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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **1406**

03/04/2015 Authored by Hackbarth

The bill was read for the first time and referred to the Committee on Mining and Outdoor Recreation Policy

03/16/2015 Adoption of Report: Amended and re-referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to natural resources; providing for temporary water surface use controls;
1.3 modifying life jacket requirements; regulating wake surfing; providing for
1.4 compliance with federal law; modifying provisions to take, possess, and transport
1.5 wild animals; providing criminal penalties; requiring rulemaking; requiring
1.6 reports; amending Minnesota Statutes 2014, sections 84D.03, subdivision
1.7 3; 86B.201, by adding a subdivision; 86B.313, subdivisions 1, 4; 86B.315;
1.8 97A.045, subdivision 11; 97A.057, subdivision 1; 97A.435, subdivision 4;
1.9 97A.465, by adding a subdivision; 97B.063; 97B.081, subdivision 3; 97B.085,
1.10 subdivision 2; 97B.301, by adding a subdivision; 97B.668; 97C.345, by adding
1.11 a subdivision; 97C.501, subdivision 2; proposing coding for new law in
1.12 Minnesota Statutes, chapters 97A; 97B; repealing Minnesota Statutes 2014,
1.13 sections 97A.475, subdivision 25; 97B.905, subdivision 3; Minnesota Rules, part
1.14 6264.0400, subparts 27, 28.

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

1.16 Section 1. Minnesota Statutes 2014, section 84D.03, subdivision 3, is amended to read:

1.17 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested
1.18 waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b),
1.19 (c), or (d) and section 97C.341.

1.20 (b) In waters that are listed as infested waters, except those listed ~~because they~~
1.21 ~~contain~~ as infested with prohibited invasive species of fish or certifiable diseases of fish, as
1.22 defined under section 17.4982, subdivision 6, taking wild animals may be permitted for:

1.23 (1) commercial taking of wild animals for bait and aquatic farm purposes ~~according~~
1.24 ~~to~~ as provided in a permit issued under section 84D.11, subject to rules adopted by the
1.25 commissioner; and

1.26 (2) bait purposes for noncommercial personal use in waters that contain Eurasian
1.27 water milfoil, when the infested waters are listed solely because they contain Eurasian

2.1 water milfoil and if the equipment for taking is limited to cylindrical minnow traps not
2.2 exceeding 16 inches in diameter and 32 inches in length; ~~and.~~

2.3 ~~(3) (c) In streams or rivers that are listed as infested waters, except those listed as~~
2.4 ~~infested with certifiable diseases of fish, as defined under section 17.4982, subdivision 6,~~
2.5 ~~the harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers~~
2.6 ~~for bait from streams or rivers listed as infested waters, by hook and line for noncommercial~~
2.7 ~~personal use. Other provisions that apply to this clause are~~ is allowed as follows:

2.8 ~~(i) (1) fish taken under this clause paragraph must be used on the same body of water~~
2.9 ~~where caught and while still on that water body. Where the river or stream is divided by~~
2.10 ~~barriers such as dams, the fish must be caught and used on the same section of the river~~
2.11 ~~or stream;~~

2.12 ~~(ii) (2) fish taken under this clause paragraph may not be transported live from or~~
2.13 ~~off the water body;~~

2.14 ~~(iii) (3) fish harvested under this clause paragraph may only be used in accordance~~
2.15 ~~with this section;~~

2.16 ~~(iv) (4) any other use of wild animals used for bait from infested waters is prohibited;~~

2.17 ~~(v) (5) fish taken under this clause paragraph must meet all other size restrictions~~
2.18 ~~and requirements as established in rules; and~~

2.19 ~~(vi) (6) all species listed under this clause paragraph shall be included in the person's~~
2.20 ~~daily limit as established in rules, if applicable.~~

