS.] A person may not conduct a
23 fishing contest on waters except as provided in this section.
24 [101.42 s. 21]

25 Subd. 2. [CONTESTS WITHOUT A PERMIT.] A person may conduct
26 a fishing contest with entry fees of \$10, or less, per person
27 and total prizes valued at \$2,000, or less, without a permit
28 from the commissioner. The commissioner may, by order,
29 establish restrictions on the fishing contest to protect fish
30 and fish habitat and for the safety of contest participants.
31 [101.42 s. 21]

32 Subd. 3. [CONTESTS AUTHORIZED BY COMMISSIONER.] The
33 commissioner may, by order or permit, allow fishing contests
34 with entry fees over \$10 per person and total prizes valued at
35 more than \$2,000. Permits must be issued without a fee and if
36 the commissioner does not deny the permit within 14 days,

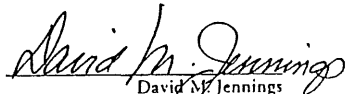
AN ACT

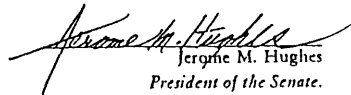
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CHAPTER No.

424

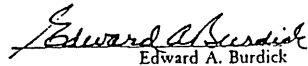
Sec. 18. [97C.201] (STATE FISH STOCKING PROHIBITED WITHOUT PUBLIC ACCESS.)

The commissioner and state agencies may only stock fish in waters where there is public access. The commissioner may stock fish in any stream within privately owned lands where the public is granted free access to and use of the stream for fishing purposes.


David M. Jennings
Speaker of the House of Representatives.


Jerome M. Hughes
President of the Senate.

Passed the House of Representatives this 17th day of March in the year of Our Lord
one thousand nine hundred and eighty-six.


Edward A. Burdick
Chief Clerk, House of Representatives.

Passed the Senate this 15th day of March in the year of Our Lord one thousand
nine hundred and eighty-six.


Patrick E. Flahaven
Secretary of the Senate.

Approved

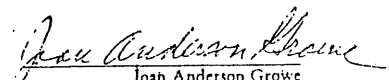
March 24, 1986


Rudy Perpich
Governor of the State of Minnesota.

Filed

3/24/86

-103a-


Joan Anderson Grove
Secretary of State

1 excluding holidays, after receipt of an application, the permit
 2 is granted. [101.42 s. 21]

3 PROPAGATION

4 ~~18. [97C.201] [STATE FISH STOCKING PROHIBITED WITHOUT~~
 5 ~~PUBLIC ACCESS.~~ *replaced 3/24/86*

6 ~~The commissioner shall prescribe rules that may only stock fish in~~
 7 ~~waters where there is public access.~~ [97.485]

8 Sec. 19. [97C.205] [RULES FOR SPORTING ORGANIZATIONS TO
 9 REAR AND STOCK FISH.]

10 The commissioner shall prescribe rules designed to
 11 encourage local sporting organizations to propagate game fish by
 12 using rearing ponds. The rules must:

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

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

17 (3) prescribe methods for stocking the fish in public
 18 waters that give priority to the needs of the community where
 19 the fish are reared and the desires of the organization
 20 operating the rearing pond. [97.48 s. 20]

21 Sec. 20. [97C.211] [PRIVATE FISH HATCHERIES.]

22 Subdivision 1. [LICENSE REQUIRED.] A person may not
 23 operate a private fish hatchery without a private fish hatchery
 24 license. [98.46 s. 17]

25 Subd. 2. [RULES FOR OPERATION.] The commissioner shall
 26 prescribe rules that allow a person to maintain and operate a
 27 private fish hatchery to raise and dispose of fish indigenous to
 28 state waters. [97.48 s. 22]

29 Subd. 3. [FISHING LICENSE NOT REQUIRED FOR PERSONS TO TAKE
 30 FISH.] A person may take fish by angling without a fishing
 31 license at a licensed private fish hatchery or an artificial
 32 pool containing only fish purchased from a private fish
 33 hatchery, if the operator of the hatchery or pool furnishes each
 34 person catching fish a certificate prescribed by the
 35 commissioner. The certificate must state the number and species
 36 of the fish caught and other information as prescribed by the

1 commissioner. A person without a fishing license may possess,
 2 ship, and transport within the state the fish caught in the same
 3 manner as fish taken by a resident with a fishing license.

4 [97.48 s. 22]

5 Subd. 4. [LICENSE REQUIRED TO TAKE SUCKER EGGS.] A person
 6 may not take sucker eggs from public waters for a private fish
 7 hatchery without a license to do so. [98.46 s. 17]

8 Sec. 21. [97C.215] [SPECIAL PERMITS FOR UNITED STATES
 9 AGENTS.]

10 The commissioner may issue a special permit, without a fee,
 11 to an authorized agent of the United States to conduct fish
 12 culture operations, rescue work, and related fishery
 13 operations. [98.48 s. 11]

14 FISHING METHODS

15 Sec. 22. [97C.301] [LICENSE REQUIRED TO TAKE FISH.]

16 Subdivision 1. [REQUIREMENT.] Unless exempted under
 17 article 1, section 62, 63, or 66, subdivision 1, a person must
 18 have a license to take fish as provided in this section. [98.45
 19 s. 1]

20 Subd. 2. [ANGLING.] A person may not take fish without an
 21 angling license. [98.47 s. 6]

22 Subd. 3. [SPEARING.] A person may not take fish by
 23 spearfishing from a dark house without a dark house spearfishing license
 24 and an angling license. [98.47 s. 6]

25 Subd. 4. [NETTING.] A person may not take fish by netting
 26 without the required license to net fish and an angling license.
 27 [98.47 s. 6]

28 Sec. 23. [97C.305] [TROUT AND SALMON STAMP.]

29 A person over age 16 and under age 65 required to possess
 30 an angling license must have a trout and salmon stamp in
 31 possession to take fish by angling in:

32 (1) a stream designated by the commissioner as a trout
 33 stream;

34 (2) a lake designated by the commissioner as a trout lake;
 35 or

36 (3) Lake Superior. [97.4842 s. 1]

1 Sec. 24. [97C.311] [LAKE SUPERIOR FISHING GUIDE LICENSE.]

2 A person may not operate a charter boat and guide anglers

3 on Lake Superior for compensation without a Lake Superior

4 fishing guide license. The commissioner shall prescribe rules

5 for qualification and issuance of the licenses. [98.457]

6 Sec. 25. [97C.315] [ANGLING LINES AND HOOKS.]

7 Subdivision 1. [LINES.] An angler may not use more than

8 one line except:

9 (1) two lines may be used to take fish through the ice; and

10 (2) the commissioner may, by order, authorize the use of

11 two lines in areas designated by the commissioner in Lake

12 Superior. [97.40 s. 32, 101.41 s. 2, 2a]

13 Subd. 2. [HOOKS.] An angler may not have more than one

14 hook on a line, except:

15 (1) three artificial flies may be on a line used to take

16 largemouth bass, smallmouth bass, trout, crappies, sunfish, and

17 rock bass; and

18 (2) a single artificial bait may contain more than one

19 hook. [97.40 s. 32, 101.42 s. 2]

20 Sec. 26. [97C.321] [RESTRICTIONS ON UNATTENDED LINES.]

21 Subdivision 1. [GENERAL PROHIBITION.] A person may not

22 take fish by angling with a set line or an unattended line

23 except as provided in this section and section 60. [101.42 s.

24 20]

25 Subd. 2. [ICE FISHING.] A person may use an unattended

26 line to take fish through the ice if:

27 (1) the person is within sight of the line; or

28 (2) a tip-up is attached to the line and the person is

29 within 80 feet of the tip-up. [101.42 s. 20]

30 Sec. 27. [97C.325] [PROHIBITED METHODS OF TAKING FISH.]

31 (a) Except as specifically authorized, a person may not

32 take fish with:

33 (1) explosives, chemicals, drugs, poisons, lime, medicated

34 bait, fish berries, or other similar substances;

35 (2) substances or devices that kill, stun, or affect the

36 nervous system of fish;

1 (3) nets, traps, trot lines, or snares; or
 2 (4) spring devices that impale, hook, or capture fish.
 3 (b) If a person that possesses a substance or device listed
 4 in paragraph (a) on waters, shores, or islands, it is
 5 presumptive evidence that the person is in violation of this
 6 section. [101.42 s. 11]

7 Sec. 28. [97C.331] [SNAGGING FISH PROHIBITED.]

8 A person may not take fish with a snagline, snagpole,
 9 snaghook, or cluster of fish hooks, designed to be placed in or
 10 drawn through the water to hook the body of a fish. [101.42 s.
 11 4]

12 Sec. 29. [97C.335] [USE OF ARTIFICIAL LIGHTS TO TAKE FISH
 13 PROHIBITED.]

14 A person may not use artificial lights to lure or attract
 15 fish, or to see fish in the water while spearing. [101.42 s. 3]

16 Sec. 30. [97C.341] [CERTAIN FISH PROHIBITED FOR BAIT.]

17 A person may not use live minnows imported from outside of
 18 the state, game fish, gold fish, or carp for bait. [101.42 s.
 19 6]

20 Sec. 31. [97C.345] [RESTRICTIONS ON USE AND POSSESSION OF
 21 NETS AND SPEARS.]

22 Subdivision 1. [PERIOD WHEN USE PROHIBITED.] Except as
 23 specifically authorized, a person may not take fish from
 24 February 16 to April 30 with a spear, fish trap, net, dip net,
 25 seine, or other device capable of taking fish. [101.42 s. 18]

26 Subd. 2. [POSSESSION.] (a) Except as specifically
 27 authorized, a person may not possess a spear, fish trap, net,
 28 dip net, seine, or other device capable of taking fish on or
 29 near any waters. Possession includes personal possession and in
 30 a vehicle.

31 (b) A person may possess spears, dip nets, bows and arrows,
 32 and spear guns allowed under section 38 on or near waters
 33 between sunrise and sunset after April 30. [101.42 s. 18]

34 Subd. 3. [DIP NETS.] A person may possess and use a dip
 35 net between one hour before sunrise and one hour after sunset
 36 after April 30. [101.42 s. 18a]

1 Subd. 4. (EXCEPTIONS.) This section does not apply to:

2 (1) nets used to take rainbow smelt during the open season;

3 (2) nets used to land game fish taken by angling;

4 (3) seines or traps used for the taking of minnows for bait;

5 and

6 (4) angling equipment. [101.42 s. 18, 18a]

7 Sec. 32. [97C.351] [FISH NETS MUST HAVE TAG ATTACHED.]

8 A person may not possess a fish net unless specifically

9 authorized or a metal tag is attached bearing the name and

10 address of the owner when the net is not in use and the name and

11 address of the operator when the net is in use, as prescribed by

12 the commissioner. This section does not apply to minnow nets,

13 landing nets, dip nets, and nets in stock for sale by dealers.

14 [101.42 s. 12]

15 Sec. 33. [97C.355] [DARK HOUSES AND FISH HOUSES.]

16 Subdivision 1. [IDENTIFICATION REQUIRED.] All shelters on

17 the ice of state waters, including dark houses and fish houses,

18 must have the name and address of an owner legibly painted on

19 the exterior in letters with characters at least three inches

20 high. [101.42 s. 16]

21 Subd. 2. [LICENSE REQUIRED.] A person may not take fish

22 from a dark house or fish house unless the house is licensed and

23 has a metal license tag attached to the exterior as prescribed

24 by the commissioner. The commissioner must issue a metal tag

25 that is at least two inches in diameter with a 3/16 inch hole in

26 the center with a dark house or fish house license. The metal

27 tag must be stamped with a number to correspond with the license

28 and the year of issue. [98.46 s. 5] [101.42 s. 16]

29 Subd. 3. [DOOR MUST OPEN FROM OUTSIDE.] A person may not

30 use a dark house or fish house unless the door is constructed so

31 that it can be opened from the outside when it is in use.

32 [101.42 s. 16]

33 Subd. 4. [DISTANCE BETWEEN HOUSES.] A person may not erect

34 a dark house or fish house within ten feet of an existing dark

35 house or fish house. [101.42 s. 16]

36 Subd. 5. [BURNING OF STRUCTURES.] A person may not burn a

1 structure on the ice of state waters without permission of the
2 commissioner. The commissioner may allow burning only after
3 determining that the structure cannot be removed from the ice by
4 another reasonable manner. The owner must remove the remains of
5 the burned structure from the ice. [101.42 s. 16]

6 Subd. 6. [RESTRICTIONS FOR NONRESIDENTS.] A nonresident
7 may only obtain a license for a fish house that is collapsible
8 and portable, and the house may not be unattended. [98.46 s. 15]

9 Subd. 7. [DATES AND TIMES HOUSES MAY REMAIN ON ICE.] (a)
10 After February 28, a fish house or dark house may not be on the
11 ice between 12:00 a.m. and 7:00 a.m. A fish house or dark house
12 on the ice in violation of this subdivision is subject to the
13 enforcement provisions of paragraph (b). The commissioner may,
14 by order, extend the date beyond February 28 for any part of
15 international boundary waters. Copies of the order must be
16 conspicuously posted on the shores of the waters as prescribed
17 by the commissioner. [101.42 s. 16]

18 (b) A conservation officer must confiscate a fish house or
19 dark house in violation of paragraph (a). The officer may
20 remove, burn, or destroy the house. The officer shall seize the
21 contents of the house and hold them for 60 days. If the seized
22 articles have not been claimed by the owner, they may be
23 retained for the use of the division or sold at the highest
24 price obtainable in a manner prescribed by the commissioner.
25 [101.42 s. 16]

26 Subd. 8. [CONFISCATION OF UNLAWFUL STRUCTURES.] Structures
27 on the ice in violation of this section may be confiscated and
28 disposed of, retained by the division, or sold at the highest
29 price obtainable, in a manner prescribed by the commissioner.
30 [101.42 s. 16]

31 Sec. 34. [97C.361] [RESTRICTIONS ON FISH HOUSES AND DARK
32 HOUSES IN THE BOUNDARY WATERS CANOE AREA.]

33 A person may only use a portable fish house or dark house
34 within the boundary waters canoe area. The house must be
35 removed from the waters and collapsed or disassembled each
36 night. The house may not remain in the boundary waters canoe

1 area if the person leaves the boundary waters canoe area.
2 [101.425]

3 Sec. 35. [97C.365] [SPEARS PROHIBITED WHILE ANGLING IN
4 FISH HOUSE OR DARK HOUSE.]

5 A person may not have a spear within a dark house or fish
6 house while angling. [101.42 s. 16]

7 Sec. 36. [97C.371] [SPEARING FISH.]

8 Subdivision 1. [SPECIES ALLOWED.] Only rough fish,
9 catfish, lake whitefish, and northern pike may be taken by
10 spearling. [101.41 s. 4]

11 Subd. 2. [DARK HOUSES REQUIRED FOR CERTAIN SPECIES.]
12 Catfish, lake whitefish, and northern pike may be speared only
13 from dark houses. [101.41 s. 4]

14 Subd. 3. [RESTRICTIONS WHILE SPEARING FROM DARK HOUSE.] A
15 person may not take fish by angling or the use of tip-ups while
16 spearling fish in a dark house. [101.42 s. 20]

17 Subd. 4. [OPEN SEASON.] The open season for spearling
18 through the ice is December 1 to February 15. [101.41 s. 4]

19 Sec. 37. [97C.375] [TAKING ROUGH FISH BY SPEARING OR
20 ARCHERY.]

21 A resident may take rough fish by spearling or archery
22 during the times, in waters, and in the manner prescribed by the
23 commissioner. [101.411]

24 Sec. 38. [97C.381] [HARPOONING ROUGH FISH.]

25 A resident may use a rubber powered gun, spring gun, or
26 compressed air gun to take rough fish by harpooning. The
27 harpoon must be fastened to a line not more than 20 feet long.
28 The commissioner may prescribe the times, the waters, and the
29 manner for harpooning rough fish. [101.51]

30 Sec. 39. [97C.385] [COMMISSIONER'S AUTHORITY TO REGULATE
31 WINTER FISHING.]

32 Subdivision 1. [SUMMER ANGLING SEASON TO BE CLOSED IN SAME
33 PROPORTION.] If the commissioner closes the statutory open
34 season for the spearling of a game fish species in any waters,
35 the commissioner must, in the same order, close the following
36 statutory open season for angling for the same species in the

1 waters in the same proportion. [97.48 s. 1]

2 Subd. 2. [SUMMER ANGLING LIMITS MUST BE SAME AS SPEARING.]

3 If the commissioner reduces the limit of a species of game fish
 4 taken by spearing in any waters under article 1, section 8,
 5 subdivision 2, the commissioner must reduce the limit for taking
 6 of the species by angling in the waters during the following
 7 open season for angling. [97.48 s. 1]

8 Subd. 3. [CLOSING LAKES AND STREAMS IN A COUNTY.] The
 9 commissioner may not close the open season for taking game fish
 10 through the ice on more than 50 percent of the named lakes or
 11 streams of a county under article 1, section 8, subdivision 2.
 12 [97.48 s. 1]

13 Sec. 40. [97C.391] [BUYING AND SELLING FISH.]

14 Subdivision 1. [GENERAL RESTRICTIONS.] A person may not
 15 buy or sell fish taken from the waters of this state, except:

16 (1) minnows;

17 (2) rough fish excluding ciscoes;

18 (3) fish taken under licensed commercial fishing operations;

19 (4) fish raised in a private hatchery that are tagged or
 20 labeled as prescribed by the commissioner; and

21 (5) fish lawfully taken and subject to sale from other
 22 states and countries. [101.41 s. 4; 101.42 s. 3]

23 Subd. 2. [RESTRICTIONS ON CERTAIN GAME FISH.] Largemouth
 24 bass, smallmouth bass, rock bass, muskellunge, and sunfish may
 25 not be bought or sold unless bought or sold by a private
 26 hatchery to stock waters for recreational fishing as prescribed
 27 by the commissioner. [101.42 s. 7]

28 Sec. 41. [97C.395] [OPEN SEASONS FOR ANGLING.]

29 Subdivision 1. [DATES FOR CERTAIN SPECIES.] The open
 30 seasons to take fish by angling are as follows:

31 (1) for walleye, sauger, northern pike, muskellunge,
 32 largemouth bass, and smallmouth bass, from May 15 to the third
 33 Monday in February;

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

35 (3) for brown trout, brook trout, rainbow trout, and
 36 splake, between January 1 to October 31 as prescribed by the

1 commissioner by order except as provided in section 45,
2 subdivision 2; and

3 (4) for salmon, as prescribed by the commissioner by order.
4 [101.41 s. 2; 101.50]

5 Subd. 2. [CONTINUOUS SEASON FOR CERTAIN SPECIES.] For
6 sunfish, white crappie, black crappie, yellow perch, catfish,
7 rock bass, white bass, lake whitefish, and rough fish, the open
8 season is continuous. [101.41 s. 2]

9 Sec. 42. [97C.401] [COMMISSIONER AUTHORIZED TO PRESCRIBE
10 LIMITS.]

11 Unless otherwise provided in this chapter, the commissioner
12 shall, by order, prescribe the limits on the number of each
13 species of fish that may be taken in one day and the number that
14 may be possessed. [101.41 s. 6]

15 Sec. 43. [97C.405] [MUSKELLUNGE SIZE LIMITS.]

16 (a) Except as allowed under paragraph (b), if a person
17 catches a muskellunge less than 36 inches long in waters north
18 of trunk highway No. 210, the person must immediately release
19 the fish into the waters.

20 (b) The commissioner may designate lakes north of trunk
21 highway No. 210 where muskellunge less than 36 inches, but not
22 less than 30 inches long, may be retained. [101.42 s. 1a]

23 Sec. 44. [97C.411] [STURGEON AND PADDLEFISH.]

24 Lake sturgeon, shovelnose sturgeon, and paddlefish may not
25 be taken, bought, sold, transported or possessed except as
26 provided by order of the commissioner. The commissioner may
27 only allow the taking of these fish in waters that the state
28 boundary passes through except that an order that applies to the
29 St. Croix river must also apply to its tributaries. [101.41 s.
30 1]

31 Sec. 45. [97C.415] [TROUT AND SALMON.]

32 Subdivision 1. [HOURS FOR TAKING TROUT RESTRICTED.] A
33 person may not take trout, except lake trout between 11:00 p.m.
34 and one hour before sunrise. [101.42 s.-8]

35 Subd. 2. [LAKE SUPERIOR STREAMS.] The commissioner may
36 prescribe the open season and conditions for taking brook trout,

1 brown trout, rainbow trout, steelhead trout, and salmon in any
2 portion of a stream that flows into Lake Superior. [101.48]

3 Subd. 3. [SALMON.] The commissioner may prescribe, by
4 order, the method of taking and possessing salmon. [101.50]

5 MINNOWS

6 Sec. 46. [97C.50i] [MINNOW LICENSES REQUIRED.]

7 Subdivision 1. [MINNOW RETAILERS.] (a) A person may not be
8 a minnow retailer without a minnow retailer license except as
9 provided in subdivision 3. [98.46 s. 17]

10 (b) A minnow retailer must obtain a minnow retailer's
11 vehicle license for each motor vehicle used by the minnow
12 retailer to transport more than 12 dozen minnows to the minnow
13 retailer's place of business, except as provided in subdivision
14 3. [97.40 s. 27; 98.46 s. 17(1)]

15 Subd. 2. [MINNOW DEALERS.] (a) A person may not be a
16 minnow dealer without a minnow dealer license except as provided
17 in subdivision 3.

18 (b) A minnow dealer must obtain a minnow dealer's helper
19 license for each person employed to take, buy, sell, or
20 transport minnows by the minnow dealer. The minnow dealer may
21 transfer a helper's license from a former helper to a new helper.

22 (c) A minnow dealer must obtain a minnow dealer's vehicle
23 license for each motor vehicle used to transport minnows. The
24 serial number, motor vehicle license number, make, and model
25 must be on the license. The license must be conspicuously
26 displayed in the vehicle.

27 (d) A minnow dealer may not transport minnows out of the
28 state without an exporting minnow dealer license. A minnow
29 dealer must obtain an exporting minnow dealer's vehicle license
30 for each motor vehicle used to transport minnows out of the
31 state. The serial number, motor vehicle license number, make,
32 and model must be on the license. The license must be
33 conspicuously displayed in the vehicle. [98.46 s. 5]

34 Subd. 3. [LICENSE EXEMPTION FOR MINORS SELLING LEECHES.] A
35 resident under age 18 may take leeches, sell leeches at retail,
36 and transport leeches without a minnow retailer or dealer

1 license. [97.40 s. 12]

2 Subd. 4. [NONRESIDENT MINNOW HAULERS.] (a) A nonresident
3 may not transport minnows in a motor vehicle without an
4 exporting minnow hauler license. [97.45 s. 15, 98.46 s. 5a]

5 (b) A nonresident must obtain an exporting minnow hauler's
6 vehicle license for the motor vehicle used to transport
7 minnows. The serial number, motor vehicle license number, make,
8 and model must be on the license. The license must be
9 conspicuously displayed in the vehicle. [98.46 s. 5a]

10 (c) Only one nonresident motor vehicle license may be
11 issued to an exporting minnow hauler. [98.46 s. 5a]

12 Sec. 47. [97C.505] [MINNOWS.]

13 Subdivision 1. [AUTHORITY TO TAKE, POSSESS, BUY, AND
14 SELL.] Minnows may be taken, possessed, bought, and sold,
15 subject to the restrictions in this chapter. [101.41 s. 4]

16 Subd. 2. [CONTINUOUS OPEN SEASON.] The open season for
17 taking minnows is continuous, except as provided in subdivisions
18 3 and 4. [101.41 s. 4]

19 Subd. 3. [CLOSING WATERS.] The commissioner may close any
20 state waters for commercially taking minnows if a survey is
21 conducted and the commissioner determines it is necessary to
22 close the waters to prevent depletion or extinction of the
23 minnows. [97.48 s. 6]

24 Subd. 4. [HOURS OF TAKING.] A person may not take minnows
25 from one hour after sunset to one hour before sunrise. [101.42
26 s. 5]

27 Subd. 5. [RESTRICTIONS ON TAKING FROM TROUT WATERS.] A
28 person may not take minnows from designated trout lakes or trout
29 streams without a special permit issued by the commissioner.
30 [101.42 s. 5]

31 Subd. 6. [APPROVED EQUIPMENT REQUIRED.] A person must use
32 equipment approved by the commissioner to possess or transport
33 minnows for sale. [101.42 s. 5]

34 Sec. 48. [97C.511] [MINNOW SEINES.]

35 Subdivision 1. [SIZE RESTRICTIONS.] Except as provided in
36 subdivision 2, a person may not take minnows with a seine longer

1 than 25 feet, and deeper than:

2 (1) 148 meshes of 1/4 inch bar measure;

3 (2) 197 meshes of 3/16 inch bar measure; or

4 (3) four feet of material of less than 3/16 inch bar
5 measure. [101.42 s. 5]

6 Subd. 2. [LICENSED MINNOW DEALERS.] A minnow dealer may
7 take minnows with a seine that is not longer than 50 feet, and
8 not deeper than:

9 (1) 222 meshes of 1/4 inch bar measure;

10 (2) 296 meshes of 3/16 inch bar measure; or

11 (3) six feet of material of less than 3/16 inch bar measure.
12 [101.42 s. 5]

13 Sec. 49. [97C.515] [IMPORTED MINNOWS.]

14 Subdivision 1. [GENERAL PROHIBITION.] A person may not
15 bring live minnows into the state except as provided in this
16 section. [101.42 s. 6]

17 Subd. 2. [PERMIT FOR TRANSPORTATION.] A person may
18 transport minnows through the state with a permit from the
19 commissioner. The permit must state the name and address of the
20 person, the number and species of minnows, the point of entry
21 into the state, the destination, and the route through the
22 state. The permit is not valid for more than 12 hours after it
23 is issued. [101.42 s. 6]

24 Subd. 3. [USE IN HOME AQUARIUMS ALLOWED.] A person may
25 bring live minnows into the state for home aquariums. [101.42
26 s. 6]

27 Sec. 50. [97C.521] [TRANSPORTATION OF CARP FINGERLINGS
28 PROHIBITED.]

29 A person may not transport live carp fingerlings. [101.42
30 s. 6)

31 Sec. 51. [97C.525] [RESTRICTIONS ON TRANSPORTATION OF
32 MINNOWS.]

33 Subdivision 1. [APPLICABILITY.] This section does not
34 apply to the transportation of 24 dozen-minnows, or less, or to
35 transportation with a permit issued under section 49,
36 subdivision 2. [97.45 s. 15]

1 possess, transport, and sell frogs. [101.44]

2 Subd. 3. [TAKING WITH CLOTH SCREENS PROHIBITED.] A person
 3 may not use cloth screens or similar devices to take frogs.
 4 [101.44]

5 Subd. 4. [TAKING WITH ARTIFICIAL LIGHTS.] The commissioner
 6 may issue permits to take frogs with the use of artificial
 7 lights in waters designated in the permit. [97.48 s. 21]

8 Subd. 5. [LIMITS.] (a) A person may possess frogs, up to
 9 six inches long, without limit if the frogs are possessed,
 10 bought, sold, and transported for bait.

11 (b) Unless the commissioner prescribes otherwise, a person
 12 may possess frogs over six inches long and:

13 (1) transport the frogs, except by common carrier; and

14 (2) sell the frogs in any quantity during the open season.

15 (c) The length of a frog is measured from the tip of the
 16 nose to the tip of the hind toes, with the legs fully extended.
 17 [101.44]

18 Subd. 6. [BUYING AND SELLING FOR PURPOSES OTHER THAN
 19 BAIT.] The commissioner shall prescribe rules for buying,
 20 selling, possessing, and transporting frogs for purposes other
 21 than bait. [101.44]

22 Subd. 7. [FOR HUMAN CONSUMPTION.] The commissioner may
 23 issue permits for importing, raising, and selling frogs for
 24 human consumption. [101.441]

25 Sec. 53. [97C.605] [TURTLES.]

26 Subdivision 1. [LICENSE REQUIRED.] A person may not take,
 27 possess, buy, sell, or transport turtles without an angling
 28 license. [101.45]

29 Subd. 2. [SALES LICENSE.] A person may not take,
 30 transport, or purchase unprocessed turtles for sale without a
 31 turtle seller's license. A person with a turtle seller's
 32 license may take turtles for sale as prescribed by the
 33 commissioner. [101.45]

34 Subd. 3. [TAKING; METHODS PROHIBITED.] A person may take
 35 turtles in any manner, except by use of explosives, drugs,
 36 poisons, lime, and other harmful substances, or by the use of

1 traps or nets other than landing nets. [101.45]

2 Subd. 4. [ARTIFICIAL LIGHTS.] The commissioner may issue
 3 permits to take turtles with the use of artificial lights in
 4 designated waters. [97.48 s. 21]

5 Sec. 54. [97C.611] [SNAPPING TURTLES; LIMITS.]

6 A person may not possess more than ten snapping turtles of
 7 the species Chelydra serpentina. The size of the turtles must
 8 have a dorsal surface of the shell that measures at least ten
 9 inches long. [101.45]

10 Sec. 55. [97C.615] [COMMISSIONER MAY REMOVE TURTLES.]

11 The commissioner may take turtles with seines, nets, and
 12 other devices. The commissioner may hire or contract persons,
 13 or issue permits, to take the turtles. The commissioner shall
 14 prescribe the manner of taking and disposal. The commissioner
 15 may award a contract under this section without competitive
 16 bidding. Before establishing the contractor's compensation, the
 17 commissioner must consider the qualifications of the contractor,
 18 including the contractor's equipment, knowledge of the waters,
 19 and ability to perform the work. [97.48 s. 4]

20 Sec. 56. [97C.621] [AREAS MAY BE CLOSED TO TAKING
 21 TURTLES.]

22 The commissioner may prohibit the taking of turtles from
 23 state waters where operations are being conducted to aid fish
 24 propagation. [97.48 s. 17]

25 MUSSELS AND CLAMS

26 Sec. 57. [97C.701] [TAKING MUSSELS.]

27 Subdivision 1. [COMMISSIONER'S AUTHORITY.] The
 28 commissioner may prescribe conditions for taking mussels.
 29 [97.48 s. 5]

30 Subd. 2. [USE OF BOATS TO TAKE MUSSELS.] A person may not
 31 use more than one boat or rig to take mussels except a boat for
 32 towing without a mussel-taking apparatus attached. [102.24 s. 2]

33 Subd. 3. [NUMBER AND SIZE OF BARS RESTRICTED.] While
 34 taking mussels a person may not:

35 (1) possess more than four crow-foot bars or bars having
 36 hooks attached;

(2) have more than two bars in the water; or

(3) use bars longer than 20 feet in length. [102.24 s. 2]

Subd. 4. [DREDGES; RESTRICTIONS.] A person may only use one dredging apparatus to take mussels. The dredge openings may not be greater than three feet or have prongs longer than four inches. [102.24 s. 2]

Subd. 5. [PITCHFORKS PERMITTED FOR CLAM SHELLS.] A person may use a pitchfork to gather clam shells. [102.24 s. 2]

Subd. 6. [POSSESSION, SALE, AND TRANSPORTATION.] Mussels and clams may be possessed, bought, sold, and transported in any quantity during the open season and seven days after the season closes. [102.23]

Sec. 58. [97C.705] [MUSSEL SEASONS.]

Subdivision 1. [OPEN SEASON.] The open season for taking mussels is from May 16 to the last day of February. [102.24 s. 1]

Subd. 2. [CLOSED AREAS.] The commissioner may close up to 50 percent of the mussel producing waters of the state to the taking of mussels. [97.48 s. 5]

Sec. 59. [97C.711] [MUSSEL SIZE LIMITS.]

A person may not take mussels less than one and three-fourths inches in the greatest dimension, except pigtoes. A person must return undersized mussels to the water without injury. [102.24 s. 1, 2]

NETTING AND COMMERCIAL FISHING

Sec. 60. [97C.801] [TAKING ROUGH FISH ON MISSISSIPPI AND MINNESOTA RIVERS.]

Subdivision 1. [ROUGH FISH ON MINNESOTA AND MISSISSIPPI RIVERS.] (a) A license is required to take rough fish by set line in the Minnesota river from Mankato to its junction with the Mississippi river, and in the Mississippi river from St. Anthony Falls to the St. Croix junction. [98.46 s. 9]

(b) A person may use only one set line to take rough fish in the Minnesota river from Mankato to its junction with the Mississippi river, and in the Mississippi river from St. Anthony Falls to the St. Croix river junction, and the set line must:

- 1 (1) have not more than ten hooks;
- 2 (2) be set only in the flowing waters of the river;
- 3 (3) staked only at one end; and
- 4 (4) remain at the location designated in the application
 5 for license unless approval of the commissioner has been given
 6 to change the location. [102.25 s. 2]
- 7 (c) Notwithstanding section 40, subdivision 1, rough fish
 8 taken under this subdivision may not be bought or sold. [98.46
 9 s. 9]

10 Subd. 2. [COMMERCIAL FISH NETTING AND SET LINES ON
 11 MISSISSIPPI RIVER.] (a) A license is required to commercially
 12 take rough fish with seines and set lines in the Mississippi
 13 river from the St. Croix river junction to St. Anthony Falls.
 14 [98.46 s. 7, 8]

15 (b) A person may take rough fish in the Mississippi river,
 16 from the St. Croix river junction to St. Anthony Falls, only
 17 with the following equipment and methods:

18 (1) operations shall be conducted only in the flowing
 19 waters of the river and in tributary backwaters prescribed by
 20 the commissioner;

21 (2) only one set line may be used that has an
 22 identification tag and not more than 100 hooks;

23 (3) seines may be used only as prescribed by the
 24 commissioner;

25 (4) seines must be hauled to a landing immediately after
 26 being placed;

27 (5) two seines may not be joined together in the water;

28 (6) a net may not be raised, laid out, or landed, between
 29 sunset and sunrise; and

30 (7) the location of a net or seine may not be changed from
 31 the place specified in the license application without notifying
 32 the commissioner of the proposed change. [102.25 s. 1]

33 Sec. 61. [97C.805] [NETTING OF LAKE WHITEFISH AND
 34 CISCOES.]

35 Subdivision 1. [OPEN SEASON.] The commissioner shall, by
 36 order, prescribe the open season and open state waters for

1 netting lake whitefish and ciscoes. The commissioner may
2 prescribe that the date for the open season to begin is prior to
3 the effective date of the order under article 1, section 9, if
4 the commissioner posts notice of the date and time in
5 appropriate public places at least 48 hours before the open
6 season begins. [97.53 s. 3, 101.41 s. 5]

7 Subd. 2. [RESTRICTIONS.] (a) The netting of lake
8 whitefish and ciscoes is subject to the restrictions in this
9 subdivision.

10 (b) A person may not use:

11 (1) more than two nets;

12 (2) a net more than 100 feet long; or

13 (3) a net more than three feet wide.

14 (c) The mesh size of the nets may not be less than:

15 (1) one and three-fourths inches, extension measure, for
16 nets used to take ciscoes in Lake Superior; and

17 (2) three and one-half inches, extension measure, for all
18 other nets.

19 (d) A net may not be set in water, including ice thickness,
20 deeper than six feet.

21 (e) The commissioner may designate waters where nets may be
22 set so that portions of the net extend into water deeper than
23 six feet under conditions prescribed by the commissioner to
24 protect game fish. A pole or stake must project at least two
25 feet above the surface of the water or ice at one end of each
26 net.

27 (f) A net may not be set within 50 feet of another net.

28 [101.41 s. 5]

29 Subd. 3. [FISH MAY NOT BE SOLD.] Notwithstanding section
30 40, subdivision 1, lake whitefish and ciscoes taken under this
31 section may not be bought or sold. [101.41, s. 5]

32 Subd. 4. [NO LIMIT ON ROUGH FISH NETTED.] Lake whitefish
33 and ciscoes taken under this section may be taken and possessed
34 without limit. Rough fish caught while netting may be retained.
35 [101.41 s. 5]

36 Sec. 62. [97C.811] [COMMERCIAL FISHING IN INLAND WATERS.]

1 Subdivision 1. [INLAND WATERS DEFINED.] For the purposes
2 of this section and article 1, section 68, subdivision 30,
3 "inland waters" means all waters entirely located within the
4 boundaries of the state and the border waters between Minnesota
5 and North Dakota, South Dakota and Iowa, excluding those waters
6 described in section 60. [102.285 s. 1]

7 Subd. 2. [COMMERCIAL FISH DEFINED.] For purposes of this
8 section and article 1, section 68, subdivision 30, "commercial
9 fish" are carp; bowfin; burbot; ciscoe; goldeye; rainbow smelt;
10 black bullhead, brown bullhead, and yellow bullhead; lake
11 whitefish; members of the sucker family, Catostomidae, including
12 white sucker, redbreast, bigmouth buffalo, and smallmouth
13 buffalo; members of the drum family, Sciaenidae, including
14 sheepshead; and members of the gar family, Lepisosteidae.
15 [102.285 s. 1]

16 Subd. 3. [REGULATION.] The commissioner shall, by order,
17 regulate the taking, possession, transportation, and sale of
18 commercial fish, and the licensing of commercial fishing
19 operators in inland waters. [102.285 s. 1]

20 Subd. 4. [LICENSES REQUIRED.] A person may not
21 commercially fish inland waters without a commercial fishing
22 license. Nonresidents may only be licensed to fish waters not
23 previously assigned to residents. In the license application
24 the applicant must list the number of feet of seine of each
25 depth to be licensed. [98.46 s. 9a, 100.285 s. 1]

26 Subd. 5. [SEASON.] Licenses to net commercial fish in
27 inland waters are issued to residents and nonresidents annually
28 subject to this section and shall be valid for commercial
29 fishing during the open season for commercial fishing in inland
30 waters from the day after Labor Day to the day before the open
31 season for walleye. [98.46 s. 9a]

32 Subd. 6. [LICENSE INVALIDATION.] (a) A license to take
33 commercial fish is void upon:

34 (1) the licensee's death;

35 (2) sale of the commercial fishing business;

36 (3) removal of the commercial fishing business from the

1 state;

2 (4) conviction of two or more violations of inland
 3 commercial fishing laws within a license period; or
 4 (5) failure to apply for a new or renewal license prior to
 5 June 15 of any year.

6 (b) A commercial inland fishing license is not subject to
 7 the license revocation provisions of article 1, section 57.
 8 Commercial fishing rights and area assignments covered by a
 9 license that becomes void reverts to the commissioner for
 10 reassignment. [102.285 s. 6]

11 Subd. 7. [MONTHLY REPORTS.] A licensed inland commercial
 12 fishing operator shall submit a report on the licensed
 13 activities the operator was engaged in to the commissioner each
 14 month. The report must be on a form provided by the
 15 commissioner and submitted prior to the 15th day of the
 16 following month. The report shall be submitted whether fishing
 17 activity took place unless the operator has a written release
 18 from this obligation signed by the commissioner. [102.285 s. 5]

19 Sec. 63. [97C.815] [COMMERCIAL FISHING AREAS.]

20 Subdivision 1. [DESIGNATION.] The commissioner shall
 21 specify inland commercial fishing areas, taking into account the
 22 amount, size, and proximity of waters specified, the species to
 23 be removed, and the type and quantity of fishing gear and
 24 equipment necessary to provide an adequate removal effort. The
 25 commissioner may change inland commercial fishing area
 26 boundaries by order prior to a new licensing period. [102.285
 27 s. 2]

28 Subd. 2. [ASSIGNMENT.] The commissioner shall assign
 29 licensed inland commercial fishing operators to commercial
 30 fishing areas and each operator shall be obligated to fish in
 31 the area that the commissioner has assigned to them. The
 32 commissioner's assignment shall be valid as long as the assigned
 33 operator continues to purchase a license, continues to provide
 34 an adequate removal effort in a good and professional manner,
 35 and is not convicted of two or more violations of laws or rules
 36 governing inland commercial fishing operations during any one

1 license period. In the operator assignment, the commissioner
 2 shall consider the proximity of the operator to the area, the
 3 type and quantity of fish gear and equipment possessed,
 4 knowledge of the affected waters, and general ability to perform
 5 the work well. [102.285 s. 3]

6 Subd. 3. [UNUSED AREAS.] If an area is not assigned, or
 7 the operator licensed for the area is not fishing that area, the
 8 commissioner may issue a special inland commercial fishing
 9 permit for the area. The permit may be issued to an individual
 10 holding a valid inland commercial fishing license. The permit
 11 must describe the specific waters involved, the county, the
 12 species to be removed, the equipment to be used, and the time
 13 period of the total operation. [102.285 s. 4]

14 Subd. 4. [INLAND COMMERCIAL FISHING TRADE ASSOCIATION;
 15 LICENSE PROBLEMS.] The commissioner shall consult with
 16 representatives of the inland commercial fishing trade
 17 association when disagreements arise in the areas of license
 18 issuance, problems with performance pursuant to the license,
 19 area assignments, and the entry of new commercial fishing
 20 operators into the inland commercial fishery. [102.285 s. 7]

21 Sec. 64. [97C.821] [POSSESSION, SALE, AND TRANSPORTATION
 22 OF COMMERCIAL FISH.]

23 Subject to the applicable provisions of the game and fish
 24 laws, fish taken under commercial fishing licenses may be
 25 possessed in any quantity, bought, sold, and transported during
 26 the open seasons provided for the fish, and for seven days after
 27 the season closes. Fish frozen or cured during the open season
 28 may be transported, bought, and sold at any time. [102.23]

29 Sec. 65. [97C.825] [LAKE OF THE WOODS AND RAINY LAKE
 30 FISHING.]

31 Subdivision 1. [NEW COMMERCIAL FISHING LICENSES
 32 PROHIBITED.] The commissioner may not issue a new commercial
 33 fishing license that allows netting of game fish on Lake of the
 34 Woods and Rainy Lake. [102.235]

35 Subd. 2. [RESTRICTIONS ON FISH AND NETS.] The following
 36 regulations and restrictions shall apply to all commercial

1 fishing operations conducted in Lake of the Woods and Rainy Lake
2 unless otherwise changed by order of the commissioner under
3 authority of article 1, section 8, subdivision 4:

4 (a) Any fish, except largemouth bass, smallmouth bass, rock
5 bass, muskellunge, crappies, sturgeon, and sunfish, may be taken
6 subject to all other restrictions contained in the game and fish
7 laws.

8 (b) Pound net mesh and staked trap net mesh may not be less
9 than two and one-half inches nor more than four inches stretch
10 measure in the pound or crib.

11 (c) Gill net mesh may not be less than four inches stretch
12 measure, and may not be more than 30 meshes in width.

13 (d) Fyke net mesh may not be less than two and one-half
14 inches nor more than four inches stretch measure in the pot or
15 crib. Fyke nets may not have a hoop or opening more than six
16 feet in height, wings more than 100 feet in length, nor a lead
17 more than 400 feet in length.

18 (e) Submerged trap net mesh may not be less than two and
19 one-half inches nor more than three inches stretch measure in
20 the heart, pot, or crib. A submerged trap net may not have a
21 pot or crib exceeding 150 square feet in area, a lead exceeding
22 300 feet in length, nor a pot or lead exceeding 12 feet in depth.
23 [102.26 s. 1]

24 Subd. 3. [NET LIMITS FOR INDIVIDUAL OPERATORS.] A person
25 may not operate more than six pound nets, 4,000 feet of gill
26 nets, eight submerged trap nets, ten fyke or staked trap nets,
27 or one pound net station. [102.26 s. 2]

28 Subd. 4. [NET LOCATION.] Nets may only be set at a place
29 consented to by the commissioner. [102.26 s. 2]

30 Subd. 5. [NET LIMITS FOR LAKE OF THE WOODS AND RAINY
31 LAKE.] The maximum amount of nets permitted to be licensed shall
32 be:

33 (a) In Lake of the Woods, 50-pound nets, 80,000 feet of
34 gill nets or 160 submerged trap nets, and 80 fyke or staked trap
35 nets. Licenses for submerged trap nets may be issued instead of
36 licenses for gill nets in the ratio of not more than one

1 submerged trap net per 500 feet of gill net, and the maximum
 2 permissible amount of gill nets shall be reduced by 500 feet for
 3 each submerged trap net licensed.

4 (b) In Rainy Lake, 20-pound nets and 20,000 feet of gill
 5 nets.

6 (c) When a licensee has had a license revoked or
 7 surrendered, the commissioner shall not be required to issue
 8 licenses for the amount of netting previously authorized under
 9 the revoked or surrendered license.

10 (d) Commercial fishing may be prohibited in the Minnesota
 11 portions of international waters when it is prohibited in the
 12 international waters by Canadian authorities.