2.21 (d) In the Mississippi River downstream of St. Anthony Falls and the St.
2.22 Croix River downstream of the dam at Taylors Falls, including portions described as
2.23 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1,
2.24 items A and B, the harvest of gizzard shad by cast net for noncommercial personal use as
2.25 bait for angling, as provided in a permit issued under section 84D.11, is allowed as follows:

2.26 (1) nontarget species must immediately be returned to the water;

2.27 (2) gizzard shad taken under this paragraph must be used on the same body of water
2.28 where caught and while still on that water body. Where the river is divided by barriers
2.29 such as dams, the gizzard shad must be caught and used on the same section of the river;

2.30 (3) gizzard shad taken under this paragraph may not be transported off the water
2.31 body; and

2.32 (4) gizzard shad harvested under this paragraph may only be used in accordance
2.33 with this section.

2.34 This paragraph expires December 1, 2017.

3.1 (e) (e) Equipment authorized for minnow harvest in a listed infested water by permit
3.2 issued under paragraph (b) may not be transported to, or used in, any waters other than
3.3 waters specified in the permit.

3.4 Sec. 2. Minnesota Statutes 2014, section 86B.201, is amended by adding a subdivision
3.5 to read:

3.6 Subd. 4. **Construction area restrictions.** The commissioner may adopt, by written
3.7 order, temporary water surface use controls at public construction and maintenance sites
3.8 that cross or are adjacent to waters of the state for a period of time not to exceed the
3.9 duration of the construction or maintenance project. Temporary controls adopted under
3.10 this subdivision are exempt from the rulemaking requirements of chapter 14, and section
3.11 14.386 does not apply.

3.12 Sec. 3. Minnesota Statutes 2014, section 86B.313, subdivision 1, is amended to read:

3.13 Subdivision 1. **General requirements.** (a) In addition to requirements of other laws
3.14 relating to watercraft, a person may not operate or permit the operation of a personal
3.15 watercraft:

3.16 (1) without each person on board the personal watercraft wearing a United States
3.17 Coast Guard (USCG) approved ~~Type I, H, III, or V~~ wearable personal flotation device
3.18 with a USCG label indicating it either is approved for or does not prohibit use with
3.19 personal watercraft or water skiing;

3.20 (2) between one hour before sunset and 9:30 a.m.;

3.21 (3) at greater than slow-no wake speed within 150 feet of:

3.22 (i) a shoreline;

3.23 (ii) a dock;

3.24 (iii) a swimmer;

3.25 (iv) a raft used for swimming or diving; or

3.26 (v) a moored, anchored, or nonmotorized watercraft;

3.27 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any
3.28 other device unless:

3.29 (i) an observer is on board; or

3.30 (ii) the personal watercraft is equipped with factory-installed or factory-specified
3.31 accessory mirrors that give the operator a wide field of vision to the rear;

3.32 (5) without the lanyard-type engine cutoff switch being attached to the person,
3.33 clothing, or personal flotation device of the operator, if the personal watercraft is equipped
3.34 by the manufacturer with such a device;

4.1 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or
4.2 tampered with so as to interfere with the return-to-idle system;

4.3 (7) to chase or harass wildlife;

4.4 (8) through emergent or floating vegetation at other than a slow-no wake speed;

4.5 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,
4.6 including weaving through congested watercraft traffic, jumping the wake of another
4.7 watercraft within 150 feet of the other watercraft, or operating the watercraft while
4.8 facing backwards;

4.9 (10) in any other manner that is not reasonable and prudent; or

4.10 (11) without a personal watercraft rules decal, issued by the commissioner, attached
4.11 to the personal watercraft so as to be in full view of the operator.

4.12 (b) Paragraph (a), clause (3), does not apply to a person operating a personal
4.13 watercraft to launch or land a person on water skis, a kneeboard, or similar device by the
4.14 most direct route to open water.

4.15 Sec. 4. Minnesota Statutes 2014, section 86B.313, subdivision 4, is amended to read:

4.16 Subd. 4. **Dealers and rental operations.** (a) A dealer of personal watercraft shall
4.17 distribute a summary of the laws and rules governing the operation of personal watercraft
4.18 and, upon request, shall provide instruction to a purchaser regarding:

4.19 (1) the laws and rules governing personal watercraft; and

4.20 (2) the safe operation of personal watercraft.

4.21 (b) A person who offers personal watercraft for rent:

4.22 (1) shall provide a summary of the laws and rules governing the operation of
4.23 personal watercraft and provide instruction regarding the laws and rules and the safe
4.24 operation of personal watercraft to each person renting a personal watercraft;

4.25 (2) shall provide a United States Coast Guard (USCG) approved ~~Type I, H, III, or V~~
4.26 wearable personal flotation device with a USCG label indicating it either is approved for
4.27 or does not prohibit use with personal watercraft or water skiing and any other required
4.28 safety equipment to all persons who rent a personal watercraft at no additional cost; and

4.29 (3) shall require that a watercraft operator's permit from this state or from the
4.30 operator's state of residence be shown each time a personal watercraft is rented to any
4.31 person younger than age 18 and shall record the permit on the form provided by the
4.32 commissioner.

4.33 (c) Each dealer of personal watercraft or person offering personal watercraft for rent
4.34 shall have the person who purchases or rents a personal watercraft sign a form provided
4.35 by the commissioner acknowledging that the purchaser or renter has been provided a copy

5.1 of the laws and rules regarding personal watercraft operation and has read them. The form
5.2 must be retained by the dealer or person offering personal watercraft for rent for a period
5.3 of six months following the date of signature and must be made available for inspection
5.4 by sheriff's deputies or conservation officers during normal business hours.

5.5 Sec. 5. Minnesota Statutes 2014, section 86B.315, is amended to read:

5.6 **86B.315 TOWING PERSON ON WATER SKIS OR OTHER DEVICE.**

5.7 Subdivision 1. **Observer or mirror required.** A person may not operate a
5.8 watercraft on waters of this state and create a wake for a wake surfer or tow a person on
5.9 water skis, an aquaplane, a surfboard, a saucer, or a similar device unless:

5.10 (1) there is another person in the watercraft in addition to the operator who is in a
5.11 position to continually observe the person being towed; or

5.12 (2) the boat is equipped with a mirror providing the operator a wide field of vision
5.13 to the rear.

5.14 Subd. 2. **Prohibited night skiing or towing prohibited activities.** On waters of this
5.15 state, from one-half hour after sunset to sunrise of the following day, a person may not:

5.16 (1) wake surf;

5.17 (2) operate a watercraft creating a wake for a wake surfer;

5.18 (3) be towed by a watercraft; or

5.19 (4) operate a watercraft towing a person on water skis, an aquaplane, a surfboard, a
5.20 saucer, or another device on waters of this state from one hour after sunset to sunrise of
5.21 the following day.

5.22 Sec. 6. Minnesota Statutes 2014, section 97A.045, subdivision 11, is amended to read:

5.23 Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner
5.24 determines that action is necessary to prevent or control a wildlife disease, the
5.25 commissioner may prevent or control wildlife disease in a species of wild animal in
5.26 addition to the protection provided by the game and fish laws by further limiting, closing,
5.27 expanding, or opening seasons or areas of the state; by reducing or increasing limits in
5.28 areas of the state; by establishing disease management zones; by authorizing free licenses;
5.29 by allowing shooting from motor vehicles by persons designated by the commissioner;
5.30 by issuing replacement licenses for sick animals; by requiring sample collection from
5.31 hunter-harvested animals; by limiting wild animal possession, transportation, and
5.32 disposition; and by restricting wildlife feeding.

5.33 (b) The commissioner shall restrict wildlife feeding within the modified accredited
5.34 bovine tuberculosis zone proposed by the Board of Animal Health. In addition to any

6.1 other penalties provided by law, a person who violates wildlife feeding restrictions
6.2 required under this paragraph may not obtain a hunting license to take a wild animal
6.3 for two years after the date of conviction.