13 (e) The commissioner may adopt rules to limit the total
 14 amount of game fish taken by commercial fishing operators in
 15 Lake of the Woods in any one season and shall apportion the
 16 amount to each licensee in accordance with the number and length
 17 of nets licensed. [102.26 s. 3]

18 Subd. 6. [WALLEYE LIMITS, LAKE OF THE WOODS.] The
 19 commissioner shall limit the maximum poundage of walleye that
 20 may be taken by commercial fishing operators in Lake of the
 21 Woods in any one season on the following schedule:

| | <u>SEASONAL COMMERCIAL</u> |
|----------------|-------------------------------|
| <u>YEAR</u> | <u>WALLEYE TAKE IN POUNDS</u> |
| 24 <u>1984</u> | <u>164,000</u> |
| 25 <u>1985</u> | <u>150,000</u> |
| 26 <u>1986</u> | <u>135,000</u> |
| 27 <u>1987</u> | <u>120,000</u> |
| 28 <u>1988</u> | <u>100,000</u> |
| 29 <u>1989</u> | <u>80,000</u> |
| 30 <u>1990</u> | <u>60,000</u> |
| 31 <u>1991</u> | <u>30,000</u> |
| 32 <u>1992</u> | <u>0</u> |

33 The allocation of walleye poundage among the licensees
 34 shall be determined by order of the commissioner. [102.26 s.
 35 3a]

36 Subd. 7. [WALLEYE LIMITS; RAINY LAKE.] The commissioner

shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Rainy Lake in any one season on the following schedule:

| <u>SEASONAL COMMERCIAL</u> | |
|----------------------------|-------------------------------|
| <u>YEAR</u> | <u>WALLEYE TAKE IN POUNDS</u> |
| <u>1984</u> | <u>14,500</u> |
| <u>1985</u> | <u>12,500</u> |
| <u>1986</u> | <u>10,500</u> |
| <u>1987</u> | <u>8,500</u> |
| <u>1988</u> | <u>6,500</u> |
| <u>1989</u> | <u>4,500</u> |
| <u>1990</u> | <u>2,500</u> |
| <u>1991</u> | <u>1,000</u> |
| <u>1992</u> | <u>0</u> |

The seasonal commercial walleye take in pounds in Rainy Lake shall be allocated among the licensees by order of the commissioner. [102.26 s. 3b]

Subd. 8. [GILL NETS; LAKE OF THE WOODS AND RAINY LAKE.]
Gill net licenses on Lake of the Woods and Rainy Lake shall be canceled after the 1987 license year. A gill net licensee whose license is canceled as provided in this subdivision retains the walleye quota held at the time of cancellation, subject to the quota phase-out schedule in subdivision 6 or 7. Notwithstanding subdivision 1, the licensee may be issued a pound or trap net license for the netting of game fish in accordance with the quota of the licensee. [102.26 s. 3c]

Subd. 9. [WALLEYE QUOTAS; SALE, TRANSFER.] An existing licensee may transfer the walleye quota allocated to the licensee under subdivision 6 or 7 to any other existing licensee or, after July 1, 1985, the licensee may sell the quota to the state. If a licensee sells the quota to the state, the licensee must sell the quota for all years remaining in the quota schedule as provided in subdivision 6 or 7. A sale to the state shall be at the present wholesale value of the quota as determined assuming the following:

(1) an allocation to the licensee of the same proportion of

1 the total remaining walleye quota as allocated in the year of
 2 sale; and

3 (2) a walleye wholesale price in the round of \$1.15 per
 4 pound. A licensee may elect to receive payment for a sale to
 5 the state in a lump sum or in up to four annual installments. A
 6 quota sold to the state cancels and is not available for
 7 reallocation to another licensee. When a walleye quota is sold
 8 to the state and canceled, the gill net license of the licensee
 9 is canceled. [102.26 s. 3d]

10 Subd. 10. [TAKING EGGS FOR PROPAGATION; COMMISSIONER'S
 11 RULE.] The commissioner may require a person licensed to take
 12 fish for commercial purposes in the waters covered by this
 13 section to take eggs for propagation purposes when it can be
 14 done in connection with the licensed commercial fishing. The
 15 eggs must be taken under rules prescribed by the commissioner.
 16 [102.26 s. 4]

17 Sec. 66. [97C.831] [NAMAKAN AND SAND POINT LAKES;
 18 COMMERCIAL FISHING.]

19 Subdivision 1. [LAKE WHITEFISH AND ROUGH FISH.] Lake
 20 whitefish and rough fish may be taken by licensed commercial
 21 fishing operators unless otherwise changed by order of the
 22 commissioner, under section 61, subdivision 1, from Namakan Lake
 23 and Sand Point Lake. [102.27 s. 1]

24 Subd. 2. [GILL NETS PROHIBITED ON SAND POINT LAKE.] Gill
 25 nets may not be used in Sand Point Lake. [102.27 s. 1]

26 Subd. 3. [MAXIMUM AMOUNT OF NETS IN SAND POINT LAKE.] The
 27 maximum amount of nets permitted to be licensed in Sand Point
 28 Lake shall be 12 pound, fyke, or submerged trap nets. [102.27
 29 s. 3]

30 Subd. 4. [MAXIMUM AMOUNT OF NETS IN NAMAKAN LAKE.] The
 31 maximum amount of nets that may be licensed in Namakan Lake
 32 shall be (1) 7,000 feet of gill net, with a mesh not less than
 33 four inches stretch measure, and (2) 12 pound, fyke, or
 34 submerged trap nets. [102.27 s. 2]

35 Sec. 67. [97C.835] [LAKE SUPERIOR COMMERCIAL FISHING.]

36 Subdivision 1. [COMMERCIAL FISHING LICENSE FOR LAKE

1 SUPERIOR.] (a) A license to fish commercially in Lake Superior
 2 shall be issued only to a resident who possesses 5,000 feet of
 3 gill net of mesh sizes permitted in subdivisions 4 and 5 or two
 4 pound nets, has landed fish in the previous year with a value of
 5 at least \$1,500, except for those state waters from Duluth to
 6 Silver Bay upon the discretion of the commissioner, and has
 7 engaged in commercial fishing for at least 50 days of the
 8 previous year. An applicant shall be issued a license without
 9 meeting these requirements if the applicant is 65 or more years
 10 of age and has held a license continuously since 1947. An
 11 applicant may be issued a license, at the discretion of the
 12 commissioner, if failure to meet these requirements resulted
 13 from illness or other mitigating circumstances, or the applicant
 14 has reached the age of 65 and has been licensed at least ten of
 15 the previous 15 years. Persons receiving licenses under these
 16 provisions for applicants 65 years of age or more must be in
 17 attendance at the setting and lifting of nets. The commissioner
 18 may issue multiple licenses to individuals who meet these
 19 requirements and have held multiple licenses prior to 1978.
 20 (98.46 s. 12]

21 (b) A license may be issued to a resident who has not
 22 previously fished commercially on Lake Superior and has not been
 23 convicted of a game and fish law violation in the preceding
 24 three years, if the applicant:

25 (1) shows a bill of sale indicating the purchase of gear
 26 and facilities connected with an existing license;

27 (2) shows proof of inheritance of all the gear and
 28 facilities connected with an existing license; or

29 (3) has served at least two years as a helper in a
 30 Minnesota Lake Superior licensed commercial fishing operation.
 31 (98.46 s.12]

32 Subd. 2. [TYPES OF FISH PERMITTED.] Lake trout, ciscoes,
 33 chubs, alewives, lake whitefish, round whitefish, pygmy
 34 whitefish, rainbow smelt, and rough fish may be taken by
 35 licensed commercial fishing operators from Lake Superior, in
 36 accordance with this section. (102.28 s. 1)

1 Subd. 3. [POUND NETS AND TRAP NETS.] Pound or trap nets
2 may be used to take round whitefish, pygmy whitefish, ciscoes,
3 chubs, alewives, rainbow smelt, and rough fish in Lake Superior,
4 including St. Louis Bay, under the rules prescribed by the
5 commissioner. [102.28 s. 2]

6 Subd. 4. [GILL NETS; LAKE TROUT AND LAKE WHITEFISH.] Gill
7 nets for taking lake trout and lake whitefish may not be less
8 than 4-1/2 inch extension measure mesh. The commissioner may
9 prescribe rules to limit the total amount of gill net to be
10 licensed for the taking of lake trout and lake whitefish and may
11 limit the amount of net to be operated by each licensee. [102.28
12 s. 3]

13 Subd. 5. [GILL NETS; CISCOES.] Gill nets for taking
14 ciscoes and chubs may not be less than 2-1/4 inch extension
15 measure mesh and may not exceed 2-3/4 inch extension measure
16 mesh. [102.28 s. 4]

17 Subd. 6. [MAXIMUM AMOUNT OF GILL NET IN LAKE SUPERIOR.]
18 The amount of gill net licensed in Minnesota waters of Lake
19 Superior may not exceed 300,000 feet of net weighted to fish in
20 a floating or suspended position off the bottom and 300,000 feet
21 of net weighted to fish on the bottom. [102.28 s. 4]

22 Subd. 7. [MAXIMUM AMOUNT OF GILL NET FOR EACH LAKE
23 SUPERIOR LICENSEE.] A licensee may not operate more than 6,000
24 feet of gill net weighted to fish in a floating or suspended
25 position off the bottom or 25,000 feet of gill net weighted to
26 fish on the bottom. The commissioner may authorize gill net
27 footage in excess of the individual limits when the commissioner
28 determines that all of the gill net footage permitted for
29 Minnesota waters of Lake Superior would not otherwise be
30 allocated in a license year. The commissioner must allocate
31 this excess gill net footage equitably among the licensees who
32 have applied for it. [102.28 s. 4]

33 Subd. 8. [SPECIAL PERMITS.] The commissioner may issue
34 special permits to duly licensed commercial fishing operators
35 not exceeding 20 in number, for the purpose of taking trout and
36 lake whitefish spawn during the closed season for the

1 propagation of trout in Lake Superior and adjacent waters under
2 rules prescribed by the commissioner. [102.28 s. 5]

3 Sec. 68. [97C.841] [HELPER'S LICENSE.]

4 A person assisting the holder of a master's license, in
5 going to and from fishing locations, or in setting or lifting
6 nets, or removing fish from nets, must have a helper's license,
7 unless the person is the holder of a master's license.

8 (b) A helper's license is transferable from one helper to
9 another by the holder of a master's license applying to the
10 commissioner. [98.47 s.9]

11 Sec. 69. [97C.845] [INTERFERENCE WITH COMMERCIAL FISHING.]

12 A person may not:

13 (1) knowingly place or maintain an obstruction that will
14 hinder, prevent, or interfere with a licensed commercial fishing
15 operation;

16 (2) remove fish from nets licensed under the game and fish
17 laws; or

18 (3) knowingly damage, disturb, or interfere with commercial
19 fishing nets. [102.29]

20 Sec. 70. [97C.851] [COMMERCIAL FISHING IN INTERNATIONAL
21 WATERS; RESORT OWNERS.]

22 A license to buy or sell fish or to take fish commercially
23 in international waters extending from Pigeon Point West to the
24 North Dakota boundary line may not be issued to a person engaged
25 in the business of conducting a summer resort, or to a member of
26 the person's household or to an employee of the person. [98.47
27 s. 7]

28 Sec. 71. [97C.855] [UPPER AND LOWER RED LAKE AND NETT LAKE;
29 TRANSPORTATION, SALE, AND DISPOSAL.]

30 The commissioner may, by order, allow the transportation,
31 sale, and disposal of fish taken within the Red Lake Indian
32 Reservation on Upper Red Lake and Lower Red Lake and from waters
33 within the Nett Lake Indian Reservation also known as Bois Forte
34 Indian Reservation. [102.30]

35 Sec. 72. [97C.861] [FISH VENDOR REQUIREMENTS.]

36 Subdivision 1. [LICENSE REQUIRED.] A person may not sell

1 fish with the use of a motor vehicle without a fish vendor's
 2 license. [98.46 s. 19]

3 Subd. 2. [MISREPRESENTATION OF FISH.] (a) A licensed fish
 4 vendor or the vendor's employee may not misrepresent a species
 5 of fish to be sold. If a licensed fish vendor or employee of
 6 the fish vendor is convicted of misrepresenting a species of
 7 fish that is sold, the license shall be revoked, and the
 8 licensee is not eligible to obtain a fish vendor's license for
 9 one year after revocation.

10 (b) Misrepresentation includes the designation of fish by a
 11 name other than its common name in:

12 (1) the state; and

13 (2) in the locality where it was taken if it is not
 14 generally known by any common name in the state. [98.46 s.
 15 19(4)]

16 Sec. 73. [97C.865] [FISH PACKERS.]

17 (a) A person may not prepare dressed game fish for shipment
 18 without a fish packer's license. The fish packer must maintain
 19 a permanent record of:

20 (1) the name, address, and license number of the shipper;

21 (2) the name and address of the consignee; and

22 (3) the number of each species and net weight of fish in
 23 the shipment.

24 (b) The records of the fish packer must be made available
 25 to an enforcement officer upon request. [97.45 s. 6(4)]

ARTICLE 4

AMENDMENTS TO OTHER STATUTES AND

CROSS REFERENCE AMENDMENTS

29 Section 1. Minnesota Statutes 1984, section 9.071, is
 30 amended to read:

31 9.071 [SETTLEMENT OF CLAIMS; OTHER SPECIFIED POWERS.]

32 The council has the powers with respect to the:

33 (1) Cancellation or compromise of claims due the state
 34 provided in sections 10.11 to 10.15;

35 (2) Timberlands provided in sections 90.031, 90.041, 90.151;

36 (3) Lands acquired from the United States provided in

1 section 94.50;

2 (4) Lands subject to delinquent drainage assessments
3 provided in section 84A.20;

4 (5) Transfer of lands between departments of state
5 government provided in section 15.16;

6 (6) Sale or exchange of lands within national forests
7 provided in sections 92.30, 92.31;

8 (7) Approval of acquisition of land for camping or parking
9 area provided in ~~section 97.48~~ article 1, sections 26 and 27;

10 (8) Modification of iron leases provided in section 93.191;

11 (9) Awarding permits to prospect for iron ore provided in
12 section 93.17;

13 (10) Approval of regulations for issuance of permits to
14 prospect for minerals under state lands provided in section
15 93.08;

16 (11) Construction of dams provided in section 110.13.

17 Sec. 2. Minnesota Statutes 1984, section 14.02,
18 subdivision 4, is amended to read:

19 Subd. 4. [RULE.] "Rule" means every agency statement of
20 general applicability and future effect, including amendments,
21 suspensions, and repeals of rules, adopted to implement or make
22 specific the law enforced or administered by it or to govern its
23 organization or procedure. It does not include (a) rules
24 concerning only the internal management of the agency or other
25 agencies, and which do not directly affect the rights of or
26 procedure available to the public; (b) rules of the commissioner
27 of corrections relating to the internal management of
28 institutions under the commissioner's control and those rules
29 governing the inmates thereof prescribed pursuant to section
30 609.105; (c) rules of the division of game and fish published in
31 accordance with article 1, section 97.53 9; (d) rules relating
32 to weight limitations on the use of highways when the substance
33 of the rules is indicated to the public by means of signs; (e)
34 opinions of the attorney general; (f) the systems architecture
35 plan and long range plan of the state education management
36 information system provided by section 121.931; (g) the data

1 element dictionary and the annual data acquisition calendar of
 2 the department of education to the extent provided by section
 3 121.932; (h) the comprehensive statewide plan of the crime
 4 control planning board provided in section 299A.03; (i) special
 5 terms and conditions for an interim certificate of confirmation
 6 of the Minnesota cable communications board provided in section
 7 238.09; (j) occupational safety and health standards provided in
 8 section 182.655; or (k) rules of the commissioner of public
 9 safety adopted pursuant to section 169.128.

10 Sec. 3. Minnesota Statutes 1984, section 14.38,
 11 subdivision 6, is amended to read:

12 Subd. 6. [EXEMPT RULES.] Rules adopted, amended,
 13 suspended, or repealed by any agency but excluded from the
 14 definition of "rule" in section 14.02, subdivision 4, shall have
 15 the force and effect of law upon compliance with subdivision 7.

16 However, subdivisions 5 to 9 do not apply to:

17 (1) rules concerning only the internal management of the
 18 agency or other agencies, and which do not directly affect the
 19 rights of or procedure available to the public; or,

20 (2) opinions of the attorney general; or,

21 (3) rules published in accordance with article 1, section
 22 97-53 9.

23 Sec. 4. Minnesota Statutes 1984, section 18.021,
 24 subdivision 3, is amended to read:

25 Subd. 3. [DESTRUCTIVE OR NUISANCE ANIMALS.] "Destructive
 26 or nuisance animals" includes such animals as rats, gophers,
 27 mice, and other unprotected wild animals as defined in Minnesota
 28 Statutes-1961, article 2, section 100-26 53, and acts
 29 amendatory thereof, which the commissioner may designate as
 30 dangerous to the welfare of the people.

31 Sec. 5. Minnesota Statutes 1984, section 84.0274,
 32 subdivision 6, is amended to read:

33 Subd. 6. [STATE'S RESPONSIBILITIES.] When the state
 34 proposes to purchase land for natural resources purposes, the
 35 commissioner of natural resources and, where applicable, the
 36 commissioner of administration shall have the following

1 responsibilities:

2 (a) The responsibility to deal fairly and openly with the
3 landowner in the purchase of property;

4 (b) The responsibility to refrain from discussing price
5 with the landowner before an appraisal has been made. In
6 addition, the same person shall not both appraise and negotiate
7 for purchase of a tract of land;

8 (c) The responsibility to use private fee appraisers to
9 lower the state's acquisition costs to the greatest extent
10 practicable; and

11 (d) The responsibility to acquire land in as expeditious a
12 manner as possible. No option shall be made for a period of
13 greater than two months if no survey is required or for nine
14 months if a survey is required, unless the landowner, in
15 writing, expressly requests a longer period of time. Provided
16 that, if county board approval of the transaction is required
17 pursuant to article 1, section 97-40± 28, no time limits shall
18 apply. If the state elects not to purchase property upon which
19 it has an option, it shall pay the landowner \$500 after the
20 expiration of the option period. If the state elects to
21 purchase the property, unless the landowner elects otherwise,
22 payment to the landowner shall be made no later than 90 days
23 following the state's election to purchase the property provided
24 that the title is marketable and the owner acts expeditiously to
25 complete the transaction.

26 Sec. 6. [84.0285] [GAME AND FISH CITATION QUOTAS
27 PROHIBITED.]

28 The commissioner of natural resources, or the director of
29 the division of enforcement and field service, may not order,
30 mandate, require, or in any manner suggest, directly or
31 indirectly, to a conservation officer that the conservation
32 officer issue a certain number of game and fish law violations
33 on a daily, weekly, monthly, quarterly, or yearly quota basis,
34 except that the commissioner or director may utilize a
35 conservation officer's total enforcement activity, in comparison
36 to the total enforcement activity of all conservation officers,

1 in the evaluation of an officer's performance.

2 Sec. 7. [84.034] [MAINTENANCE OF CEMETERY IN WHITEWATER
3 WILDLIFE MANAGEMENT AREA.]

4 The commissioner shall maintain in a proper and decent
5 manner and keep free of weeds any cemetery in the Whitewater
6 state wildlife management area. (99.251)

7 Sec. 8. [84.0894] [ENFORCEMENT OF AQUATIC PLANTS AND
8 ENDANGERED SPECIES.]

9 An enforcement officer shall enforce a violation of
10 sections 9 to 13 in the same manner as a violation of the game
11 and fish laws. (97.50 s.1, 5)

12 Sec. 9. [84.0895] [PROTECTION OF THREATENED AND ENDANGERED
13 SPECIES.]

14 Subdivision 1. [PROHIBITION.] Notwithstanding any other
15 law, a person may not take, import, transport, or sell any
16 portion of an endangered species of wild animal or plant, or
17 sell or possess with intent to sell an article made with any
18 part of the skin, hide, or parts of an endangered species of
19 wild animal or plant, except as provided in subdivisions 2 and 7.
20 (97.488 s.7)

21 Subd. 2. [APPLICATION.] (a) Subdivision 1 does not apply
22 to:

23 (1) plants on land classified for property tax purposes as
24 class 2a or 2c agricultural land under section 273.13, or on
25 ditches and roadways; and

26 (2) noxious weeds designated pursuant to sections 18.171 to
27 18.315 or to weeds otherwise designated as troublesome by the
28 department of agriculture.

29 (b) If control of noxious weeds is necessary, it takes
30 priority over the protection of endangered plant species, as
31 long as a reasonable effort is taken to preserve the endangered
32 plant species first.

33 (c) The taking or killing of an endangered plant species on
34 land adjacent to class 3 or 3b agricultural land as a result of
35 the application of pesticides or other agricultural chemical on
36 the class 3 or 3b land is not a violation of subdivision 1, if

1 reasonable care is taken in the application of the pesticide or
2 other chemical to avoid impact on adjacent lands. For the
3 purpose of this paragraph, class 3 or 3b agricultural land does
4 not include timber land, waste land, or other land for which the
5 owner receives a state paid wetlands or native prairie tax
6 credit.

7 (d) The accidental taking of an endangered plant, where the
8 existence of the plant is not known at the time of the taking,
9 is not a violation of subdivision 1. [97.488 s.1a]

10 Subd. 3. [DESIGNATION.] (a) The commissioner shall adopt
11 rules under chapter 14, to designate species of wild animal or
12 plant as:

13 (1) endangered, if the species is threatened with
14 extinction throughout all or a significant portion of its range;

15 (2) threatened, if the species is likely to become
16 endangered within the foreseeable future throughout all or a
17 significant portion of its range; or

18 (3) species of special concern, if although the species is
19 not endangered or threatened, it is extremely uncommon in this
20 state, or has unique or highly specific habitat requirements and
21 deserves careful monitoring of its status. Species on the
22 periphery of their range that are not listed as threatened may
23 be included in this category along with those species that were
24 once threatened or endangered but now have increasing or
25 protected, stable populations.

26 (b) The range of the species in this state is a factor in
27 determining its status as endangered, threatened, or of special
28 concern. A designation by the secretary of the interior that a
29 species is threatened or endangered is a prima facie showing
30 under this section.

31 (c) The commissioner shall reevaluate the designated
32 species list every three years after it is first adopted and
33 make appropriate changes. The review must consider the need for
34 further protection of species on the species of special concern
35 list. Species may be withdrawn from designation in the same
36 manner that species are designated. [97.488 s.2]

1 Subd. 4. [STUDIES.] The commissioner may conduct
 2 investigations to determine the status and requirements for
 3 survival of a resident species of wild animal or plant. [97.488
 4 s.3]

5 Subd. 5. [MANAGEMENT.] (a) Notwithstanding any other law,
 6 the commissioner may undertake management programs, issue
 7 orders, and adopt rules necessary to bring a resident species of
 8 wild animal or plant that has been designated as threatened or
 9 endangered to a point at which it is no longer threatened or
 10 endangered.

11 (b) Subject to the provisions of subdivision 6, management
 12 programs for endangered or threatened species include research,
 13 census, law enforcement, habitat acquisition, habitat
 14 maintenance, propagation, live trapping, transplantation, and
 15 regulated taking. [97.488 s.4]

16 Subd. 6. [ENFORCEMENT.] A peace officer or conservation
 17 officer, pursuant to chapter 626, may execute a warrant to
 18 search for and seize goods, merchandise, plant or animal taken,
 19 sold or offered for sale in violation of this section, or items
 20 used in connection with a violation of this section. Seized
 21 property must be held pending judicial proceedings. Upon
 22 conviction, seized property is forfeited to the state and must
 23 be offered to a scientific or educational institution or
 24 destroyed. [97.488 s.5]

25 Subd. 7. [GENERAL EXCEPTIONS.] (a) The commissioner may
 26 prescribe conditions for an act otherwise prohibited by
 27 subdivision 1 if:

28 (1) the act is for the purpose of zoological, educational,
 29 or scientific study;

30 (2) the act enhances the propagation or survival of the
 31 affected species;

32 (3) the act prevents injury to persons or property; or

33 (4) the social and economic benefits of the act outweigh
 34 the harm caused by it.

35 (b) A member of an endangered species may not be destroyed
 36 under clauses (3) or (4) until all alternatives, including live

1 trapping and transplantation, have been evaluated and rejected.
2 The commissioner may prescribe conditions to propagate a species
3 or subspecies.

4 (c) A person may capture or destroy a member of an
5 endangered species, without permit, to avoid an immediate and
6 demonstrable threat to human life or property.

7 (d) The commissioner must give approval under this
8 subdivision for forest management, including permit, sale, or
9 lease of land for timber harvesting. [97.488 s.6]

10 Subd. 8. [APPLICATION.] This section does not apply
11 retroactively or prohibit importation into this state and
12 subsequent possession, transport, and sale of wild animals, wild
13 plants, or parts of wild animals or plants that are legally
14 imported into the United States or legally acquired and exported
15 from another territory, state, possession, or political
16 subdivision of the United States. [97.488 s.7]

17 Subd. 9. [VIOLATIONS.] A violation of this section is a
18 misdemeanor. [97.488 s.8]

19 Sec. 10. [84.091] [AQUATIC VEGETATION IN PUBLIC WATERS.]

20 Subdivision 1. [OWNERSHIP.] The state is the owner of wild
21 rice and other aquatic vegetation growing in public waters. A
22 person may not acquire a property interest in wild rice or other
23 aquatic vegetation or destroy wild rice or aquatic vegetation,
24 except as authorized under this chapter. [97.42]

25 Subd. 2. [LICENSE REQUIRED.] A person may not harvest,
26 buy, sell, transport, or possess aquatic plants without a
27 license required under this chapter. A license shall be issued
28 in the same manner as provided under the game and fish laws.
29 [98.45 s.1; 98.50 s.1]

30 Subd. 3. [LICENSE FEES.] (a) The fees for the following
31 licenses, to be issued to residents only, are:

32 (1) for harvesting wild rice, \$10; [98.46 s.3]

33 (2) for buying and selling wild ginseng, \$5; [98.46 s.3]

34 (3) for a wild rice dealer's license to buy and sell 50,000
35 pounds or less, \$70; and [98.46 s.18]

36 (4) for a wild rice dealer's license to buy and sell more

1 than 50,000 pounds, \$250. [98.46 s.18]

2 (b) The weight of the wild rice shall be determined in its
3 raw state. [98.46 s.18]

4 Sec. 11. [84.092] [PERMITS TO HARVEST OR DESTROY AQUATIC
5 PLANTS OTHER THAN WILD RICE.]

6 Subdivision 1. [AUTHORIZATION.] The commissioner may issue
7 permits, with or without a fee, to:

8 (1) gather or harvest aquatic plants, or plant parts, other
9 than wild rice from public waters;

10 (2) transplant any aquatic plants into other public waters;

11 (3) destroy harmful or undesirable aquatic vegetation or
12 organisms in public waters under prescribed conditions to
13 protect the waters, desirable species of fish, vegetation, other
14 forms of aquatic life, and the public. An application for a
15 permit must be accompanied by a permit fee, if required. [98.48
16 s.9]

17 Subd. 2. [FEES.] (a) The commissioner shall establish a
18 fee schedule for permits to harvest aquatic plants other than
19 wild rice, by order, after holding a public hearing. The fees
20 may not exceed \$100 per permit based upon the cost of receiving,
21 processing, analyzing, and issuing the permit, and additional
22 costs incurred after the application to inspect and monitor the
23 activities authorized by the permit.