6.4 (c) The commissioner may prevent or control wildlife disease in a species of wild
6.5 animal in the state by posting restrictions on public access to active disease areas or by
6.6 emergency rule adopted under section 84.027, subdivision 13.

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

6.8 Sec. 7. Minnesota Statutes 2014, section 97A.057, subdivision 1, is amended to read:

6.9 Subdivision 1. **Compliance with federal law.** The commissioner shall take any
6.10 action necessary to comply with the Federal Aid in Wildlife Restoration Act, United
6.11 States Code, title 16, sections 669 to 669i, and the Federal Aid in Fish Restoration Act,
6.12 United States Code, title 16, sections 777 to 777k. Notwithstanding section 16E.145 or
6.13 any other law to the contrary, an appropriation for an information or telecommunications
6.14 technology project from the game and fish fund, as established in section 97A.055, must
6.15 be made to the commissioner. Any assets acquired with or expenditures made from the
6.16 game and fish fund must remain under control of the commissioner.

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

6.18 Sec. 8. Minnesota Statutes 2014, section 97A.435, subdivision 4, is amended to read:

6.19 Subd. 4. **Separate selection of eligible licensees.** (a) The commissioner may
6.20 conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any
6.21 area. Only persons who are owners or tenants of and who live on at least 40 acres of land
6.22 in the permit area, and their family members who live on the qualifying land, are eligible
6.23 applicants for turkey licenses for the separate selection. The qualifying land may be
6.24 noncontiguous. Persons who are unsuccessful in a separate selection must be included in
6.25 the selection for the remaining licenses. Persons who obtain a license in a separate selection
6.26 must allow public turkey hunting on their land during that turkey season. A license issued
6.27 under this subdivision is restricted to the permit area where the qualifying land is located.

6.28 (b) The commissioner may by rule establish criteria for determining eligible family
6.29 members under this subdivision.

6.30 Sec. 9. Minnesota Statutes 2014, section 97A.465, is amended by adding a subdivision
6.31 to read:

7.1 Subd. 7. **Residents of veterans homes.** (a) A resident from a Minnesota veterans
7.2 home may obtain a firearm or muzzleloader deer license during the season and take
7.3 antlerless deer without a permit in all areas of the state open during the respective regular
7.4 firearms or muzzleloader deer seasons in any permit area. This subdivision does not
7.5 authorize the taking of an antlerless deer by another member of a party under section
7.6 97B.301, subdivision 3, in an area closed to taking antlerless deer or where the number of
7.7 antlerless deer that may be taken is limited by a quota on the number of permits.

7.8 (b) A person may assist a Minnesota veterans home resident during the firearms or
7.9 muzzleloader deer season without having a deer hunting license, but the person may
7.10 not shoot a deer.

7.11 Sec. 10. **[97A.56] FERAL SWINE.**

7.12 Subdivision 1. **Definition.** For purposes of this section, "feral swine" means a
7.13 member of the genus and species *Sus scrofa* that lives in the wild.

7.14 Subd. 2. **Prohibited actions; penalty.** (a) A person may not possess or release
7.15 feral swine or swine that were feral during any part of the swines' lifetime or allow feral
7.16 swine to run at large.

7.17 (b) A person may not hunt or trap feral swine, except as authorized by the
7.18 commissioner for feral swine control or eradication.

7.19 (c) A person who violates this subdivision is guilty of a misdemeanor.

7.20 Subd. 3. **Authorized removal of feral swine.** A person authorized under game and
7.21 fish laws to take feral swine is not liable to the owner for the value of the animals.

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

7.23 Sec. 11. Minnesota Statutes 2014, section 97B.063, is amended to read:

7.24 **97B.063 HUNTER SATISFACTION SURVEY.**

7.25 The commissioner shall annually administer the collection of hunter information
7.26 related to participation and satisfaction. This may include information on preferences,
7.27 values, interests, participation rates and patterns, barriers to participation, or other factors.
7.28 The data shall be collected using established social science methods. The commissioner
7.29 shall annually submit a summary of the information gathered under this section to
7.30 the chairs and ranking minority members of the house of representatives and senate
7.31 committees and divisions with jurisdiction over environment and natural resources no
7.32 later than January 1 for the preceding fiscal year. The commissioner shall also make the
7.33 summary information available on the department's Web site.

8.1 Sec. 12. Minnesota Statutes 2014, section 97B.081, subdivision 3, is amended to read:

8.2 Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to:

8.3 (1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons
8.4 according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

8.5 (2) hunt fox or coyote from January 1 to March 15 while using a handheld artificial
8.6 light, provided that the person is:

8.7 (i) on foot;

8.8 (ii) using a shotgun;

8.9 (iii) not within a public road right-of-way;

8.10 (iv) using a handheld or electronic calling device; and

8.11 (v) not within 200 feet of a motor vehicle; or

8.12 (3) cast the rays of a handheld artificial light to retrieve wounded or dead big game
8.13 animals, provided that the person is:

8.14 (i) on foot; and

8.15 (ii) not in possession of a firearm or bow.

8.16 (b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight,
8.17 headlight, or other artificial light to:

8.18 (1) carry out any agricultural, safety, emergency response, normal vehicle operation,
8.19 or occupation-related activities that do not involve taking wild animals; or

8.20 (2) carry out outdoor recreation as defined in section 97B.001 that is not related to
8.21 spotting, locating, or taking a wild animal.

8.22 (c) Except as otherwise provided by the game and fish laws, it is not a violation of
8.23 this section for a person to use an electronic range finder device from one-half hour before
8.24 sunrise until one-half hour after sunset while lawfully hunting wild animals.

8.25 (d) It is not a violation of this section for a licensed bear hunter to cast the rays of a
8.26 handheld artificial light to track or retrieve a wounded or dead bear while possessing a
8.27 firearm, provided that the person:

8.28 (1) has the person's valid bear hunting license in possession;

8.29 (2) is on foot; and

8.30 (3) is following the blood trail of a bear that was shot during legal shooting hours.

8.31 Sec. 13. Minnesota Statutes 2014, section 97B.085, subdivision 2, is amended to read:

8.32 Subd. 2. **Taking unprotected wild animals; permit required.** A person may not
8.33 use radio equipment to take unprotected wild animals without a permit. The commissioner
8.34 may issue a permit to take unprotected animals with radio equipment. The commissioner

9.1 ~~shall cancel the permit upon receiving a valid complaint of misconduct regarding the~~
9.2 ~~permittee's hunting activities.~~

9.3 Sec. 14. Minnesota Statutes 2014, section 97B.301, is amended by adding a
9.4 subdivision to read:

9.5 Subd. 9. Residents age 84 or over may take deer of either sex. A resident age 84
9.6 or over may take a deer of either sex. This subdivision does not authorize the taking of an
9.7 antlerless deer by another member of a party under subdivision 3.

9.8 Sec. 15. **[97B.427] FEEDING BEARS.**

9.9 (a) Except as provided in sections 97B.425 and 97B.426, a person may not place,
9.10 deposit, or allow the placement of feed to attract bears.

9.11 (b) If a bear is feeding on food placed by a person for storage, disposal, or
9.12 feeding wildlife other than as provided in paragraph (d), clause (1), or other purpose
9.13 not specifically exempt in paragraph (d), all food that is accessible to the bear must be
9.14 immediately removed when the person becomes aware or is notified that a bear is feeding
9.15 at the site. Feed accessible by bears and subsequently removed may not be replaced at the
9.16 same site for a minimum of 30 days after removal.

9.17 (c) Feeding bears by hand or other physical contact is prohibited.