24 (b) A fee may not be charged to the state or a federal
25 governmental agency applying for a permit.

26 (c) The money received for the permits under this
27 subdivision shall be deposited in the treasury and credited to
28 the game and fish fund. [98.48 s.9]

29 Subd. 3. [PERMIT STANDARDS.] The commissioner shall, by
30 order, prescribe standards to issue and deny permits under
31 subdivision 2. The standards must insure that aquatic plant
32 control is consistent with shoreland conservation ordinances,
33 lake management plans and programs, and wild and scenic river
34 plans. [98.48 s.9]

35 Sec. 12. [84.093] [WILD GINSENG.]

36 The commissioner may establish regulations including

1 seasons for harvesting to conserve wild ginseng. [97.48 s.18a]

2 Sec. 13. [84.151] [WILD RICE.]

3 Subdivision 1. [REGULATIONS.] The commissioner shall

4 prescribe rules for harvesting and possessing wild rice. [97.48
5 s.18]

6 Subd. 2. [LICENSE REQUIRED.] A person who buys wild rice
7 within the state for resale to anyone except consumers, or sells
8 wild rice imported from outside the state to anyone within the
9 state except consumers must have a wild rice dealer's license.
10 [97.48 s.18]

11 Subd. 3. [APPLICATION.] (a) An application for a wild rice
12 dealer's license must be made under a written oath. The form of
13 a wild rice dealer's license application must include:

14 (1) the amount of wild rice, whether raw or processed,
15 bought or sold by the applicant during the preceding calendar
16 year;

17 (2) the amount of wild rice the applicant estimates will be
18 bought or sold under the license; and

19 (3) other pertinent information required by the
20 commissioner.

21 (b) The license fee must be paid in advance, based on the
22 applicant's estimate. A license may not be issued for a fee
23 based on a lesser amount of wild rice than was bought or sold by
24 the applicant during the preceding calendar year. [98.46 s.18]

25 Subd. 4. [SUPPLEMENTAL LICENSE.] A wild rice dealer may
26 not buy or sell wild rice for which a license is required in
27 excess of the amount covered by the license. If a wild rice
28 dealer desires to buy or sell wild rice in excess of the
29 licensed amount, the dealer must apply for a supplemental
30 license. The supplemental license shall be issued for the
31 additional amount of wild rice upon payment of the prescribed
32 fee, less credit for the fees paid for the previous license or
33 licenses issued for the same calendar year. When the
34 supplemental license is issued, the previous licenses held by
35 the dealer shall be surrendered to the commissioner. [98.46
36 s.18]

1 Subd. 5. [REPORTING REQUIREMENTS FOR BUYING WILD
 2 RICE.] Raw rice purchased by a dealer must be reported in
 3 accordance with this subdivision. A wild rice dealer shall
 4 submit an annual report to the commissioner and keep a complete
 5 record in a book of all wild rice bought or sold during the
 6 period covered by the license. The record book must show: (1)
 7 the date of each transaction; (2) the names and addresses of all
 8 parties involved in the transaction other than the dealer; and
 9 (3) the amount of wild rice transferred, whether raw or
 10 processed. The record book must be available for inspection by
 11 the commissioner, the coordinator of wild rice, conservation
 12 officer, or agent of the commissioner at all reasonable times.
 13 A wild rice dealer must transmit a written report to the
 14 commissioner within ten days after the end of each calendar
 15 month during the period covered by the license. The
 16 commissioner shall prescribe the form of the report which must
 17 be signed by the licensee and state the total amount of wild
 18 rice bought or sold during the calendar month, whether raw or
 19 processed. [98.46 s.18]

20 Subd. 6. [PENALTIES.] (a) A person is guilty of a
 21 misdemeanor who:

22 (1) willfully makes a false statement in an application for
 23 a license or in a required report or record; or

24 (2) violates a provision relating to wild rice dealers.

25 (b) Each violation is a separate offense. An acquittal
 26 prohibits later prosecution based on a similar charge involving
 27 other wild rice in the same transaction.

28 (c) If a wild rice dealer is convicted of two offenses
 29 under this subdivision within three years, the dealer's license
 30 is null and void and the dealer may not be issued a license for
 31 one year after the date of the conviction. [98.46 s.18]

32 Sec. 14. Minnesota Statutes 1984, section 84.88,
 33 subdivision 2, is amended to read:

34 Subd. 2. A person registered as owner of a snowmobile may
 35 be fined not to exceed \$300 if a snowmobile bearing his
 36 registration number is operated contrary to the provisions of

1 sections 84.81 to 84.88, ~~100-267-subdivision-17~~ or ~~100-297~~
 2 ~~subdivisions-28-or-29~~ article 2, section 19. The registered
 3 owner may not be so fined if (a) the snowmobile was reported as
 4 stolen to the commissioner or a law enforcement agency at the
 5 time of the alleged unlawful act, or if (b) the registered owner
 6 demonstrates that the snowmobile either was stolen or was not in
 7 use at the time of the alleged unlawful act, or if (c) the
 8 registered owner furnishes to law enforcement officers upon
 9 request the identity of the person in actual physical control of
 10 the snowmobile at the time of such violation. The provisions of
 11 this subdivision do not apply to any person who rents or leases
 12 a snowmobile if such person keeps a record of the name and
 13 address of the person or persons renting or leasing such
 14 snowmobile, the registration number thereof, the departure date
 15 and time, and expected time of return thereof. Such record
 16 shall be preserved for at least six months and shall be prima
 17 facie evidence that the person named therein was the operator
 18 thereof at the time it was operated contrary to sections 84.81
 19 to 84.88, ~~100-267-subdivision-17~~ or ~~100-297-subdivisions-28-or~~
 20 ~~29~~ article 2, section 19. The provisions of this subdivision do
 21 not prohibit or limit the prosecution of a snowmobile operator
 22 for violating any of the sections referred to in this
 23 subdivision.

24 Sec. 15. Minnesota Statutes 1984, section 84.89, is
 25 amended to read:

26 84.89 [CONFISCATION OF SNOWMOBILE USED IN BURGLARY.]

27 A law enforcement officer shall seize any snowmobile, as
 28 defined in section 84.81, used for the purpose of gaining access
 29 to property for the purpose of committing the crime of burglary,
 30 as defined in section 609.58. Any snowmobile seized pursuant to
 31 this section shall be held, subject to the order of the district
 32 court of the county in which the burglary was committed, and
 33 shall be confiscated after conviction of the person from whom
 34 the snowmobile was seized and disposed of in accordance with the
 35 procedure provided for equipment used in committing game and
 36 fish violations by article 1, section 97-507-subdivision-6 38,

1 except that the balance of the proceeds from the sale of a
2 confiscated snowmobile which are paid into the state treasury
3 shall be credited to the general fund.

4 Sec. 16. Minnesota Statutes 1984, section 84A.02, is
5 amended to read:

6 84A.02 [MANAGEMENT.]

7 Red Lake game preserve shall be under the management and
8 control of the department, which shall have, and it is hereby
9 given, full power and authority to make, establish, promulgate,
10 and enforce all necessary rules and regulations, not
11 inconsistent with the laws of the state, for the care,
12 preservation, protection, breeding, propagation, and disposition
13 of any and all species of wild life therein and the regulation,
14 issuance, sale, and revocation of special licenses or special
15 permits for hunting, fishing, camping, and other uses of this
16 area, not inconsistent with the terms of sections 84A.01 to
17 84A.11 or other laws of the state now or hereafter applicable
18 thereto. The department shall have power and authority, by
19 means of rules and regulations, to declare the terms and
20 conditions of these licenses and permits and the charges to be
21 made therefor. These regulations may specify and control the
22 terms under and by which wild life may be taken, captured, or
23 killed therein, and under and by which fur-bearing animals, or
24 animals and fish otherwise having commercial value, may be
25 taken, captured, trapped, killed, sold, and removed therefrom.
26 These rules and regulations may also provide for the
27 afforestation and reforestation of lands now or hereafter owned
28 by the state in this game preserve and hunting grounds, and for
29 the sale of merchantable timber from these lands when and where,
30 in the opinion of the department, the same can be sold and
31 removed without damage or injury to the further use and
32 development of the land for a habitat of wild life and game in
33 this game preserve and hunting ground, and for the purposes for
34 which this preserve and hunting ground is established by
35 sections 84A.01 to 84A.11. The department may provide for the
36 policing of this preserve and hunting ground in such manner as

1 may be needful for the proper development and use of the
 2 preserve and hunting ground for the purposes specified, and all
 3 supervisors, guards, custodians, and caretakers assigned to duty
 4 in this preserve and hunting ground shall have and possess the
 5 authority and powers of peace officers while in their
 6 employment. The department shall also make and enforce such
 7 rules and regulations, not inconsistent with the laws of the
 8 state, concerning the burning of grass, timber slashings, and
 9 other inflammable matter, and the clearing, development, and use
 10 of lands in this preserve and hunting ground as may be necessary
 11 and advisable to prevent destructive forest fires and grass
 12 fires which would injure the use and development of this area
 13 for the preservation and propagation of wild life therein, and
 14 for the proper protection of the forest and wooded areas
 15 thereof. All lands within the boundaries of this preserve and
 16 hunting ground shall be subject to such rules and regulations,
 17 whether owned by the state or privately, consistent with the
 18 rights of the private owners and with the laws of this state now
 19 or hereafter applicable thereto. By such rules and regulations
 20 there may be established areas and zones within this preserve
 21 and hunting ground where hunting, fishing, trapping, or camping
 22 may be prohibited or specially regulated, for the purpose of
 23 protection and propagation of particular wild life therein.

24 All rules and regulations adopted and promulgated under the
 25 provisions of sections 84A.01 to 84A.11 shall be published in
 26 the manner now required by law under the provisions of article
 27 1, section 97-53 9, and shall be, in addition thereto, posted on
 28 the boundaries of this preserve and hunting ground.

29 Sec. 17. Minnesota Statutes 1984, section 85.018,
 30 subdivision 8, is amended to read:

31 Subd. 8. [ENFORCEMENT.] The provisions of this section may
 32 be enforced by officers of the department of natural resources
 33 as provided in section-97-50 article 1, sections 33 to 40.

34 Sec. 18. Minnesota Statutes 1984, section 86A.06, is
 35 amended to read:

36 86A.06 [RULES.]

1 Each managing agency, in consultation with the commissioner
2 of energy, planning and development, shall promulgate rules
3 relating to the units of the outdoor recreation system within
4 its jurisdiction, which shall provide for administration of the
5 units in the manner specified in section 86A.05 and the laws
6 relating to each type of unit. The authority provided by this
7 subdivision does not amend or repeal authority possessed by the
8 commissioner of natural resources pursuant to article 1, section
9 97-53 9, subdivision 2 3, and in no way is intended to modify or
10 diminish authority possessed by the commissioner in relation
11 to article 1, section 97-53 9, subdivision 2 3.

12 Sec. 19. Minnesota Statutes 1984, section 105.391,
13 subdivision 3, is amended to read:

14 Subd. 3. Except as provided below, no public waters or
15 wetlands shall be drained, and no permit authorizing drainage of
16 public waters or wetlands shall be issued, unless the public
17 waters or wetlands being drained are replaced by public waters
18 or wetlands which will have equal or greater public value.
19 However, after a state waterbank program has been established,
20 wetlands which are eligible for inclusion in that program may be
21 drained without a permit and without replacement of wetlands of
22 equal or greater public value if the commissioner does not
23 elect, within 60 days of the receipt of an application for a
24 permit to drain the wetlands, to either (1) place the wetlands
25 in the state waterbank program, or (2) acquire it pursuant to
26 article 1, section 97-401 28, or (3) indemnify the landowner
27 through any other appropriate means, including but not limited
28 to conservation restrictions, easements, leases, or any
29 applicable federal program. If the applicant is not offered his
30 choice of the above alternatives, he is entitled to drain the
31 wetlands involved.

32 In addition, the owner or owners of lands underlying
33 wetlands situated on privately owned lands may apply to the
34 commissioner for a permit to drain the wetlands at any time
35 after the expiration of ten years following the original
36 designation thereof. Upon receipt of an application, the

1 commissioner shall review the current status and conditions of
 2 the wetlands. If he finds that the current status or conditions
 3 are such that it appears likely that the economic or other
 4 benefits to the owner or owners which would result from drainage
 5 would exceed the public benefits of maintaining the wetlands, he
 6 shall grant the application and issue a drainage permit. If the
 7 application is denied, no additional application shall be made
 8 until the expiration of an additional ten years.

9 Sec. 20. Minnesota Statutes 1984, section 105.391,
 10 subdivision 12, is amended to read:

11 Subd. 12. The designation of waters as "public waters" or
 12 "wetlands" pursuant to this section shall not grant any
 13 additional or greater right of access to the public to those
 14 waters, nor is the commissioner required to acquire access to
 15 those waters under article 1, section ~~97.487~~-subdivision-15 27,
 16 nor is any right of ownership or usage of the beds underlying
 17 those waters diminished. Notwithstanding the designation of
 18 waters or lands as public waters or wetlands, all provisions of
 19 Minnesota law forbidding trespass upon private lands shall
 20 remain in full force and effect.

21 Sec. 21. Minnesota Statutes 1984, section 105.417,
 22 subdivision 4, is amended to read:

23 Subd. 4. [TROUT STREAMS.] Permits issued after June 3,
 24 1977 to appropriate water for any purpose from streams
 25 designated trout streams by the commissioner's orders pursuant
 26 to article 3, section ~~101.42~~ 5, shall be limited to temporary
 27 appropriations.

28 Sec. 22. Minnesota Statutes 1985 Supplement, section
 29 105.74, is amended to read:

30 105.74 [ADDITIONAL DUTIES OF BOARD.]

31 In addition to duties elsewhere prescribed, the board has
 32 the function defined in sections 105.72 to 105.79 when the
 33 decision of the agency in a proceeding involves a question of
 34 water policy in one or more of the areas of water conservation,
 35 water pollution, preservation and management of wildlife,
 36 drainage, soil conservation, public recreation, forest

1 management, and municipal planning under any or the following:
2 Sections 84.57, ~~97+487-subdivision-13~~ article 1, section 26,
3 105.41, 105.42, 105.43, 105.44, 105.64, 106A.011, 106A.015,
4 115.04, 115.05, and chapter 110.

5 Sec. 23. Minnesota Statutes 1984, section 111.81,
6 subdivision 1, is amended to read:

7 Subdivision 1. The governing body of any city or town may
8 expend funds for the control or destruction of harmful or
9 undesirable aquatic vegetation or organisms in public waters and
10 may cooperate with other such governing bodies and any
11 landowners in such control or destruction. No such control or
12 destruction shall be started unless a permit therefor has been
13 issued by the commissioner of natural resources pursuant to
14 section ~~98+487-subdivision-97~~ 11 and all work shall be done in
15 accordance with the terms and conditions of such permit.

16 Sec. 24. Minnesota Statutes 1984, section 343.21,
17 subdivision 8, is amended to read:

18 Subd. 8. [CAGING.] No person shall cage any animal for
19 public display purposes unless the display cage is constructed
20 of solid material on three sides to protect the caged animal
21 from the elements and unless the horizontal dimension of each
22 side of the cage is at least four times the length of the caged
23 animal. The provisions of this subdivision do not apply to the
24 Minnesota state agricultural society, the Minnesota state fair,
25 or to the county agricultural societies, county fairs, to any
26 agricultural display of caged animals by any political
27 subdivision of the state of Minnesota, or to district, regional
28 or national educational livestock or poultry exhibitions. The
29 provisions of this subdivision do not apply to captive wildlife,
30 the exhibition of which is regulated by article 1, section
31 ~~97-611~~ 7.

32 Sec. 25. Minnesota Statutes 1984, section 343.30, is
33 amended to read:

34 343.30 [INJURY TO BIRDS.]

35 A person who in any manner maliciously maims, kills, or
36 destroys any bird designated as unprotected by article 1,

1 section ~~200-26~~ 2, subdivision 2 ~~52~~, or who maliciously destroys
2 the nests or eggs of any such bird shall be guilty of a petty
3 misdemeanor.

4 Sec. 26. Minnesota Statutes 1984, section 352B.01,
5 subdivision 2, is amended to read:

6 Subd. 2. "Member" means (a) all of the persons referred to
7 and employed on and after July 1, 1943 pursuant to the
8 provisions of Laws 1929, Chapter 355, and all acts amendatory
9 thereof and supplementary thereto, currently employed by the
10 state, whose salaries or compensation is paid out of funds of
11 the state of Minnesota; (b) any conservation officer employed
12 under the provisions of article 1, section 97-50 ~~33~~, currently
13 employed by the state, whose salary or compensation is paid out
14 of funds of the state; and (c) any crime bureau officer who was
15 employed by the crime bureau and was a member of the highway
16 patrolmen's retirement fund on July 1, 1978, whether or not that
17 person has the power of arrest by warrant after that date, or
18 who is employed as police personnel, with powers of arrest by
19 warrant, pursuant to the provisions of section 299C.04, and who
20 is currently employed by the state, and whose salary or
21 compensation is paid out of funds of the state.

22 The term "member" shall not include any person employed in
23 subsidized on-the-job training, work experience or public
24 service employment as an enrollee under the federal
25 comprehensive employment and training act from and after March
26 30, 1978, unless the person has as of the later of March 30,
27 1978 or the date of employment sufficient service credit in the
28 retirement fund to meet the minimum vesting requirements for a
29 deferred retirement annuity, or the employer agrees in writing
30 on forms prescribed by the executive director to make the
31 required employer contributions, including any employer
32 additional contributions, on account of that person from revenue
33 sources other than funds provided under the federal
34 comprehensive employment and training act, or the person agrees
35 in writing on forms prescribed by the executive director to make
36 the required employer contribution in addition to the required

1 employee contribution.

2 Sec. 27. Minnesota Statutes 1984, section 361.25, is
3 amended to read:

4 361.25 [REGULATIONS.]

5 The commissioner shall adopt, in the manner provided in
6 sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57
7 to 14.62, and shall publish in the manner prescribed in article
8 1, section 97-53 9, subdivision 2 3, regulations relating to
9 the application for, and form and numbering of watercraft
10 licenses and the size, form, reflectorize material and display
11 of watercraft license numbers which shall comply with the
12 requirements of the federal watercraft numbering system,
13 placement and regulation of docks, piers, buoys, mooring or
14 marking devices and other structures in the waters of this
15 state, rules of the road for watercraft navigation and standards
16 for equipment used in the towing of persons on water skis,
17 aquaplanes, surfboards, saucers, and other devices, standards
18 for lights, signals, fire extinguishers, bilge ventilation, and
19 lifesaving equipment, standards of safe load and power capacity,
20 accounting, procedural and reporting requirements for county
21 sheriff, designation of and swimming or bathing areas, standards
22 of safety for watercraft offered for rent, lease, or hire; and
23 in accordance with section 361.26, subdivision 2, clause (c),
24 the commissioner shall by no later than January 1, 1975, adopt
25 rules and regulations relating to the use of surface waters of
26 this state by watercraft including but not limited to (1)
27 standards and criteria for resolving conflicts in the use of
28 water surfaces by watercraft, (2) procedures for dealing with
29 problems involving more than one local governmental unit, (3)
30 procedures for local enforcement and (4) procedures for carrying
31 out the provisions of section 361.26, subdivision 2; and such
32 other regulations as he deems necessary to carry out the
33 provisions of this chapter.

34 Sec. 28. Minnesota Statutes 1984, section 383C.13, is
35 amended to read:

36 383C.13 [COUNTY AUDITOR; SALARY.]

1 In each county in this state now or hereafter having a
 2 population of more, than 150,000 and an area of over 5,000 square
 3 miles the county auditor shall receive an annual salary of
 4 \$7,000 as full compensation for all services. He shall, on the
 5 first day of each month, file in his office a complete statement
 6 of all the fees and commissions received by him of every name
 7 and nature whatsoever, including his commission as agent of the
 8 commissioner of game and fish pursuant to Minnesota-Statutes
 9 1949, article 1, section 98-58 70, and turn the same into the
 10 county treasury.

11 Sec. 29. Minnesota Statutes 1984, section 477A.12, is
 12 amended to read:

13 477A.12 [ANNUAL APPROPRIATIONS; LANDS ELIGIBLE;
 14 CERTIFICATION OF ACREAGE.]

15 There is annually appropriated to the commissioner of
 16 natural resources from the general fund for payment to counties
 17 within the state an amount equal to \$3 multiplied by the number
 18 of acres of acquired natural resources land, 75 cents multiplied
 19 by the number of acres of county-administered other natural
 20 resources land, and 37.5 cents multiplied by the number of acres
 21 of commissioner-administered other natural resources land
 22 located in each county as of July 1 of each year. Lands for
 23 which payments in lieu are made pursuant to article 1, section
 24 97-49 11, subdivision 7. 3, and Laws 1973, Chapter 567, shall not
 25 be eligible for payments under this section. Each county
 26 auditor shall certify to the department of natural resources
 27 during July of each year the number of acres of
 28 county-administered other natural resources land within his
 29 county. The department of natural resources may, in addition to
 30 the certification of acreage, require descriptive lists of land
 31 so certified. The commissioner of natural resources shall
 32 determine and certify the number of acres of acquired natural
 33 resources land and commissioner-administered natural resources
 34 land within each county.

35 Sec. 30. Minnesota Statutes 1984, section 477A.13, is
 36 amended to read:

1 477A.13 [TIME OF PAYMENT, DEDUCTIONS.]

2 Payments to the counties shall be made from the general
 3 fund during the month of July of the year next following
 4 certification. There shall be deducted from amounts paid any
 5 amounts paid to a county or township during the preceding year
 6 pursuant to sections 89.036, 97.497-subdivision-3 article 1,
 7 section 11, subdivisions 1 and 2, and 272.68, subdivision 3 with
 8 respect to the lands certified pursuant to section 477A.12.

9 Payments under section 477A.12 must also be reduced by the
 10 following percentages of the amounts paid during the preceding
 11 year under section 84A.51:

- 12 (1) for the payment made July 15, 1984, 75 percent;
- 13 (2) for the payment made July 15, 1985, 50 percent;
- 14 (3) for the payment made July 15, 1986, 25 percent; and
- 15 (4) for the payment made thereafter, 0 percent.

16 Sec. 31. [609.661] [PENALTY FOR SET GUNS; SWIVEL GUNS.]

17 A person who violates a provision relating to set guns or
 18 swivel guns is guilty of a gross misdemeanor. [97.55 s.7]

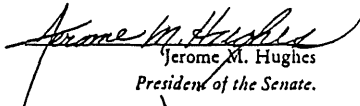
19 Sec. 32. [624.719] [POSSESSION OF FIREARM BY NONRESIDENT
 20 ALIEN.]

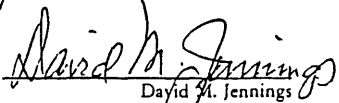
21 A nonresident alien may not possess a firearm except to
 22 take game as a nonresident under the game and fish laws. A
 23 firearm possessed in violation of this section is contraband and
 24 may be confiscated. [98.45 s.4]

25 Sec. 33. [REPEALER.]

26 Minnesota Statutes 1984, sections 97.40; 97.41; 97.42;
 27 97.43; 97.431; 97.432; 97.433; 97.44; 97.45; 97.46; 97.47; 97.48;
 28 97.481; 97.482; 97.483; 97.4841, subdivisions 1, 2, and 4;
 29 97.4842, subdivisions 1 and 3; 97.4843, subdivisions 1, 3, and
 30 4; 97.485; 97.487; 97.488, subdivisions 1 and 2 to 8; 97.49;
 31 97.50, subdivisions 2 to 9; 97.501; 97.51; 97.52; 97.53; 97.54;
 32 97.55, subdivisions 1 to 15; 97.56; 97.57; 97.611; 97.81; 97.82;
 33 97.83; 97.85; 97.86; 98.45, subdivisions 1 to 8; 98.455; 98.456;
 34 98.457; 98.46, subdivisions 1, 2a, 2b, 3, 4, 5a, 6 to 13, 16 to
 35 26; 98.465; 98.47, subdivisions 1 to 3, 4 to 13, 15 to 18;
 36 98.48, subdivisions 1 to 4, 6 to 16; 98.49; 98.50; 98.501; 98.51;

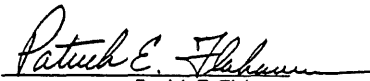
1 98.52, subdivisions 1 to 4; 99.25; 99.251; 99.26; 99.27; 99.28;
2 99.29; 100.26; 100.27, subdivisions 2 and 5 to 9; 100.271,
3 subdivisions 1 and 3 to 5; 100.272; 100.273, subdivisions 1 to
4 5, 7, and 8; 100.28; 100.29, subdivisions 1 to 14, 16, 17, 18,
5 20, 23, 24, and 26 to 33; 100.295; 100.30; 100.303; 100.31;
6 100.32; 100.33; 100.34; 100.35; 100.36; 100.37; 101.41; 101.411;
7 101.42; 101.425; 101.43; 101.44; 101.441; 101.45; 101.46; 101.47;
8 101.48; 101.49; 101.50; 101.51; 102.23; 102.235; 102.24; 102.25;
9 102.26; 102.27; 102.28; 102.285; 102.29; 102.30; Minnesota
10 Statutes 1985 Supplement, sections 97.484; 97.4841, subdivision
11 3; 97.4842, subdivision 2; 97.4843, subdivision 2; 97.488,
12 subdivision 1a; 97.50, subdivision 1; 97.55, subdivisions 16 and
13 17; 97.851; 98.45, subdivision 9; 98.46, subdivisions 2, 5, 14,
14 and 15; 98.47, subdivision 3a; 98.48, subdivision 5; 98.52,
15 subdivision 6; 100.27, subdivisions 1, 3, and 4; 100.271,
16 subdivision 2; 100.273, subdivisions 6 and 9; 100.281; 100.29,
17 subdivisions 15, 19 and 25; and 101.475 are repealed.


Jerome M. Hughes
President of the Senate.


David M. Jennings
Speaker of the House of Representatives.

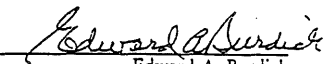
Passed the Senate this 15th day of March
nine hundred and eighty-six.

in the year of Our Lord one thousand

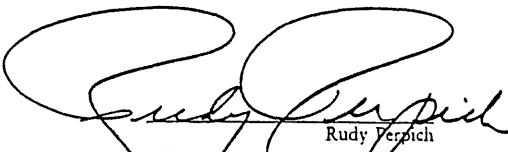

Patrick E. Flahaven
Secretary of the Senate.

Passed the House of Representatives this 15th day of March
one thousand nine hundred and eighty-six.

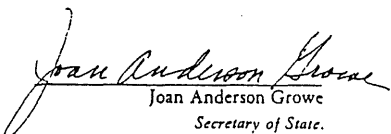
in the year of Our Lord


Edward A. Burdick
Chief Clerk, House of Representatives.

Approved 3/20/86


Rudy Perpich
Governor of the State of Minnesota.

Filed 3/20/86


Joan Anderson Growe
Secretary of State.

SECTION 4

**ATV LAW
(Re-write)**

AN ACT

S.F. No. 1065
CHAPTER No.

452

1
2 relating to transportation; regulating recreational
3 vehicles; regulating all-terrain vehicles; regulating
4 routes to the trunk highway system; prescribing fees;
5 providing penalties; appropriating money; amending
6 Minnesota Statutes 1984, sections 84.92; 84.922,
7 subdivisions 1, 3, 5, 6, 7, 8, and by adding
8 subdivisions; 84.925; 84.927; 84.928; 85.018; 100.273,
9 subdivision 9; 161.117; 168.012, subdivision 3a;
10 169.045; 169.825, subdivision 8; and 296.16,
11 subdivision 1; proposing coding for new law in
12 Minnesota Statutes, chapter 84.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

15 Section 1. Minnesota Statutes 1984, section 84.92, is
16 amended to read:

17 84.92 [DEFINITIONS.]

18 Subdivision 1. [SCOPE.] The definitions in this section
19 apply to sections 84.92 to 84.929 and Laws 1984, chapter 647,
20 sections-1-to section 9.

21 Subd. 1a. [AGRICULTURAL ZONE.] "Agricultural zone" means
22 the areas in Minnesota lying south and west of a line starting
23 at the Minnesota-North Dakota border and formed by rights-of-way
24 of trunk highway no. 10, thence easterly along trunk highway no.
25 10 to trunk highway no. 23, thence easterly along trunk highway
26 no. 23 to trunk highway no. 95, thence easterly along trunk
27 highway no. 95 to its termination at the Minnesota-Wisconsin
28 border.

29 Subd. 2. [COMMISSIONER.] "Commissioner" means the

1 commissioner of natural resources.

2 Subd. 3. [DEALER.] "Dealer" means a person engaged in the
3 business of selling ~~three-wheel-off-road~~ all-terrain vehicles at
4 wholesale or retail.

5 Subd. 4. [MANUFACTURER.] "Manufacturer" means a person
6 engaged in the business of manufacturing ~~three-wheel-off-road~~
7 all-terrain vehicles.

8 Subd. 5. [OWNER.] "Owner" means a person, other than a
9 person with a security interest, having a property interest in
10 or title to ~~a-three-wheel-off-road~~ an all-terrain vehicle and
11 entitled to the use and possession of the vehicle.

12 Subd. 6. [PERSON.] "Person" means an individual or an
13 organization as defined in section 336.1-201, paragraph (30).

14 Subd. 7. [REGISTER.] "Register" means the act of assigning
15 a registration number to ~~a-three-wheel-off-road~~ an all-terrain
16 vehicle.

17 Subd. 8. [ALL-TERRAIN VEHICLE.] "~~Three-wheel-off-road~~
18 All-terrain vehicle" or "vehicle" means a motorized
19 flotation-tired vehicle of not less than three low pressure
20 tires, but not more than six tires, that is limited in engine
21 displacement of less than 800 cubic centimeters and total dry
22 weight less than 600 pounds.

23 Sec. 2. Minnesota Statutes 1984, section 84.922,
24 subdivision 1, is amended to read:

25 Subdivision 1. [GENERAL REQUIREMENTS.] Unless exempted in
26 subdivision 8, after January 1, 1985, a person may not operate a
27 ~~three-wheel-off-road~~ an all-terrain vehicle within the state
28 unless the vehicle has been registered. After January 1, 1985,
29 a person may not sell a vehicle without furnishing the buyer a
30 bill of sale on a form prescribed by the commissioner.

31 Sec. 3. Minnesota Statutes 1984, section 84.922,
32 subdivision 3, is amended to read:

33 Subd. 3. [REGISTRATION CARD.] The commissioner shall
34 provide to the registrant a registration card that includes the
35 registration number, the date of registration, the make and
36 serial number of the vehicle, the owner's name and address, and

1 additional information the commissioner may require.
 2 Information concerning each registration shall be retained by
 3 the commissioner. Upon a satisfactory showing that the
 4 registration card has been lost or destroyed the commissioner
 5 shall issue a replacement registration card upon payment of a
 6 fee of \$4. The fees collected from replacement registration
 7 cards shall be deposited in the three-wheel-off-road all-terrain
 8 vehicle account.

9 Sec. 4. Minnesota Statutes 1984, section 84.922,
 10 subdivision 5, is amended to read:

11 Subd. 5. [FEES FOR REGISTRATION.] (a) The fee for
 12 registration of each vehicle under this section shall be ~~\$15 for~~
 13 ~~three-calendar-years--The-commissioner-or-commissioner-of~~
 14 ~~public-safety-shall-charge-an-additional-\$3-per-registration~~
 15 granted, other than those registered by a dealer or manufacturer
 16 under paragraph (b) or (c), is \$18 for three years and \$4 for a
 17 duplicate or transfer.

18 (b) The total registration fee for all-terrain vehicles
 19 owned by a dealer and operated for demonstration or testing
 20 purposes is \$50 per year. Dealer registrations are not
 21 transferable.

22 (c) The total registration fee for all-terrain vehicles
 23 owned by a manufacturer and operated for research, testing,
 24 experimentation, or demonstration purposes is \$150 per year.
 25 Manufacturer registrations are not transferable.

26 (d) The fees collected under this subdivision shall must be
 27 credited to the three-wheel-off-road all-terrain vehicle account.

28 Sec. 5. Minnesota Statutes 1984, section 84.922,
 29 subdivision 6, is amended to read:

30 Subd. 6. [RENEWAL.] Every owner of a ~~three-wheel~~ an
 31 all-terrain vehicle must renew registration in a manner
 32 prescribed by the commissioner upon payment of the registration
 33 fees in subdivision 5.

34 Sec. 6. Minnesota Statutes 1984, section 84.922,
 35 subdivision 7, is amended to read:

36 Subd. 7. [VEHICLES OWNED BY STATE OR POLITICAL

1 SUBDIVISION.] A registration number must be issued without the
2 payment of a fee for three-wheel all-terrain vehicles owned by
3 the state or a political subdivision upon application.

4 Sec. 7. Minnesota Statutes 1984, section 84.922,
5 subdivision 8, is amended to read:

6 Subd. 8. [EXEMPTIONS.] A registration is not required for
7 the following:

8 (1) vehicles being used for work exclusively on
9 agricultural lands;

10 (2) vehicles owned and used by the United States, another
11 state, or a political subdivision;

12 (3) vehicles covered by a valid license of another state or
13 county country that have not been within this state for more
14 than 30 consecutive days; and

15 (4) vehicles used exclusively in organized track racing
16 events; and

17 (5) vehicles being used on private land with the permission
18 of the landowner.

19 Sec. 8. Minnesota Statutes 1984, section 84.922, is
20 amended by adding a subdivision to read:

21 Subd. 9. [LICENSING BY POLITICAL SUBDIVISIONS.] No
22 political subdivision of this state shall require licensing or
23 registration of all-terrain vehicles covered by sections 84.92
24 to 84.929.

25 Sec. 9. Minnesota Statutes 1984, section 84.922, is
26 amended by adding a subdivision to read:

27 Subd. 10. [REGISTRATION BY MINORS PROHIBITED.] No person
28 under the age of 18 may register an all-terrain vehicle.

29 Sec. 10. [84.924] [RULEMAKING; ACCIDENT REPORT.]

30 Subdivision 1. [COMMISSIONER OF NATURAL RESOURCES.] With a
31 view of achieving proper use of all-terrain vehicles consistent
32 with protection of the environment, the commissioner of natural
33 resources shall adopt rules under chapter 14 relating to:

34 (1) registration of all-terrain vehicles and display of
35 registration numbers;

36 (2) use of all-terrain vehicles insofar as game and fish

resources are affected;

(3) use of all-terrain vehicles on public lands and waters under the jurisdiction of the commissioner of natural resources;

(4) uniform signs to be used by the state, counties, and cities necessary or desirable to control, direct, or regulate the operation and use of all-terrain vehicles; and

(5) specifications relating to all-terrain vehicle mufflers.

Subd. 2. [COMMISSIONER OF PUBLIC SAFETY.] The commissioner of public safety may adopt rules under chapter 14 regulating the use of all-terrain vehicles on streets and highways.

Subd. 3. [ACCIDENT REPORT; REQUIREMENT AND FORM.] The operator of an all-terrain vehicle involved in an accident resulting in injury requiring medical attention or hospitalization to or death of a person or total damage to an extent of \$100 or more shall promptly forward a written report of the accident to the commissioner of natural resources on a form prescribed by the commissioner.

Sec. 11. Minnesota Statutes 1984, section 84.925, is amended to read:

84.925 [EDUCATION AND TRAINING PROGRAM.]

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner shall establish a comprehensive three-wheel-off-road all-terrain vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of three-wheel-off-road all-terrain vehicle operators, and the issuance of three-wheel-off-road all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the three-wheel-off-road all-terrain vehicle environmental and safety education and training course. For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of not to exceed \$5 from each person who receives the training and shall deposit the fee in the three-wheel-off-road all-terrain vehicle account. The commissioner shall cooperate with private

1 organizations and associations, private and public corporations,
2 and local governmental units in furtherance of the program
3 established under this section. The commissioner shall consult
4 with the commissioner of public safety in regard to training
5 program subject matter and performance testing that leads to the
6 certification of vehicle operators.

7 Subd. 2. [YOUTHFUL OPERATORS.] (a) A person under the age
8 of 14 years may not operate ~~a three-wheel-off-road~~ an
9 all-terrain vehicle on any public land or water under the
10 jurisdiction of the commissioner unless accompanied by an adult
11 on the vehicle or on an accompanying ~~three-wheel-off-road~~
12 all-terrain vehicle or on a device towed by the same or an
13 accompanying ~~three-wheel-off-road~~ all-terrain vehicle. However,
14 a person 12 years of age or older may operate ~~a three-wheel~~
15 ~~off-road~~ an all-terrain vehicle on public lands and waters under
16 the jurisdiction of the commissioner if he has in his immediate
17 possession a valid ~~three-wheel-off-road~~ all-terrain vehicle
18 safety certificate issued by the commissioner.

19 (b) It is unlawful for the owner of ~~a three-wheel-off-road~~
20 an all-terrain vehicle to allow the vehicle to be operated
21 contrary to the provisions of this section.

22 Sec. 12. [84.9254] [SIGNAL FROM OFFICER TO STOP.]

23 It is unlawful for an all-terrain vehicle operator, after
24 having received a visual or audible signal from a law
25 enforcement officer to come to a stop, to (1) operate an
26 all-terrain vehicle in willful or wanton disregard of the signal
27 to stop, (2) interfere with or endanger the law enforcement
28 officer or any other person or vehicle, or (3) increase speed or
29 attempt to flee or elude the officer.

30 Sec. 13. [84.9256] [YOUTHFUL OPERATORS; PROHIBITIONS.]

31 Subdivision 1. [PROHIBITIONS ON YOUTHFUL OPERATORS.] (a)
32 Despite section 84.928 to the contrary, a person under 12 years
33 of age shall not make a direct crossing of a trunk, county
34 state-aid, or county highway as the operator of an all-terrain
35 vehicle, or operate the vehicle upon a street or highway within
36 a municipality.

1 (b) A person 12 years of age but less than 14 years may
2 make a direct crossing of a trunk, county state-aid, or county
3 highway only if that person possesses a valid all-terrain
4 vehicle safety certificate and is accompanied by a person over
5 18 years of age or holding a valid driver's license. A person
6 under the age of 14 years shall not operate an all-terrain
7 vehicle on public land or water under the jurisdiction of the
8 commissioner unless accompanied by one of the following listed
9 persons on the same vehicle, if designed for more than one
10 person, or an accompanying all-terrain vehicle: the person's
11 parent, legal guardian, or other person 18 years of age or older
12 or holding a valid driver's license.

13 However, a person 12 years of age or older may operate an
14 all-terrain vehicle on public lands and waters under the
15 jurisdiction of the commissioner if that person possesses a
16 valid all-terrain vehicle safety certificate issued by the
17 commissioner.

18 (c) A person 14 years of age or older, but less than 16
19 years of age, may make a direct crossing of a trunk, county
20 state-aid, or county highway only if that person possesses a
21 valid all-terrain vehicle safety certificate issued by the
22 commissioner or a valid motor vehicle operator's license.

23 Subd. 2. (HELMET REQUIRED.) A person less than 16 years of
24 age shall not operate an all-terrain vehicle on public land
25 unless wearing a safety helmet approved by the commissioner of
26 public safety.

27 Subd. 3. (PROHIBITIONS ON OWNER.) It is unlawful for the
28 owner of an all-terrain vehicle to permit it to be operated
29 contrary to this section.

30 Subd. 4. (SUSPENSION.) When the judge of a juvenile court,
31 or its duly authorized agent, determines that a person, while
32 less than 18 years of age, has violated sections 84.92 to
33 84.929, or other state or local law or ordinance regulating the
34 operation of an all-terrain vehicle, the judge or duly
35 authorized agent shall immediately report the determination to
36 the commissioner and (1) may recommend the suspension of the

1 person's all-terrain vehicle safety certificate, or (2) may
 2 recommend to the commissioner of public safety, the suspension
 3 of the person's driver's license. The commissioner may suspend
 4 the certificate without a hearing.

5 Sec. 14. Minnesota Statutes 1984, section 84.927, is
 6 amended to read:

7 84.927 [REGISTRATION FEES; UNREFUNDED GASOLINE TAX;
 8 ALLOCATION.]

9 Subdivision 1. [REGISTRATION REVENUE.] Fees from the
 10 registration of ~~three-wheel-off-road~~ all-terrain vehicles and
 11 the unrefunded gasoline tax attributable to all-terrain vehicle
 12 use under section 296.16 shall be deposited in the state
 13 treasury and credited to the ~~three-wheel-off-road~~ all-terrain
 14 vehicle account.

15 Subd. 2. [PURPOSES.] Subject to appropriation by the
 16 legislature, money in the ~~three-wheel-off-road~~ all-terrain
 17 vehicle account may only be spent for the ~~following~~ purposes:

18 (1) the education and training program under section 84.925;

19 (2) administration and implementation of sections 84.92 to
 20 84.929 and Laws 1984, chapter 647, sections ~~1 to 9~~ and 10; and

21 (3) acquisition, maintenance, and development of vehicle
 22 trails and use areas;

23 (4) grant-in-aid programs to counties and municipalities to
 24 construct and maintain all-terrain vehicle trails and use areas;
 25 and

26 (5) grants-in-aid to local safety programs.

27 The distribution of funds made available through
 28 grant-in-aid programs must be guided by the statewide
 29 comprehensive outdoor recreation plan.

30 Sec. 15. Minnesota Statutes 1984, section 84.928, is
 31 amended to read:

32 84.928 [OPERATION ON STREETS AND HIGHWAYS REQUIREMENTS;
 33 LOCAL REGULATION.]

34 Subdivision 1. [OPERATION ON STREETS AND HIGHWAYS.] Except
 35 ~~as provided in chapter 168 or in this section, a three-wheel~~
 36 ~~off-road vehicle may not be driven or operated on a highway (a)~~

1 A person shall not operate an all-terrain vehicle upon the
2 roadway, shoulder, or inside bank or slope of a trunk, county
3 state-aid, or county highway in this state and, in the case of a
4 divided trunk or county highway, on the right-of-way between the
5 opposing lanes of traffic, except as provided in sections 84.92
6 to 84.929. A person shall not operate an all-terrain vehicle
7 within the right-of-way of a trunk, county state-aid, or county
8 highway from April 1 to August 1 in the agricultural zone unless
9 the vehicle is being used exclusively as transportation to and
10 from work on agricultural lands. A person shall not operate an
11 all-terrain vehicle within the right-of-way of a trunk, county
12 state-aid, or county highway between the hours of one-half hour
13 after sunset to one-half hour before sunrise, except on the
14 right-hand side of the right-of-way and in the same direction as
15 the highway traffic on the nearest lane of the adjacent
16 roadway. A person shall not operate an all-terrain vehicle at
17 any time within the right-of-way of an interstate highway or
18 freeway within this state.

19 A (b) An all-terrain vehicle may make a direct crossing of
20 a street or highway provided:

21 (1) the crossing is made at an angle of approximately 90
22 degrees to the direction of the highway and at a place where no
23 obstruction prevents a quick and safe crossing;

24 (2) the vehicle is brought to a complete stop before
25 crossing the shoulder or main traveled way of the highway;

26 (3) the driver yields the right of way to all oncoming
27 traffic that constitutes an immediate hazard;

28 (4) in crossing a divided highway, the crossing is made
29 only at an intersection of the highway with another public
30 street or highway; and

31 (5) if the crossing is made between the hours of one-half
32 hour after sunset to one-half hour before sunrise or in
33 conditions of reduced visibility, only if both front and rear
34 lights are on.

35 (c) An all-terrain vehicle may be operated upon a bridge,
36 other than a bridge that is part of the main traveled lanes of

1 an interstate highway, when required for the purpose of avoiding
2 obstructions to travel when no other method of avoidance is
3 possible; provided the all-terrain vehicle is operated in the
4 extreme right-hand lane, the entrance to the roadway is made
5 within 100 feet of the bridge, and the crossing is made without
6 undue delay.

7 (d) A person shall not operate an all-terrain vehicle upon
8 a public street or highway unless the vehicle is equipped with
9 at least one headlight and one taillight, each of minimum
10 candlepower as prescribed by rules of the commissioner, with
11 reflector material of a minimum area of 16 square inches mounted
12 on each side forward of the handlebars, and with brakes
13 conforming to standards prescribed by rule of the commissioner,
14 and all of which are subject to the approval of the commissioner
15 of public safety.

16 (e) An all-terrain vehicle may be operated upon a public
17 street or highway other than as provided by paragraph (b) in an
18 emergency during the period of time when and at locations where
19 the condition of the roadway renders travel by automobile
20 impractical.

21 (f) Chapter 169 applies to the operation of all-terrain
22 vehicles upon streets and highways, except for those provisions
23 relating to required equipment and except those provisions which
24 by their nature have no application.

25 (g) A sled, trailer, or other device being towed by an
26 all-terrain vehicle must be equipped with reflective materials
27 as required by rule of the commissioner.

28 Subd. 2. (OPERATION GENERALLY.) It is unlawful for a
29 person to drive or operate an all-terrain vehicle:

30 (1) at a rate of speed greater than reasonable or proper
31 under the surrounding circumstances;

32 (2) in a careless, reckless, or negligent manner so as to
33 endanger or to cause injury or damage to the person or property
34 of another;

35 (3) without headlight and taillight lighted at all times if
36 the vehicle is equipped with headlight and taillight;

1 (4) without a functioning stoplight if so equipped; or
2 (5) in a tree nursery or planting in a manner which damages
3 or destroys growing stock.

4 Subd. 3. [OPERATING UNDER INFLUENCE OF ALCOHOL OR
5 CONTROLLED SUBSTANCE.] A person may not operate or be in control
6 of an all-terrain vehicle while under the influence of alcohol,
7 as provided in section 169.121, subdivision 1, or a controlled
8 substance defined in section 152.01, subdivision 4. A person
9 violating this subdivision is guilty of a crime and is
10 punishable in accordance with the provisions of section 169.121,
11 subdivisions 3 and 4.