9.18 (d) It is not a violation of this section when:

9.19 (1) feed is placed solely for the purpose of attracting and feeding wild birds and
9.20 small mammals and placed in bird feeding devices and structures;

9.21 (2) feed is present solely as a result of normal agricultural, forest management, or
9.22 wildlife food planting practices;

9.23 (3) feed is placed for agricultural or livestock practices if livestock are present
9.24 and actively consuming the feed on a daily basis or if the feed is stored consistent with
9.25 normal agricultural practices; or

9.26 (4) a person is authorized to place food under a scientific, wildlife disease, or wildlife
9.27 damage permit issued by the commissioner under section 97A.401.

9.28 (e) A person violating this section is guilty of a misdemeanor.

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

9.30 Sec. 16. Minnesota Statutes 2014, section 97B.668, is amended to read:

9.31 **97B.668 CANADA GEESE GAME BIRDS CAUSING DAMAGE.**

10.1 Notwithstanding sections 97B.091 and 97B.805, subdivisions 1 and 2, a person or
 10.2 agent of that person on lands and nonpublic waters owned or operated by the person
 10.3 may nonlethally scare, haze, chase, or harass ~~Canada geese~~ game birds that are causing
 10.4 property damage ~~from March 11 to August 31~~ at any time or place that a hunting season
 10.5 for the game birds is not open. This section does not apply to public waters as defined
 10.6 under section 103G.005, subdivision 15, ~~or.~~ This section does not apply to migratory
 10.7 waterfowl on nests and other federally protected game birds on nests, except geese on
 10.8 nests unless when a permit is obtained under section 97A.401.

10.9 Sec. 17. **[97B.722] POSSESSION OF FIREARMS; HUNTING TURKEY.**

10.10 (a) While afield hunting turkeys, licensees may not have in possession or control
 10.11 any firearm or bow and arrow except those defined as legal for taking turkeys in rules
 10.12 adopted by the commissioner.

10.13 (b) Paragraph (a) does not apply to a person carrying a handgun in compliance
 10.14 with section 624.714.

10.15 Sec. 18. **[97B.9251] BEAVER SEASON.**

10.16 The commissioner may establish open seasons and restrictions for taking beaver from
 10.17 9:00 a.m. on the Saturday nearest October 26 in the North Zone and from 9:00 a.m. on the
 10.18 Saturday nearest October 30 in the South Zone. The seasons shall be open until May 15.

10.19 Sec. 19. Minnesota Statutes 2014, section 97C.345, is amended by adding a
 10.20 subdivision to read:

10.21 Subd. 3a. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take
 10.22 gizzard shad for use as bait for angling:

10.23 (1) from July 1 to November 30; and

10.24 (2) from the Mississippi River downstream of St. Anthony Falls and the St.
 10.25 Croix River downstream of the dam at Taylors Falls, including portions described as
 10.26 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart
 10.27 1, items A and B, that are listed as infested waters as allowed under section 84D.03,
 10.28 subdivision 3.

10.29 (b) Cast nets used under this subdivision must be monofilament and may not exceed
 10.30 seven feet in diameter, and mesh size must be from three-eighths to five-eighths inch bar
 10.31 measure.

10.32 (c) This subdivision expires December 1, 2017. The commissioner must report
 10.33 to the chairs and ranking minority members of the house of representatives and senate

11.1 committees with jurisdiction over environment and natural resources by March 1, 2018,
11.2 on the number of permits issued, conservation impacts from the use of cast nets, and
11.3 recommendations for any necessary changes in statutes or rules.

11.4 Sec. 20. Minnesota Statutes 2014, section 97C.501, subdivision 2, is amended to read:

11.5 Subd. 2. **Minnow dealers.** (a) A person may not be a minnow dealer without a
11.6 minnow dealer license except as provided in subdivision 3.