12 Subd. 4. [OPERATION PROHIBITED ON AIRPORTS.] Except for
13 employees and agents while acting incident to the operation of
14 the airport, it is unlawful for a person to drive or operate an
15 all-terrain vehicle on an airport defined in section 360.013,
16 subdivision 5.

17 Subd. 5. [ORGANIZED CONTESTS, USE OF HIGHWAYS AND PUBLIC
18 LANDS AND WATERS.] Nothing in this section or chapter 169
19 prohibits the use of all-terrain vehicles within the
20 right-of-way of a state trunk or county state-aid highway or
21 upon public lands or waters under the jurisdiction of the
22 commissioner of natural resources, in an organized contest or
23 event, subject to the consent of the official or board having
24 jurisdiction over the highway or public lands or waters.

25 In permitting the contest or event, the official or board
26 having jurisdiction may prescribe restrictions or conditions as
27 they may deem advisable.

28 Subd. 6. [REGULATIONS BY POLITICAL SUBDIVISIONS.] Despite
29 any provision in this section to the contrary, a county board,
30 by resolution, may permit the operation of all-terrain vehicles
31 upon the roadway, shoulder, or inside bank or slope of a county
32 highway or county state-aid highway if the roadway is in the
33 agricultural zone or if safe operation in the ditch or outside
34 bank or slope of the highway is impossible, in which case the
35 county board shall provide appropriate notice.

36 A county or city, or a town acting by its town board, may

1 regulate the operation of all-terrain vehicles on public lands,
 2 waters, and property under its jurisdiction and on streets and
 3 highways within its boundaries, by resolution or ordinance of
 4 the governing body and by giving appropriate notice, provided
 5 the regulations are consistent with sections 84.92 to 84.929 and
 6 rules adopted under section 10. However, the local governmental
 7 unit may not adopt an ordinance which (1) imposes a fee for the
 8 use of public land or water under the jurisdiction of either the
 9 department of natural resources or other agency of the state, or
 10 for the use of an access to it owned by the state or a county or
 11 city, or (2) requires an all-terrain vehicle operator to possess
 12 a motor vehicle driver's license while operating an all-terrain
 13 vehicle.

14 Subd. 7. [LIABILITY TO ROAD OR TRAIL AUTHORITY.] When a
 15 road, trail, or highway right-of-way is used as provided by
 16 sections 84.92 to 84.928, 85.018, 100.273, subdivision 9, and
 17 296.16, the authority having jurisdiction and the officers and
 18 employees of the authority are exempt from liability for any
 19 claim by any person arising from that use. This section shall
 20 have no effect on the liability of any party or organization
 21 having responsibility for the maintenance of a trail or roadway
 22 for all-terrain vehicles.

23 Sec. 16. Minnesota Statutes 1984, section 85.018, is
 24 amended to read:

25 85.018 [TRAIL USE; VEHICLES REGULATED, RESTRICTED.]

26 Subdivision 1. [DEFINITIONS.] For the purposes of this
 27 section:

28 (a) "Trail" means a recreational trail, which is funded in
 29 whole or in part by state grants-in-aid to a local unit of
 30 government.

31 (b) "Commissioner" means the commissioner of the state
 32 agency from which the grants-in-aid are received.

33 Subd. 2. [AUTHORITY OF LOCAL GOVERNMENT.] (a) A local
 34 government unit that receives state grants-in-aid for any trail,
 35 with the concurrence of the commissioner, and the landowner or
 36 land lessee, may:

1 (a) (1) designate the trail for use by snowmobiles or for
 2 nonmotorized use from December 1 to April 1 of any year; and
 3 (b) (2) issue any permit required under subdivisions 3 to 5.

4 (b) A local government unit that receives state
 5 grants-in-aid under section 84.927, subdivision 2, for any
 6 trail, with the concurrence of the commissioner, and landowner
 7 or land lessee, may:

8 (1) designate the trail specifically for use at various
 9 times of the year by all-terrain vehicles, for nonmotorized use
 10 such as ski touring, snowshoeing, and hiking, and for multiple
 11 use, but not for motorized and nonmotorized use at the same
 12 time; and

13 (2) issue any permit required under subdivisions 3 to 5.

14 (c) A local unit of government that receives state
 15 grants-in-aid for any trail, with the concurrence of the
 16 commissioner and landowner or land lessee, may designate certain
 17 trails for joint use by snowmobiles and all-terrain vehicles.

18 Subd. 3. [MOTORIZED USE; PERMITS, RESTRICTIONS.] Motorized
 19 ~~use-of-trails-shall-be-allowed-only-by-permit-between-April-2~~
 20 ~~and-November-30-of-any-year~~ Permits may be issued for motorized
 21 vehicles, other than those designated, to use a trail designated
 22 for use by snowmobiles or all-terrain vehicles. Notice of the
 23 permit must be conspicuously posted, at the expense of the
 24 permit holder, at no less than one-half mile intervals along the
 25 trail, for the duration of the permit. Permits shall require
 26 that permit holders return the trail and any associated facility
 27 to their original condition if any damage is done by the
 28 permittee. Limited permits for special events such as races may
 29 be issued and shall require the removal of any trail markers,
 30 banners and other material used in connection with the special
 31 event.

32 Subd. 4. [NONMOTORIZED USE TRAILS-~~WINTER~~.] ~~From-December~~
 33 ~~1-to-April-1-of-any-year~~ No motorized vehicle shall be operated
 34 on a trail designated for nonmotorized use ~~such-as-ski-touring~~
 35 ~~or-snowshoe-use~~.

36 Subd. 5. [SNOWMOBILE AND ALL-TERRAIN VEHICLE TRAILS

1 RESTRICTED.] (a) From December 1 to April 1 in any year no use
2 of a motorized vehicle other than a snowmobile, unless
3 authorized by permit, lease or easement, shall be permitted on a
4 trail designated for use by snowmobiles.

5 (b) From December 1 to April 1 in any year no use of a
6 motorized vehicle other than an all-terrain vehicle, unless
7 authorized by permit, shall be permitted on a trail designated
8 for use by all-terrain vehicles.

9 Subd. 6. [EXCEPTIONS.] The following motor vehicles are
10 exempt from the provisions of subdivisions 3 to 5:

11 (a) military, fire, emergency or law enforcement vehicles
12 used for official or emergency purposes;

13 (b) vehicles registered to the county, state or federal
14 government;

15 (c) vehicles authorized by permit, lease or contract;

16 (d) vehicles owned by private persons engaged in the upkeep
17 and maintenance of the trail systems under the direction of the
18 local unit of government that manages the trail; and

19 (e) vehicles registered to or operated with the permission
20 of a land owner on whose lands the trail system has been
21 constructed, but only with respect to operation on the land of
22 that owner.

23 Subd. 7. [STREETS AND HIGHWAYS.] This section does not
24 apply to any portion of a trail located on any street or highway
25 as defined in section 169.01.

26 Subd. 8. [ENFORCEMENT.] The provisions of this section may
27 be enforced by officers of the department of natural resources
28 as provided in section 97.50.

29 Sec. 17. Minnesota Statutes 1984, section 100.273,
30 subdivision 9, is amended to read:

31 Subd. 9. Violation of any provision of this section is a
32 misdemeanor. Upon a person's conviction for violating any
33 provision of this section, any license issued to him pursuant to
34 chapter 98, or any registration pursuant to section 84.82 or
35 84.922, under which he was exercising or attempting to exercise
36 a privilege while violating this section shall immediately

1 become null and void.

2 Sec. 18. Minnesota Statutes 1984, section 168.012,
3 subdivision 3a, is amended to read:

4 Subd. 3a. [~~MOTORIZED-GOLF-CARTS~~ SPECIAL HANDICAPPED
5 PERMITS.] Motorized golf carts and four-wheel all-terrain
6 vehicles operated under permit and on roadways designated
7 pursuant to section 169.045 are exempt from the provisions of
8 this chapter.

9 Sec. 19. Minnesota Statutes 1984, section 169.045, is
10 amended to read:

11 169.045 [~~MOTORIZED-GOLF-CARTS; OPERATION; REGULATION~~
12 SPECIAL VEHICLE USE ON ROADWAY BY HANDICAPPED.]

13 Subdivision 1. [DESIGNATION OF ROADWAYS, PERMIT.] The
14 governing body of any home rule charter or statutory city or
15 town may by ordinance authorize the operation of motorized golf
16 carts, or four-wheel all-terrain vehicles, on designated
17 roadways or portions thereof under its jurisdiction.
18 Authorization to operate a motorized golf cart or four-wheel
19 all-terrain vehicle is by permit only. Permits are restricted
20 to physically handicapped persons defined in section 169.345,
21 subdivision 2. For purposes of this section, a four-wheel
22 all-terrain vehicle is a motorized flotation-tired vehicle with
23 four low-pressure tires that is limited in engine displacement
24 of less than 800 cubic centimeters and total dry weight less
25 than 600 pounds.

26 Subd. 2. [ORDINANCE.] The ordinance shall designate the
27 roadways, prescribe the form of the application for the permit,
28 require evidence of insurance complying with the provisions of
29 section 65B.48, subdivision 5 and may prescribe conditions, not
30 inconsistent with the provisions of this section, under which a
31 permit may be granted. Permits may be granted for a period of
32 not to exceed one year, and may be annually renewed. A permit
33 may be revoked at any time if there is evidence that the
34 permittee cannot safely operate the motorized golf cart or
35 four-wheel all-terrain vehicle on the designated roadways. The
36 ordinance may require, as a condition to obtaining a permit,

1 that the applicant submit a certificate signed by a physician
2 that the applicant is able to safely operate a motorized golf
3 cart or four-wheel all-terrain vehicle on the roadways
4 designated.

5 Subd. 3. [TIMES OF OPERATION.] Motorized golf carts and
6 four-wheel all-terrain vehicles may only be operated on
7 designated roadways from sunrise to sunset. They shall not be
8 operated in inclement weather or when visibility is impaired by
9 weather, smoke, fog or other conditions, or at any time when
10 there is insufficient light to clearly see persons and vehicles
11 on the roadway at a distance of 500 feet.

12 Subd. 4. [SLOW MOVING VEHICLE EMBLEM.] Motorized golf
13 carts shall display the slow moving vehicle emblem provided for
14 in section 169.522, when operated on designated roadways.

15 Subd. 5. [CROSSING INTERSECTING HIGHWAYS.] The operator,
16 under permit, of a motorized golf cart or four-wheel all-terrain
17 vehicle may cross any street or highway intersecting a
18 designated roadway.

19 Subd. 6. [APPLICATION OF TRAFFIC LAWS.] Every person
20 operating a motorized golf cart or four-wheel all-terrain
21 vehicle under permit on designated roadways has all the rights
22 and duties applicable to the driver of any other vehicle under
23 the provisions of this chapter, except when those provisions
24 cannot reasonably be applied to motorized golf carts or
25 four-wheel all-terrain vehicles and except as otherwise
26 specifically provided in subdivision 7.

27 Subd. 7. [NONAPPLICATION OF CERTAIN LAWS.] The provisions
28 of chapter 171, are not applicable to persons operating
29 motorized golf carts or four-wheel all-terrain vehicles under
30 permit on designated roadways pursuant to this section. Except
31 for the requirements of section 169.70, the provisions of this
32 chapter relating to equipment on vehicles is not applicable to
33 motorized golf carts or four-wheel all-terrain vehicles
34 operating, under permit, on designated roadways.

35 For purposes of the Minnesota base rate schedule, for
36 vehicles with six or more axles in the "S" and "T" categories,

1 the base rates are \$1,520 and \$1,620 respectively.

2 Sec. 20. Minnesota Statutes 1984, section 169.825,
3 subdivision 8, is amended to read:

4 Subd. 8. [PNEUMATIC-TIRED VEHICLES.] No vehicle or
5 combination of vehicles equipped with pneumatic tires shall be
6 operated upon the highways of this state:

7 (a) Where the gross weight on any wheel exceeds 9,000
8 pounds, except that on designated routes the gross weight on any
9 single wheel shall not exceed 10,000 pounds;

10 (b) Where the gross weight on any single axle exceeds
11 18,000 pounds, except that on designated routes the gross weight
12 on any single axle shall not exceed 20,000 pounds;

13 (c) Where, prior to July 1, 1989, the maximum wheel load
14 exceeds 600 pounds per inch of tire width or the manufacturer's
15 recommended load, whichever is less.

16 After July 1, 1989, the maximum wheel load may not exceed
17 the following:

| <u>Axle Group</u> | <u>Maximum Weight in Pounds</u> <u>Per Inch of Tire Width</u> |
|------------------------------------|--|
| <u>Single</u> | <u>600</u> |
| <u>Tandem</u> | <u>450</u> |
| <u>Tridem and quad axle groups</u> | <u>400</u> |

23 or the manufacturer's recommended load, whichever is less;

24 (d) Where the gross weight on any axle of a tridem exceeds
25 15,000 pounds, except that for vehicles to which an additional
26 axle has been added prior to June 1, 1981, the maximum gross
27 weight on any axle of a tridem may be up to 16,000 pounds
28 provided the gross weight of the tridem combination does not
29 exceed 37,000 pounds where the first and third axles of the
30 tridem are spaced seven feet apart; 38,500 pounds where the
31 first and third axles of the tridem are spaced eight feet apart;
32 and 39,900 pounds where the first and third axles of the tridem
33 are spaced nine feet apart.

34 (e) Where the gross weight on any group of axles exceeds
35 the weights permitted under this section with any or all of the
36 interior axles disregarded and their gross weights subtracted

1 from the gross weight of all axles of the group under
2 consideration.

3 Sec. 21. Minnesota Statutes 1984, section 296.16,
4 subdivision 1, is amended to read:

5 Subdivision 1. [INTENT.] All gasoline received in this
6 state and all gasoline produced in or brought into this state
7 except aviation gasoline and marine gasoline shall be determined
8 to be intended for use in motor vehicles in this state.

9 Approximately three-fourths of one percent of all gasoline
10 received in this state and three-fourths of one percent of all
11 gasoline produced or brought into this state, except gasoline
12 used for aviation purposes, is being used as fuel for the
13 operation of motor boats on the waters of this state and of the
14 total revenue derived from the imposition of the gasoline fuel
15 tax for uses other than in motor boats, three-fourths of one
16 percent of such revenues is the amount of tax on fuel used in
17 motor boats operated on the waters of this state.

18 Approximately three-fourths of one percent of all gasoline
19 received in and produced or brought into this state, except
20 gasoline used for aviation purposes, is being used as fuel for
21 the operation of snowmobiles in this state, and of the total
22 revenue derived from the imposition of the gasoline fuel tax for
23 uses other than in snowmobiles, three-fourths of one percent of
24 such revenues is the amount of tax on fuel used in snowmobiles
25 operated in this state.

26 Approximately 0.15 of one percent of all gasoline received
27 in or produced or brought into this state, except gasoline used
28 for aviation purposes, is being used for the operation of
29 all-terrain vehicles in this state, and of the total revenue
30 derived from the imposition of the gasoline fuel tax, 0.15 of
31 one percent is the amount of tax on fuel used in all-terrain
32 vehicles operated in this state.

33 Sec. 22. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR
34 EXISTING ROUTE.]

35 Subdivision 1. [ADDITIONAL ROUTE.] There is added to the
36 trunk highway system a new route in Minnesota Statutes, section

1 161.115, described as follows:

2 Route No. 240. Beginning at a point on Route No. 69, at or
3 near Annandale; thence extending in a general northerly
4 direction to a point on Route No. 3.

5 Subd. 2. [SUBSTITUTION.] The route established in
6 subdivision 1 is substituted for route numbered 240 as contained
7 and described in Minnesota Statutes 1984, section 161.115.
8 Route numbered 240 as contained and described in that section is
9 discontinued and removed from the trunk highway system.

10 Subd. 3. [DIRECTIONS TO REVISOR.] The revisor of statutes,
11 in compiling the next and subsequent editions of Minnesota
12 Statutes, shall substitute the route established in subdivision
13 1 for the route discontinued and removed from the trunk highway
14 system in subdivision 2.

15 Sec. 23. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR
16 EXISTING ROUTE.]

17 Subdivision 1. [ADDITIONAL ROUTE.] There is added to the
18 trunk highway system a new route in Minnesota Statutes, section
19 161.115, described as follows:

20 Route No. 241. Beginning at a point in or adjacent to St.
21 Michael; then extending in a general easterly direction to a
22 point on Route No. 392.

23 Subd. 2. [SUBSTITUTION.] The route established in
24 subdivision 1 is substituted for route numbered 241 as contained
25 and described in Minnesota Statutes 1984, section 161.115.
26 Route numbered 241 as contained and described in that section is
27 discontinued and removed from the trunk highway system.

28 Subd. 3. [DIRECTIONS TO REVISOR.] The revisor of statutes,
29 in compiling the next and subsequent editions of Minnesota
30 Statutes, shall substitute the route established in subdivision
31 1 for the route discontinued and removed from the trunk highway
32 system in subdivision 2.

33 Sec. 24. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR
34 EXISTING ROUTE.]

35 Subdivision 1. [ADDITIONAL ROUTE.] There is added to the
36 trunk highway system a new route in Minnesota Statutes, section

1 161.115, described as follows:

2 Route No. 279. Beginning at a point on Route No. 390 in
3 Dakota county southwesterly of Fort Snelling; thence extending
4 in a general northerly direction across the Minnesota River to a
5 point on Route No. 116 in Minneapolis.

6 Subd. 2. [SUBSTITUTION.] The route established in
7 subdivision 1 is substituted for route numbered 279 as contained
8 and described in Minnesota Statutes 1984, section 161.115.
9 Route numbered 279 as contained and described in that section is
10 discontinued and removed from the trunk highway system.

11 Subd. 3. [DIRECTIONS TO REVISOR.] The revisor of statutes,
12 in compiling the next and subsequent editions of Minnesota
13 Statutes, shall substitute the route established in subdivision
14 1 for the route discontinued and removed from the trunk highway
15 system in subdivision 2.

16 Sec. 25. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR
17 EXISTING ROUTE.]

18 Subdivision 1. [ADDITIONAL ROUTE.] There is added to the
19 trunk highway system a new route in Minnesota Statutes, section
20 161.115, described as follows:

21 Route No. 108. Beginning at the terminus of Route No. 12
22 on the easterly limits of the city of St. Paul; thence extending
23 in a westerly direction through the city of St. Paul to a point
24 on the easterly limits of Hennepin County.

25 Subd. 2. [SUBSTITUTION.] The route established in
26 subdivision 1 is substituted for route numbered 108 as contained
27 and described in Minnesota Statutes 1984, section 161.115.
28 Route numbered 108 as contained and described in that section is
29 discontinued and removed from the trunk highway system.

30 Subd. 3. [DIRECTIONS TO REVISOR.] The revisor of statutes,
31 in compiling the next and subsequent editions of Minnesota
32 Statutes, shall substitute the route established in subdivision
33 1 for the route discontinued and removed from the trunk highway
34 system in subdivision 2.

35 Sec. 26. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR
36 EXISTING ROUTE.]

1 Subdivision 1. [ADDITIONAL ROUTE.] There is added to the
2 trunk highway system a new route in Minnesota Statutes, section
3 161.115, described as follows:

4 Route No. 156. Beginning at a point on Route No. 394 in
5 the city of Minneapolis and extending in a northerly and
6 westerly direction to a point on Route No. 62 easterly of the
7 Great Northern Railway.

8 Subd. 2. [SUBSTITUTION.] The route established in
9 subdivision 1 is substituted for route numbered 156 as contained
10 and described in Minnesota Statutes 1984, section 161.115.
11 Route numbered 156 as contained and described in that section is
12 discontinued and removed from the trunk highway system.

13 Subd. 3. [DIRECTIONS TO REVISOR.] The revisor of statutes,
14 in compiling the next and subsequent editions of Minnesota
15 Statutes, shall substitute the route established in subdivision
16 1 for the route discontinued and removed from the trunk highway
17 system in subdivision 2.

18 Sec. 27. [TRUNK HIGHWAY SYSTEM; REMOVAL OF ROUTE NO. 129.]

19 Subdivision 1. [ROUTE DISCONTINUED.] Route No. 129 as
20 contained and described in Minnesota Statutes 1984, section
21 161.115, is discontinued and removed from the trunk highway
22 system.

23 Subd. 2. [DIRECTIONS TO REVISOR.] The revisor of statutes,
24 in compiling the next and subsequent editions of Minnesota
25 Statutes, shall delete the route specified in subdivision 1.

26 Sec. 28. [TRUNK HIGHWAY SYSTEM; REMOVAL OF ROUTE NO. 114.]

27 Subdivision 1. [ROUTE DISCONTINUED.] Route No. 114 as
28 contained and described in Minnesota Statutes 1984, section
29 161.115, is discontinued and removed from the trunk highway
30 system.

31 Subd. 2. [DIRECTIONS TO REVISOR.] The revisor of statutes,
32 in compiling the next and subsequent editions of Minnesota
33 Statutes, shall delete the route specified in subdivision 1.

34 Sec. 29. Minnesota Statutes 1984, section 161.117, is
35 amended to read:

36 161.117 [TRUNK HIGHWAYS; ADDITIONAL ROUTES.]

1 There may be added by order of the commissioner of
2 transportation to the trunk highway system new routes described
3 as follows:

4 (1) Route No. 380. Beginning at a point on Route No. 390
5 at its intersection with Shepard Road in the city of St. Paul;
6 thence extending in a northeasterly direction generally
7 following along the course of Shepard Road to a point on Route
8 No. 112; thence extending in a northeasterly direction to a
9 point on Route No. 392 easterly of the downtown area of St.
10 Paul; providing a connector route between Route No. 390 and
11 Route Nos. 112 and 392;

12 (2) Route No. 382. Beginning at a point on Route No. 390
13 at its junction with Route No. 111, thence extending in a
14 general northerly direction, within the corridor of the right of
15 way already acquired on May 31, 1975, for Route No. 390, to a
16 point on Short Line Road; thence extending in a northeasterly
17 direction within said corridor of right of way to the
18 intersection of Pleasant Avenue and Kellogg Boulevard in the
19 city of St. Paul.

20 (3) Route No. 383. Beginning at a point on Route No. 393
21 in the city of Bloomington and continuing in a northerly
22 direction above the present alignment of Hennepin county state
23 aid highway No. 18 to its intersection with Route No. 3 in or
24 near the city of Brooklyn Park.

25 (4) Route No. 384. Beginning at a point on Route No. 393
26 in the city of Eden Prairie and continuing in an easterly
27 direction along the present alignment of Hennepin county state
28 aid highway No. 62 to its intersection with Route No. 116.

29 (5) Route No. 385. Beginning at a point on Route No. 394
30 in the city of Minneapolis and continuing in an easterly
31 direction to a point on University Avenue in the city of
32 Minneapolis.

33 Sec. 30. [TRANSFERS OF JURISDICTION.]

34 Subdivision 1. [DUTIES OF COMMISSIONER.] The commissioner
35 of transportation shall assume ownership of all right-of-way now
36 owned by Hennepin county for the routes added to the trunk

1 highway system under section 29.