11.7 (b) A minnow dealer must obtain a minnow dealer's vehicle license for each motor
11.8 vehicle used to transport minnows. The serial number, motor vehicle license number,
11.9 make, and model must be on the license. The license must be conspicuously displayed
11.10 in the vehicle.

11.11 (c) A minnow dealer may not transport minnows out of the state without an
11.12 exporting minnow dealer license. A minnow dealer must obtain an exporting minnow
11.13 dealer's vehicle license for each motor vehicle used to transport minnows out of the state.
11.14 The serial number, motor vehicle license number, make, and model must be on the license.
11.15 The license must be conspicuously displayed in the vehicle.

11.16 (d) A person with a minnow dealer's license may sell minnows at one retail outlet.
11.17 A minnow dealer must obtain a minnow retailer license for each additional retail outlet
11.18 operated. A minnow dealer operating a retail outlet under a minnow dealer's license must
11.19 list the following information for the retail outlet: name of the business; city; state; zip
11.20 code; and legal description or fire number. The retail outlet name and location may be
11.21 changed by making application to the commissioner.

11.22 (e) A minnow dealer may designate employees as helpers who are authorized to
11.23 take, buy, sell, and transport minnows on behalf of the minnow dealer. The employees
11.24 designated as helpers must be listed on the minnow dealer's license, and a copy of the
11.25 license designating the employee as a helper must be in the helper's possession when
11.26 acting on behalf of the minnow dealer. The minnow dealer may add and delete helpers
11.27 listed on the dealer's license within a license year by notifying the commissioner in writing
11.28 of the change to the license. Employees who are acting under the direction and control of
11.29 the minnow dealer but who are not designated as helpers may not buy or sell minnows on
11.30 behalf of the minnow dealer. This paragraph does not apply to employees selling minnows
11.31 at the retail outlet location under paragraph (d).

11.32 **EFFECTIVE DATE.** This section is effective March 1, 2016.

11.33 Sec. 21. **RULEMAKING; LIFTING SPEARING BANS AND NORTHERN PIKE**
11.34 **REGULATIONS.**

12.1 (a) The commissioner of natural resources shall amend Minnesota Rules, parts
12.2 6262.0575, subpart 9, and 6264.0400, subparts 70 and 72, to delete the language
12.3 prohibiting spearing.

12.4 (b) Notwithstanding Minnesota Statutes, section 97C.007, the commissioner of
12.5 natural resources shall amend Minnesota Rules, part 6264.0400, subpart 71, to delete the
12.6 language prohibiting spearing and modify the northern pike protected slot to 26 to 40 inches.

12.7 (c) The commissioner may use the good cause exemption under Minnesota Statutes,
12.8 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
12.9 Statutes, section 14.386, does not apply.

12.10 **EFFECTIVE DATE.** This section is effective July 1, 2015.

12.11 **Sec. 22. RULEMAKING; WATER SURFACE USE RESTRICTIONS.**

12.12 (a) The commissioner of natural resources shall amend Minnesota Rules, part
12.13 6110.3700, subpart 9, to allow a longer period of temporary special controls in situations
12.14 of local emergency by deleting "five" and inserting "30" and deleting "five-day" and
12.15 inserting "30-day."

12.16 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
12.17 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
12.18 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,
12.19 section 14.388.

12.20 **Sec. 23. RULEMAKING; PERSONAL FLOTATION DEVICES.**

12.21 (a) To conform with changes in federal regulation, the commissioner of natural
12.22 resources shall amend Minnesota Rules, part 6110.1200, subpart 3, as follows:

12.23 (1) delete the term "Type I, II, or III" and insert "wearable";

12.24 (2) delete the term "Type IV" and insert "throwable";

12.25 (3) delete items B and D and reletter the remaining items; and

12.26 (4) insert a new item that reads:

12.27 "C. All personal flotation devices required by this subpart must be:

12.28 (1) approved by the U.S. Coast Guard;

12.29 (2) legibly marked with any