2 Subd. 2. [TRANSFER TO HENNEPIN COUNTY.] The commissioner
3 shall transfer to Hennepin county the following trunk highway
4 segments and associated right-of-way:

5 (1) Excelsior Boulevard from its intersection with marked
6 Trunk Highway No. 100 in the city of St. Louis Park to its
7 intersection with marked Trunk Highway No. 121 on the westerly
8 limits of the city of Minneapolis;

9 (2) Excelsior Boulevard, Lake Street, and Lyndale Avenue
10 from the intersection of Excelsior Boulevard and marked Trunk
11 Highway No. 121 on the westerly limits of the city of
12 Minneapolis, to the intersection of Lake Street and Lyndale
13 Avenue and thence northerly along Lyndale Avenue to its
14 intersection with Franklin Avenue near marked Interstate Highway
15 No. 94, in the city of Minneapolis;

16 (3) marked Trunk Highway No. 7 and West Lake Street from
17 its intersection with marked Trunk Highway No. 100 in the city
18 of St. Louis Park to its intersection with Excelsior Boulevard
19 in the city of Minneapolis;

20 (4) that portion of previous marked Trunk Highway No. 12 in
21 the city of Wayzata from its intersection with the current
22 alignment of marked Trunk Highway No. 12 to its intersection
23 with marked Trunk Highway No. 101;

24 (5) marked Trunk Highway No. 12 on its alignment on
25 University Avenue in the city of Minneapolis, from its
26 intersection with Washington Avenue to the easterly limits of
27 the city of Minneapolis;

28 (6) marked Trunk Highway No. 52 on its alignment on
29 University Avenue, Fourth Street Southeast and Oak Street in the
30 city of Minneapolis, from its intersection with marked
31 Interstate Highway No. 35W to its intersection with Washington
32 Avenue;

33 (7) marked Trunk Highway No. 81 from its intersection with
34 marked Interstate Highway No. 94 in the city of Minneapolis to
35 its intersection with marked Trunk Highway No. 100 in the city
36 of Robbinsdale;

1 (8) marked Trunk Highway No. 88 from its intersection with
2 marked Interstate Highway No. 35W to the easterly limits of
3 Hennepin county;

4 (9) New Brighton Boulevard from its intersection with
5 marked Interstate Highway No. 35W to its intersection with
6 Broadway Street Northeast, in the city of Minneapolis;

7 (10) marked Trunk Highway No. 101 from its intersection
8 with marked Interstate Highway No. 94 in Rogers to the southerly
9 limits of Hennepin county;

10 (11) Lake Street from its intersection with marked Trunk
11 Highway No. 55 in the city of Minneapolis to the easterly limits
12 of Hennepin county;

13 (12) marked Trunk Highway No. 121 from its intersection
14 with Excelsior Boulevard on the westerly limits of the city of
15 Minneapolis to its intersection with West Fifty-Eighth Street in
16 the city of Minneapolis;

17 (13) marked Trunk Highway No. 152 from its intersection
18 with marked Trunk Highway No. 101 in the city of Dayton to its
19 intersection with present marked Trunk Highway No. 169 in the
20 city of Brooklyn Park;

21 (14) marked Trunk Highway No. 169 from its intersection
22 with present marked Trunk Highway No. 152 in the city of
23 Brooklyn Park to its intersection with marked Trunk Highway No.
24 100 in the city of Robbinsdale; and

25 (15) marked Trunk Highway No. 252 from its intersection
26 with marked Trunk Highway No. 169 in the city of Champlin to its
27 intersection with Ninety-Third Avenue North in the city of
28 Brooklyn Park.

29 Subd. 3. [TRANSFERS; CONDITIONS.] All right-of-way
30 transferred to the commissioner of transportation by Hennepin
31 county under sections 22 to 32 and 35 is subject to Minnesota
32 Statutes, section 161.18. All right-of-way transferred to
33 Hennepin county by the commissioner of transportation under
34 sections 22 to 32 and 35 vests the county, without compensation
35 therefor, with all rights, titles, easements, and appurtenances
36 held by or vested in the state of Minnesota prior to the

1 transfer of ownership. All transfers of right-of-way under
2 sections 22 to 32 and 35 include the transfer of ownership of
3 interchange ramps and loops, bridges, signals, lighting devices,
4 and all other appurtenances within the right-of-way.

5 Sec. 31. [STATUTORY PROVISIONS.]

6 Minnesota Statutes, section 161.082, subdivision 2, does
7 not apply to transfers of trunk highways to Hennepin county
8 under sections 22 to 32 and 35.

9 Sec. 32. [AGREEMENT REQUIRED.]

10 No transfer of a highway or associated right-of-way under
11 sections 22 to 32 and 35 is effective unless the transfer has
12 been mutually agreed upon by the commissioner of transportation
13 and Hennepin county and a copy of the agreement, signed by the
14 commissioner and the chair of the Hennepin county board, has
15 been filed in the office of the commissioner.

16 Sec. 33. [APPROPRIATION.]

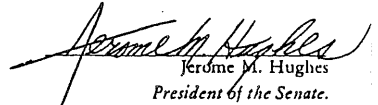
17 \$475,000 is appropriated from the all-terrain vehicle
18 account to the commissioner of natural resources to administer
19 sections 1 to 17. For the development and administration of
20 trails under this act, the complement of the commissioner of
21 natural resources is increased by two positions.

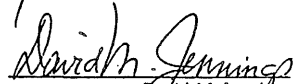
22 Sec. 34. [APPLICABILITY.]

23 Section 21 applies to gasoline received in or produced or
24 brought into this state on and after January 1, 1986.

25 Sec. 35. [EFFECTIVE DATE.]


26 Sections 22 to 28 are each effective on the day following
27 certification by the commissioner of transportation to the
28 secretary of state that the ownership of a trunk highway and
29 associated right-of-way are no longer needed for trunk highway
30 purposes by reason of that section having been transferred to
31 Hennepin county in accordance with sections 22 to 32 and this
32 section, or by reason of route description revisions required by
33 the transfer. Section 30, subdivisions 1 and 2, are effective
34 the day following final enactment, subject to the provisions of
35 section 32. Section 30, subdivision 3, and sections 29, 31 and
36 32 are effective the day following final enactment.


Jerome M. Hughes
President of the Senate.


David M. Jennings
Speaker of the House of Representatives.

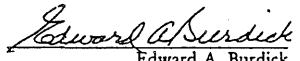
Passed the Senate this 18th day of March
nine hundred and eighty-six.

in the year of Our Lord one thousand


Patrick E. Flahaven
Secretary of the Senate.

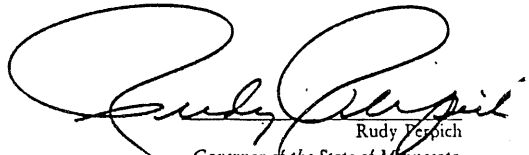
Passed the House of Representatives this 17th day of March
one thousand nine hundred and eighty-six.

in the year of Our Lord


Edward A. Burdick
Chief Clerk, House of Representatives.

Approved

March 25, 1986


Rudy Perpich
Governor of the State of Minnesota.

Filed

3/25/86


Joan Anderson Grove
Secretary of State.

SECTION 5

BWI LAW

AN ACT

S.F. No. 31
CHAPTER No.

401

relating to motorboat safety; strengthening prohibitions and penalties regarding operation of motorboat while under the influence of alcohol or a controlled substance; providing a penalty; amending Minnesota Statutes 1984, sections 361.02, subdivision 9; and 361.12; proposing coding for new law in Minnesota Statutes, chapter 361.

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

Section 1. Minnesota Statutes 1984, section 361.02, subdivision 9, is amended to read:

Subd. 9. "Underway or in use" means any watercraft in operation or use ~~when-not unless it is~~ securely fastened to a dock or other permanent mooring. As used in section 361.12 and section 3, "underway or in use" means any motorboat in operation unless it is fastened to a dock or other mooring, anchored, or beached.

Sec. 2. Minnesota Statutes 1984, section 361.12, is amended to read:

361.12 [ALCOHOL, DRUGS, PHYSICAL OR MENTAL DISABILITY.]

Subdivision 1. [ACTS PROHIBITED.] (a) No person shall operate or be in ~~actual~~ physical control of any ~~watercraft~~ motorboat while underway or in use on the waters of this state while under the influence of:

(1) alcohol, as provided in section 169.121, subdivision 1 or, clauses (a) and (d);

1 (2) a controlled substance, as defined in section 152.01,
2 subdivision 4; or

3 (3) a combination of any two or more of the elements named
4 in clauses (1) and (2).

5 (b) No owner or other person having charge or control of
6 any watercraft motorboat shall knowingly authorize or permit any
7 person who individual the person knows or has reason to believe
8 is under the influence of alcohol, or a controlled substance, as
9 provided under paragraph (a), to operate such watercraft the
10 motorboat while underway or in use on the waters of this state.

11 Subd.-2. (c) No owner or other person having charge or
12 control of any watercraft motorboat shall knowingly authorize or
13 permit any person, who by reason of any physical or mental
14 disability is incapable of operating such watercraft the
15 motorboat, to operate such watercraft the motorboat while
16 underway or in use on the waters of this state.

17 Subd. 2. [ARREST.] Conservation officers of the department
18 of natural resources, sheriffs, sheriff's deputies, and other
19 peace officers may arrest a person for a violation under
20 subdivision 1 without a warrant upon probable cause, if the
21 violation was committed in the officer's presence. If the
22 violation did not occur in the officer's presence, the officer
23 may arrest the person if the person was involved in a motorboat
24 accident resulting in death, personal injury, or property damage.

25 Subd. 3. [PRELIMINARY SCREENING TEST.] When an officer
26 authorized under subdivision 2 to make arrests has reason to
27 believe from the manner in which a person is operating,
28 controlling, or acting upon departure from a motorboat, or has
29 operated or been in control of a motorboat, that the operator
30 may be violating or has violated subdivision 1, paragraph (a),
31 the officer may require the operator to provide a breath sample
32 for a preliminary screening test using a device approved by the
33 commissioner of public safety for this purpose. The results of
34 the preliminary screening test shall be used for the purpose of
35 deciding whether any arrest should be made under this section
36 and whether to require the chemical tests authorized in section

1 3, but may not be used in any court action except to prove that
2 a test was properly required of an operator pursuant to section
3 3. Following the preliminary screening test, additional tests
4 may be required of the operator as provided under section 3.
5 Any operator who refuses a breath sample is subject to the
6 provisions of section 3 unless, in compliance with that section,
7 the operator submits to a blood, breath, or urine test to
8 determine the presence of alcohol or a controlled substance.

9 Subd. 4. [EVIDENCE.] (a) Upon the trial of any prosecution
10 arising out of acts alleged to have been committed by any person
11 arrested for operating or being in physical control of any
12 motorboat in violation of subdivision 1, paragraph (a), the
13 court may admit evidence of the amount of alcohol or a
14 controlled substance in the person's blood, breath, or urine as
15 shown by an analysis of those items.

16 (b) For the purposes of this subdivision:

17 (1) evidence that there was at the time an alcohol
18 concentration of 0.05 or less is prima facie evidence that the
19 person was not under the influence of alcohol;

20 (2) evidence that there was at the time an alcohol
21 concentration of more than 0.05 and less than 0.10 is relevant
22 evidence in indicating whether or not the person was under the
23 influence of alcohol.

24 (c) Evidence of the refusal to take a preliminary screening
25 test required under subdivision 3 or a chemical test required
26 under section 3 is admissible into evidence in a prosecution
27 under this section.

28 (d) This subdivision does not limit the introduction of any
29 other competent evidence bearing upon the question whether or
30 not the person was under the influence of alcohol or a
31 controlled substance, including results obtained from partial
32 tests on an infrared breath-testing instrument. A result from a
33 partial test is the measurement obtained by analyzing one
34 adequate breath sample. A sample is adequate if the instrument
35 analyzes the sample and does not indicate the sample is
36 deficient.

1 Subd. 5. [PENALTIES.] (a) A person who violates any
2 prohibition contained in subdivision 1 is guilty of a
3 misdemeanor; except that a person who violates any prohibition
4 contained in subdivision 1 within five years of a prior
5 conviction under that subdivision or civil liability under
6 section 3, subdivision 2, or within ten years of two or more
7 prior convictions under that subdivision or civil liability
8 under section 3, subdivision 2, is guilty of a gross misdemeanor.

9 (b) A person who operates a motorboat on the waters of this
10 state during the period the person is prohibited from operating
11 any motorboat or after the person's motorboat operator's permit
12 has been revoked, as provided under subdivision 6, is guilty of
13 a misdemeanor.

14 Subd. 6. [OPERATING PRIVILEGES SUSPENDED; REVOKED.] (a)
15 Upon conviction, and in addition to any penalty imposed under
16 subdivision 5, the person is prohibited from operating any
17 motorboat on the waters of this state for a period of 90 days
18 between May 1 and October 31, extending over two consecutive
19 years if necessary.

20 (b) A person 13 years of age or older but less than 18
21 years of age who violates any prohibition contained in
22 subdivision 1 shall have his motorboat operator's permit revoked
23 by the commissioner as required by section 361.22, subdivision
24 2, in addition to any other penalty imposed by the court.

25 Subd. 7. [DUTIES OF COMMISSIONER.] The court shall
26 promptly forward copies of all convictions and criminal and
27 civil penalties imposed under subdivision 5 and section 3,
28 subdivision 2, to the commissioner. The commissioner shall
29 notify the convicted person of the period during which the
30 person is prohibited from operating a motorboat as provided
31 under subdivision 6 or section 3, subdivision 2. The
32 commissioner shall also periodically circulate to appropriate
33 law enforcement agencies a list of all persons who are
34 prohibited from operating any motorboat or have had their
35 motorboat operator's permits revoked pursuant to subdivision 6
36 or section 3, subdivision 2.

1 Subd. 8. [IMMUNITY FROM LIABILITY.] The state or political
2 subdivision which is the employer of an officer authorized under
3 subdivision 2 to make an arrest for violations of subdivision 1
4 is immune from any liability, civil or criminal, for the care or
5 custody of the motorboat being operated by or in the physical
6 control of the person arrested if the officer acts in good faith
7 and exercises due care.

8 Sec. 3. [361.121] [MANDATORY TESTING.]

9 Subdivision 1. [CHEMICAL TESTING.] A person who operates
10 or is in physical control of a motorboat while underway or in
11 use on the waters of this state is required, subject to the
12 provisions of this section, to take or submit to a test of the
13 person's blood, breath, or urine for the purpose of determining
14 the presence and amount of alcohol or a controlled substance.
15 The test shall be administered at the direction of an officer
16 authorized to make arrests under section 361.12, subdivision 2.
17 Taking or submitting to the test is mandatory when requested by
18 an officer who has probable cause to believe the person was
19 operating or in physical control of a motorboat in violation of
20 section 361.12, subdivision 1, paragraph (a), and one of the
21 following conditions exist:

22 (1) the person has been lawfully placed under arrest for
23 violating section 361.12, subdivision 1, paragraph (a);

24 (2) the person has been involved in a motorboat accident
25 resulting in property damage, personal injury, or death;

26 (3) the person has refused to take the preliminary
27 screening test provided for in section 361.12, subdivision 3; or

28 (4) the screening test was administered and recorded an
29 alcohol concentration of 0.10 or more.

30 Subd. 2. [PENALTIES.] (a) A person who refuses to take a
31 test required under subdivision 1 is subject to a civil penalty
32 not to exceed \$700 and, in addition, the person is prohibited
33 from operating any motorboat on the waters of this state for a
34 period of one year.

35 (b) A person who operates a motorboat on the waters of this
36 state during the period the person is prohibited from operating

1 any motorboat as provided under paragraph (a) is guilty of a
2 misdemeanor.

3 Subd. 3. [RIGHTS AND OBLIGATIONS.] At the time a test is
4 requested, the person must be informed:

5 (1) that Minnesota law requires a person to take a test to
6 determine if the person is under the influence of alcohol or a
7 controlled substance;

8 (2) that a person is subject to a civil penalty not to
9 exceed \$700 for refusing to take the test and, in addition, the
10 person is prohibited from operating any motorboat, as provided
11 under subdivision 2, for refusing to take the test;

12 (3) that if testing is refused it will not affect the
13 person's motor vehicle driver's license;

14 (4) that if the test is taken and the results indicate that
15 the person is under the influence of alcohol or a controlled
16 substance, the person will be subject to criminal penalties and
17 in addition to any other penalties the court may impose, the
18 person's operating privileges will be suspended as provided
19 under section 361.12, subdivision 6, paragraph (a);

20 (5) that, after submitting to testing, the person has the
21 right to have additional tests made by a person of his own
22 choosing; and

23 (6) that, if he refused to take a test, the refusal will be
24 offered into evidence against him at trial.

25 Subd. 4. [REQUIREMENT OF URINE TEST.] Notwithstanding
26 subdivision 1, if there are reasonable and probable grounds to
27 believe there is impairment by a controlled substance which is
28 not subject to testing by a blood or breath test, a urine test
29 may be required even after a blood or breath test has been
30 administered.

31 Subd. 5. [BREATH TEST USING AN INFRARED BREATH-TESTING
32 INSTRUMENT.] In the case of a breath test administered using an
33 infrared-breath-testing instrument, the test shall consist of
34 analyses in the following sequence: one adequate breath sample
35 analysis, one calibration standard analysis, and a second,
36 adequate breath sample analysis. In the case of a test

1 administered using an infrared breath-testing instrument, a
2 sample is adequate if the instrument analyzes the sample and
3 does not indicate the sample is deficient. For purposes of this
4 section, when a test is administered using an infrared
5 breath-testing instrument, failure of a person to provide two
6 separate adequate breath samples in the proper sequence
7 constitutes a refusal to take the test.

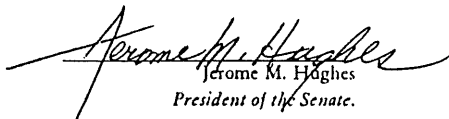
8 Subd. 6. [CONSENT OF PERSON INCAPABLE OF REFUSAL NOT
9 WITHDRAWN.] A person who is unconscious or who is otherwise in a
10 condition rendering the person incapable of refusal is deemed
11 not to have withdrawn the consent provided by subdivision 1 and
12 the test may be given.

13 Subd. 7. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a
14 physician, medical technician, physician's trained mobile
15 intensive care paramedic, registered nurse, medical
16 technologist, or laboratory assistant acting at the request of a
17 peace officer authorized to make arrests under section 361.12,
18 subdivision 2, may withdraw blood for the purpose of determining
19 the presence of alcohol or controlled substance. This
20 limitation does not apply to the taking of a breath or urine
21 sample. The person tested has the right to have a person of his
22 own choosing administer a chemical test or tests in addition to
23 any administered at the direction of a peace officer; provided,
24 that the additional test sample on behalf of the person is
25 obtained at the place where the person is in custody, after the
26 test administered at the direction of a peace officer, and at no
27 expense to the state. The failure or inability to obtain an
28 additional test or tests by a person shall not preclude the
29 admission in evidence of the test taken at the direction of a
30 peace officer unless the additional test was prevented or denied
31 by the peace officer. The physician, medical technician,
32 physician's trained mobile intensive care paramedic, medical
33 technologist, laboratory assistant, or registered nurse drawing
34 blood at the request of a peace officer for the purpose of
35 determining alcohol concentration shall in no manner be liable
36 in any civil or criminal action except for negligence in drawing

1 the blood. The person administering a breath test shall be
2 fully trained in the administration of breath tests pursuant to
3 training given by the commissioner of public safety.

4 Sec. 4. [EFFECTIVE DATE.]

5 Sections 1 to 3 are effective May 15, 1986, and apply to
6 offenses committed on or after that date.

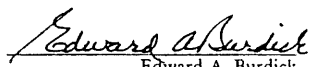

Jerome M. Hughes
President of the Senate.


David M. Jennings
Speaker of the House of Representatives.

Passed the Senate this 17th day of March in the year of Our Lord one thousand
nine hundred and eighty-six.

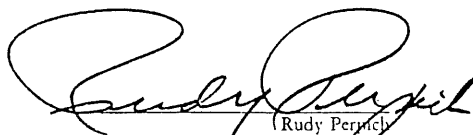

Patrick E. Flahaven
Secretary of the Senate.

Passed the House of Representatives this 17th day of March in the year of Our Lord
one thousand nine hundred and eighty-six.


Edward A. Burdick
Chief Clerk, House of Representatives.

Approved

March 24, 1986


Rudy Perpich
Governor of the State of Minnesota.

Filed 3/24/86


Joan Anderson Growe
Secretary of State.

SECTION 6

RIM LAW

(Reinvest in Minnesota)

AN ACT

H.F. No. 628
CHAPTER No.

383

1
2 relating to natural resources; providing for
3 conservation easements on marginal agricultural lands;
4 improving fish and wildlife habitat; requiring
5 planning for wildlife resources and habitat
6 management; creating a private match program; changing
7 the funding source for certain county payments;
8 creating new accounts in the state treasury;
9 authorizing the sale of state bonds; appropriating
10 money; amending Minnesota Statutes 1984, sections
11 97.49, subdivision 3; 290.431; Minnesota Statutes 1985
12 Supplement, section 88.80; proposing coding for new
13 law in Minnesota Statutes, chapters 40 and 84.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

16 Section 1. [40.40] [SHORT TITLE.]

17 Sections 2 to 15 may be cited as the "reinvest in Minnesota
18 resources act of 1986."

19 Sec. 2. [40.401] [PURPOSE AND POLICY.]

20 It is the purposes of sections 2 to 6 to keep certain
21 marginal agricultural land out of crop production or pasture to
22 protect soil and water quality and support fish and wildlife
23 habitat. It is state policy to encourage the retirement of
24 marginal, highly erodable land, particularly land adjacent to
25 public waters and drainage systems, from crop production and to
26 reestablish a cover of perennial vegetation.

27 Sec. 3. [40.41] [DEFINITIONS.]

28 Subdivision 1. [APPLICABILITY.] The definitions in this
29 section apply to sections 3 to 6.

1 Subd. 2. [COMMISSIONER.] "Commissioner" means the
2 commissioner of agriculture.

3 Subd. 3. [CONSERVATION EASEMENT.] "Conservation easement"
4 means a conservation easement as defined in section 84C.01.

5 Subd. 4. [CONSERVATION RESERVE PROGRAM.] "Conservation
6 reserve program" means the program established under section 4.

7 Subd. 5. [LANDOWNER.] "Landowner" means a Minnesota
8 resident who owns or is a buyer under a contract for deed, of
9 land that qualifies as a family farm, a family farm corporation
10 or an authorized farm corporation under section 500.24,
11 subdivision 2.

12 Subd. 6. [MARGINAL AGRICULTURAL LAND.] "Marginal
13 agricultural land" means land that is: (1) composed of class
14 IIIe, IVe, V, VI, VII, or VIII land as identified in the land
15 capability classification system of the United States Department
16 of Agriculture; or (2) similar to land described under (1) and
17 identified under a land classification system selected by the
18 commissioner.

19 Sec. 4. [40.42] [CONSERVATION RESERVE PROGRAM.]

20 Subdivision 1. [ESTABLISHMENT OF PROGRAM.] The
21 commissioner of agriculture, in consultation with the
22 commissioner of natural resources, shall establish and
23 administer a conservation reserve program. Selection of land
24 for the conservation reserve program must be based on its
25 potential for fish and wildlife production, reducing erosion,
26 and protecting water quality.

27 Subd. 2. [ELIGIBLE LAND.] Land may be placed in the
28 conservation reserve program if the land:

29 (1) is marginal agricultural land, or adjacent to marginal
30 agricultural land and beneficial to resource protection or
31 necessary for efficient recording of the land description;

32 (2) was owned by the applicant on January 1, 1985, or for
33 an application made on or after January 1, 1988, was owned by
34 the applicant for at least three years before the date of
35 application;

36 (3) is at least five acres in size, or is a whole field as

1 defined by the United States agricultural stabilization and
2 conservation service;

3 (4) is not set aside, enrolled or diverted under another
4 federal or state government program; and

5 (5) was in agricultural crop production or pasture for at
6 least two years during the period 1981 to 1985.

7 The eligible land of a landowner may not exceed 20 percent
8 of the landowner's total acreage in the state.

9 Subd. 3. [CONSERVATION EASEMENTS.] The commissioner may
10 acquire conservation easements on eligible land. An easement
11 may be permanent or of limited duration. An easement of limited
12 duration may not be acquired if it is for a period less than ten
13 years. The negotiation and acquisition of easements authorized
14 by this section are exempt from the contractual provisions of
15 chapter 16B.

16 Subd. 4. [NATURE OF PROPERTY RIGHTS ACQUIRED.] (a) A
17 conservation easement must prohibit:

18 (1) alteration of wildlife habitat and other natural
19 features, unless specifically approved by the commissioner;

20 (2) agricultural crop production, unless specifically
21 approved by the commissioner for wildlife management purposes;

22 (3) grazing of livestock unless approved by the
23 commissioner after consultation with the commissioner of natural
24 resources, in the case of severe drought, or a local emergency
25 declared under section 12.29; and

26 (4) spraying with chemicals or mowing, except as necessary
27 to comply with noxious weed control laws or emergency control of
28 pests necessary to protect public health.

29 (b) A conservation easement is subject to the terms of the
30 agreement provided in subdivision 5.

31 (c) A conservation easement must allow repairs,
32 improvements, and inspections necessary to maintain public
33 drainage systems provided the easement area is restored to the
34 condition required by the terms of the conservation easement.

35 Subd. 5. [AGREEMENTS BY LANDOWNER.] The commissioner may
36 enroll eligible land in the conservation reserve program by

1 signing an agreement in recordable form with a landowner in
2 which the landowner agrees:

3 (1) to convey to the state a conservation easement that is
4 not subject to any prior title, lien, or encumbrance;

5 (2) to seed the land subject to the conservation easement,
6 as specified in the agreement, to establish and maintain
7 perennial cover of either a grass-legume mixture or native
8 grasses for the term of the easement, at seeding rates
9 determined by the commissioner; or to plant trees or carry out
10 other long-term capital improvements approved by the
11 commissioner for soil and water conservation or wildlife
12 management;

13 (3) that other land supporting natural vegetation owned or
14 leased as part of the same farm operation during the term of the
15 easement, if it supports natural vegetation or has not been used
16 in agricultural crop production or pasture, will not be
17 converted to agricultural crop production or pasture; and

18 (4) to the enforcement of the agreements in this
19 subdivision by an action for specific performance, a mandatory
20 injunction, or for damages in an amount not to exceed the total
21 amount paid by the state to the landowner under subdivision 6,
22 with interest from the date of each default under the agreement.

23 Subd. 6. [PAYMENTS FOR CONSERVATION EASEMENTS AND
24 ESTABLISHMENT OF COVER.] The commissioner must make the
25 following payments to the landowner for the conservation
26 easement and agreement:

27 (1) to establish the perennial cover or other improvements
28 required by the agreement, up to \$75 per acre;

29 (2) for the cost of planting trees required by the
30 agreement, up to \$75 per acre;

31 (3) for a permanent easement, 70 percent of the township
32 average equalized estimated market value of agricultural
33 property as established by the commissioner of revenue at the
34 time the easement is conveyed; and

35 (4) for an easement of limited duration, 90 percent of the
36 present value of the average of the acceptable bids for the

1 federal conservation reserve program, as contained in Public Law
2 Number 99-198, in the relevant geographic area and on bids made
3 immediately prior to when the easement is conveyed. If federal
4 bid figures have not been determined for the area, or the
5 federal program has been discontinued, the rate paid shall be
6 determined by the commissioner.

7 The commissioner may not pay more than \$50,000 to a
8 landowner for all the landowner's conservation easements and
9 agreements.

10 Subd. 7. [EASEMENT RENEWAL.] When a conservation easement
11 of limited duration expires, a new conservation easement and
12 agreement for an additional period of ten years may be acquired
13 by agreement of the commissioner and the landowner, under the
14 terms of this section. The commissioner may adjust payment
15 rates as a result of renewing an agreement and conservation
16 easement only after examining the condition of the established
17 cover, conservation practices, and land values.

18 Sec. 5. [40.43] [COOPERATION AND TECHNICAL ASSISTANCE;
19 SUPPLEMENTAL CONSERVATION PAYMENT.]

20 Subdivision 1. [COOPERATION.] In implementing sections 2
21 to 5 the commissioner must share information and cooperate with
22 the department of natural resources, the pollution control
23 agency, the United States Fish and Wildlife Service, the
24 Agricultural Stabilization and Conservation Service and Soil
25 Conservation Service of the United States Department of
26 Agriculture, the Minnesota extension service, the University of
27 Minnesota, county boards, and interested private organizations
28 and individuals.

29 Subd. 2. [TECHNICAL ASSISTANCE.] The commissioners of
30 agriculture and natural resources must provide necessary
31 technical assistance to landowners enrolled in the conservation
32 reserve program. The commissioner of natural resources must
33 provide technical advice and assistance to the commissioner on
34 the form and content of the conservation easement and agreement,
35 and on agronomic practices relating to the establishment and
36 maintenance of permanent cover, or other conservation

1 improvements. The commissioners of agriculture and natural
2 resources shall jointly prepare an informational booklet on the
3 conservation reserve program and other state and federal
4 programs for land acquisition, conservation, and retirement to
5 be made available to eligible landowners and the general public.

6 Subd. 3. [SUPPLEMENTAL CONSERVATION PAYMENTS.] The
7 commissioner may supplement cost-share payments made under other
8 programs, up to \$75 an acre, to the extent of available
9 appropriations other than bond proceeds. The supplemental
10 cost-share payments must be used to establish perennial cover on
11 land enrolled in programs approved by the commissioner,
12 including the federal conservation reserve program and federal
13 and state waterbank programs.

14 Sec. 6. [40.44] [RULEMAKING.]
15 The commissioner shall adopt rules and is authorized to
16 adopt emergency rules in order to implement sections 2 to 6.
17 The rules must include standards for tree planting so that
18 planting does not conflict with existing electrical lines,
19 telephone lines, rights-of-way, or drainage ditches.

20 Sec. 7. [84.941] [POLICY.]

21 It is the policy of the state that fish and wildlife are
22 renewable natural resources to be conserved and enhanced through
23 planned scientific management, protection, and utilization.

24 Sec. 8. [84.942] [FISH AND WILDLIFE RESOURCES MANAGEMENT
25 PLAN.]

26 Subdivision 1. [PREPARATION.] The commissioner of natural
27 resources shall prepare a comprehensive fish and wildlife
28 management plan designed to accomplish the policy of section 7.
29 The comprehensive fish and wildlife management plan shall
30 include a strategic plan as outlined in subdivision 2. The
31 strategic plan must be completed by July 1, 1986. The
32 management plan must also include the long-range and operational
33 plans as described in subdivisions 3 and 4. The management plan
34 must be completed by July 1, 1988.

35 Subd. 2. [STRATEGIC PLAN.] The strategic plan must be
36 updated every six years and include:

1 (1) an issues analysis describing major fish and wildlife
2 management problems;

3 (2) a description of strategies to address management
4 problems; and

5 (3) an assessment of the need for additional fish and
6 wildlife research facilities.

7 Subd. 3. [LONG RANGE PLAN.] The long-range plan must be
8 updated every six years and include:

9 (1) an assessment of historical, present, and projected
10 demand for fish and wildlife resources;

11 (2) an assessment of the capability of fish and wildlife
12 resources to meet present and future demand;

13 (3) development of a data base capable of continuous
14 updating and useable as a resource management tool; and

15 (4) a statement of major goals, objectives, and policies to
16 address fish and wildlife resource management issues.

17 Subd. 4. [OPERATIONAL PLAN.] The operational plan must be
18 reviewed and updated every two years. The operational plan must
19 include the following:

20 (1) a description of specific actions needed to address
21 resource management issues;

22 (2) an estimate of the expenditures necessary to implement
23 the management actions and a description of the sources and
24 amounts of revenue available;

25 (3) a procedure to review expenditures and evaluate the
26 effectiveness of the management program; and

27 (4) recommendations for additional actions necessary to
28 meet fish and wildlife management needs.

29 Subd. 5. [PUBLIC AGENCY COORDINATION.] The commissioner of
30 natural resources must coordinate fish and wildlife planning
31 efforts with appropriate public agencies to achieve optimum
32 public benefit.

33 Subd. 6. [PUBLIC INVOLVEMENT.] The commissioner of natural
34 resources must make fish and wildlife management plans available
35 for public input, review, and comment.

36 Sec. 9. [84.943] [MINNESOTA CRITICAL HABITAT PRIVATE

1 SECTOR MATCHING ACCOUNT.]

2 Subdivision 1. [ESTABLISHMENT.] The Minnesota critical
3 habitat private sector matching account is established as a
4 separate account in the state treasury. The account shall be
5 administered by the commissioner of natural resources as
6 provided in this section.

7 Subd. 2. [FUNDING SOURCES.] The critical habitat private
8 sector matching account shall consist of contributions from
9 private sources and appropriations.

10 Subd. 3. [APPROPRIATIONS MUST BE MATCHED BY PRIVATE
11 FUNDS.] Appropriations to the critical habitat private sector
12 matching account may be expended only to the extent that they
13 are matched equally with contributions to the account from
14 private sources or by funds contributed to the nongame wildlife
15 management account. The private contributions may be made in
16 cash or in contributions of land or interests in land that are
17 designated by the commissioner of natural resources as program
18 acquisitions. Appropriations to the account that are not
19 matched within three years from the date of the appropriation
20 shall cancel to the source of the appropriation. For the
21 purposes of this section, the private contributions of land or
22 interests in land shall be valued in accordance with their
23 appraised value.

24 Subd. 4. [MANAGEMENT.] The critical habitat private sector
25 matching account shall be managed to earn the highest interest
26 compatible with prudent investment, preservation of principal,
27 and reasonable liquidity. Unless an appropriation to the
28 account reverts to its original source under subdivision 3, the
29 principal and interest in the account remain in the account
30 until expended as provided in this section.

31 Subd. 5. [PLEDGES AND CONTRIBUTIONS.] The commissioner of
32 natural resources may accept contributions and pledges to the
33 critical habitat private sector matching account. A pledge that
34 is made contingent on an appropriation is acceptable and shall
35 be reported with other pledges as required in this section. In
36 the budget request for each biennium, the commissioner shall

1 report the balance of contributions in the account and the
2 amount that has been pledged for payment in the succeeding two
3 calendar years.

4 Money in the account may be expended only for the direct
5 acquisition or improvement of land or interests in land as
6 provided in section 10. To the extent of available
7 appropriations other than bond proceeds, the money matched to
8 the nongame wildlife management account may be used for the
9 management of nongame wildlife projects as specified in section
10 290.431. Acquisition includes: (1) purchase of land or an
11 interest in land by the commissioner; or (2) acceptance by the
12 commissioner of gifts of land or interests in land as program
13 projects.

14 Sec. 10. [84.944] [ACQUISITION OF CRITICAL NATURAL
15 HABITAT.]

16 Subdivision 1. [ACQUISITION CONSIDERATIONS.] In
17 determining what critical natural habitat shall be acquired or
18 improved, the commissioner shall consider:

19 (1) the significance of the land or water as existing or
20 potential habitat for fish and wildlife and providing fish and
21 wildlife oriented recreation;

22 (2) the significance of the land, water, or habitat
23 improvement to maintain or enhance native plant, fish, or
24 wildlife species designated as endangered or threatened under
25 section 97.488;

26 (3) the presence of native ecological communities that are
27 now uncommon or diminishing; and

28 (4) the significance of the land, water or habitat
29 improvement to protect or enhance natural features within or
30 contiguous to natural areas including fish spawning areas,
31 wildlife management areas, scientific and natural areas,
32 riparian habitat and fish and wildlife management projects.

33 Subd. 2. [DESIGNATION OF ACQUIRED SITES.] The critical
34 natural habitat acquired by the commissioner under this section
35 shall be designated by the commissioner as: (1) an outdoor
36 recreation unit pursuant to section 86A.07, subdivision 3, or

1 (2) as provided in section 97.48, subdivision 11, 26, or 27,
2 section 101.42, subdivision 9, or section 101.475.

3 Subd. 3. [COUNTY ACQUISITION APPROVAL.] The commissioner
4 must follow the procedures under section 97.481, subdivision 2,
5 for critical natural habitat acquired under this section.

6 Sec. 11. Minnesota Statutes 1985 Supplement, section
7 88.80, is amended to read:

8 88.80 [ASPEN RECYCLING PROGRAM.]

9 Subdivision 1. [ESTABLISHMENT.] The commissioner may must
10 establish and accelerate an aspen recycling program to-assure
11 that-marketable-stands-of-aspen-are-available-on-state-lands-and
12 may-designate-priority-areas-on-state-lands-for-aspen-recycling
13 providing for the betterment of public lands owned by the state
14 by clearing trees which because of age, disease, pests, or other
15 cause are unmarketable or increase the hazard of forest fires or
16 infestation, permitting the regeneration of stands of healthy
17 aspen capable of economic management, harvesting, and marketing.
18 The financing of this program is determined to be a necessary
19 and proper public purpose for the issuance of state bonds under
20 the provisions of article XI, section 5 of the constitution
21 relating to the betterment of public land, the promotion of
22 reforestation, and prevention and abatement of forest fires and
23 the clearing and improving of wild lands. The program shall
24 designate priority areas on state lands for aspen recycling.

25 Subd. 2. [PILOT PROJECT.] The commissioner shall establish
26 an aspen recycling program pilot project in the highest priority
27 area on state lands in order to develop effective program
28 procedures and practices. With respect to the pilot project,
29 the commissioner may restrict bidding on contracts for the
30 cutting, removal, and disposal of aspens, and for related
31 activities, to loggers and others residing in the pilot project
32 area designated under the program that are financially
33 distressed. The commissioner may establish standards and
34 procedures for awarding logging contracts under section 86.35,
35 relating to eligibility for employment for conservation work
36 projects.

1 Subd. 3. [REPORT.] The commissioner shall report to the
2 legislature by January 1, 1987 the results of the pilot project
3 and a plan to recycle the overmature aspen stands of the state.

4 Sec. 12. [84.95] [REINVEST IN MINNESOTA RESOURCES FUND.]

5 Subdivision 1. [PROGRAM FUND; ESTABLISHMENT.] A reinvest
6 in Minnesota resources fund is created as a separate fund in the
7 state treasury. The fund shall be managed to earn the highest
8 interest compatible with prudent investment, preservation of
9 principal, and reasonable liquidity. The principal and interest
10 attributable to the principal shall remain in the fund until
11 spent. Proceeds of state bonds issued for purposes of the fund
12 shall be segregated in a special account and disbursed only for
13 capital costs of the acquisition and betterment of public land
14 and easements in land and improvements in land for which the
15 proceeds are appropriated.

16 Subd. 2. [PURPOSES AND EXPENDITURES.] Money from the
17 reinvest in Minnesota resources fund may only be spent for the
18 following fish and wildlife conservation enhancement purposes:

19 (1) development and implementation of the comprehensive
20 fish and wildlife management plan under section 8;

21 (2) implementation of the conservation reserve program
22 established by section 4;

23 (3) soil and water conservation practices to improve water
24 quality, reduce soil erosion and crop surpluses;

25 (4) enhancement of fish and wildlife habitat on lakes,
26 streams, wetlands, and public and private forest lands;

27 (5) acquisition and development of public access sites and
28 recreation easements to lakes, streams, and rivers for fish and
29 wildlife oriented recreation;

30 (6) matching funds with government agencies and the private
31 sector for acquisition and improvement of fish and wildlife
32 habitat;

33 (7) research and surveys of fish and wildlife species and
34 habitat;

35 (8) enforcement of natural resource laws and regulations;

36 (9) information and education;

1 (10) implementing the aspen recycling program under section
2 11; and
3 (11) necessary support services to carry out these purposes.

4 Sec. 13. Minnesota Statutes 1984, section 97.49,
5 subdivision 3, is amended to read:

6 Subd. 3. A sum equal to: (1) 35 percent of the gross
7 receipts from all special use permits and leases of lands
8 acquired for public hunting grounds and game refuges, or (2) 50
9 cents per acre on purchased land actually used for public
10 hunting grounds and game refuges, or (3) three-quarters of one
11 percent of the appraised value of purchased land actually used
12 for public hunting grounds and game refuges, whichever amount is
13 the greater, shall be paid out of the game-and-fish general fund
14 annually to the county in which said lands are located, to be
15 distributed by the county treasurer among the county and the
16 respective towns and school districts wherein such grounds and
17 refuges lie, on the same basis as if the payments were received
18 as taxes on such lands, payable in the current year, but this
19 provision shall not apply to state trust fund lands or any other
20 state lands not purchased for game refuge and public hunting
21 ground purposes. The county's share of the proceeds shall be
22 deposited in the county general revenue fund. For the purpose
23 of determining the applicability of payments pursuant to clause
24 (3) above, the appraised value of the lands acquired shall be
25 deemed to be the purchase or acquisition price thereof during
26 the first five years following acquisition. After the
27 expiration of five years from the date of acquisition or, in the
28 case of lands acquired prior to July 1, 1974, within 90 days
29 after July 1, 1979, and thereafter at five year intervals, a
30 current appraisal of the land shall be made by the appropriate
31 county assessor, and shall govern payments.

32 Sec. 14. Minnesota Statutes 1984, section 290.431, is
33 amended to read:

34 290.431 [NONGAME WILDLIFE CHECKOFF.]

35 Every individual who files an income tax return or property
36 tax refund claim form may designate on their original return

1 that \$1 or more shall be added to the tax or deducted from the
2 refund that would otherwise be payable by or to that individual
3 and paid into an account to be established for the management of
4 nongame wildlife. The commissioner of revenue shall, on the
5 income tax return and the property tax refund claim form, notify
6 filers of their right to designate that a portion of their tax
7 or refund shall be paid into the nongame wildlife management
8 account. The sum of the amounts so designated to be paid shall
9 be credited to the nongame wildlife management account for use
10 by the nongame section program of the division section of
11 wildlife in the department of natural resources. All interest
12 earned on money accrued in the nongame wildlife management
13 account shall be credited to the account by the state
14 treasurer. The commissioner of natural resources shall submit a
15 work program for each fiscal year and semi-annual progress
16 reports to the legislative commission on Minnesota resources in
17 the form determined by the commission. None of the money
18 provided in this section may be expended unless the commission
19 has approved the work program.

20 The state pledges and agrees with all contributors to the
21 nongame wildlife management account to use the funds contributed
22 solely for the management of nongame wildlife projects and
23 further agrees that it will not impose additional conditions or
24 restrictions that will limit or otherwise restrict the ability
25 of the commissioner of natural resources to use the available
26 funds for the most efficient and effective management of nongame
27 wildlife.

28 Sec. 15. S.F. No. 1526, article 1, section 11, subdivision
29 1, if enacted at the 1986 regular session, is amended to read:

30 Sec. 11. [97A.061] [PAYMENT IN LIEU OF TAXES.]

31 Subdivision 1. [APPLICABILITY; AMOUNT.] (a) The
32 commissioner shall annually make a payment from the game-and
33 fish general fund to each county having public hunting areas and
34 game refuges. This section does not apply to state trust fund
35 land and other state land not purchased for game refuge or
36 public hunting purposes. The payment shall be the greatest of:

1 (1) 35 percent of the gross receipts from all special use
2 permits and leases of land acquired for public hunting and game
3 refuges;

4 (2) 50 cents per acre on land purchased actually used for
5 public hunting or game refuges; or

6 (3) three-fourths of one percent of the appraised value of
7 purchased land actually used for public hunting and game refuges.

8 (b) The payment must be reduced by the amount paid under
9 subdivision 3 for croplands managed for wild geese. [97.49 s.
10 7]

11 (c) The appraised value is the purchase price for five
12 years after acquisition. The appraised value shall be
13 determined by the county assessor every five years after
14 acquisition. [97.49 s. 3]

15 Sec. 16. [BONDS AUTHORIZED.]

16 The commissioner of finance upon request of the governor
17 shall sell and issue bonds of the state in an amount up to
18 \$16,000,000 in the manner, upon the terms, and with the effect
19 prescribed by Minnesota Statutes, sections 16A.641 to 16A.675,
20 and by the Minnesota Constitution, article XI, sections 4 to 7.
21 The proceeds of the bonds, except accrued interest and any
22 premium received on the sale of the bonds, must be credited to a
23 bond proceeds account in the reinvest in Minnesota resources
24 fund.

25 Sec. 17. [APPROPRIATIONS.]

26 Subdivision 1. [APPROPRIATION TO RESOURCES FUND.] There is
27 appropriated to the reinvest in Minnesota resources fund, other
28 than the bond proceeds account within that fund, any money
29 appropriated by law.

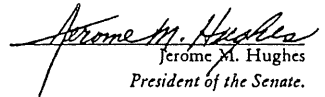
30 Subd. 2. [BOND PROCEEDS APPROPRIATION.] \$16,000,000 is
31 appropriated from the bond proceeds account of the reinvest in
32 Minnesota resources fund to the agencies and account for the
33 purposes specified in this section.

34 Subd. 3. [COMMISSIONER OF AGRICULTURE.] \$10,000,000 is
35 appropriated to the commissioner of agriculture:

36 (a) from the bond proceeds account of

- 1 the reinvest in Minnesota resources
 2 fund for the conservation reserve
 3 program under section 4, to be
 4 available until expended \$9,400,000
- 5 (b) from the bond proceeds account of
 6 the reinvest in Minnesota resources
 7 fund for administration of the
 8 conservation reserve program under
 9 sections 2 to 5 to be available until
 10 June 30, 1987 \$600,000
- 11 \$500,000 of this appropriation must be
 12 distributed to soil and water
 13 conservation districts.
- 14 The approved complement of the
 15 department of agriculture is increased
 16 by three positions in the unclassified
 17 service.
- 18 Subd. 4. [COMMISSIONER OF NATURAL RESOURCES.] \$3,600,000
 19 is appropriated to the commissioner of natural resources:
- 20 (a) from the bond proceeds account of
 21 the reinvest in Minnesota resources
 22 fund for fish and wildlife habitat
 23 improvements and acquisition of
 24 interests in land under the
 25 comprehensive fish and wildlife
 26 management plan under section 8, to be
 27 available until expended \$2,500,000
- 28 (b) from the bond proceeds account of
 29 the reinvest in Minnesota resources
 30 fund for aspen recycling under section
 31 12, to be available until expended \$1,000,000
- 32 (c) from the general fund for the
 33 development of a fish and wildlife
 34 research center, to be available until
 35 June 30, 1987 \$100,000
- 36 Subd. 5. [CRITICAL HABITAT PRIVATE SECTOR MATCHING
 37 ACCOUNT.] \$2,500,000 is appropriated from the bond proceeds
 38 account of the reinvest in Minnesota resources fund for transfer
 39 to the critical habitat private sector matching account
 40 established under section 10.
- 41 Sec. 18. [EFFECTIVE DATE.]
- 42 Sections 1 to 12, 14, 16, and 17 are effective the day
 43 following final enactment. Sections 13 and 15 are effective
 44 July 1, 1987 except if Senate File 1526 is enacted during the
 45 1986 regular session, section 13 is not effective.

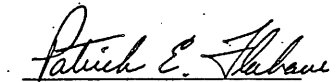

David M. Jennings
Speaker of the House of Representatives.


Jerome M. Hughes
President of the Senate.

Passed the House of Representatives this 15th day of March in the year of Our Lord
one thousand nine hundred and eighty-six.


Edward A. Burdick
Chief Clerk, House of Representatives.

Passed the Senate this 15th day of March in the year of Our Lord one thousand
nine hundred and eighty-six.


Patrick E. Flahaven
Secretary of the Senate.

Approved
March 29, 1986


Rudy Perpich
Governor of the State of Minnesota.

Filed 3/20/86


Joan Anderson Growe
Secretary of State.

SECTION 7

NOTES:

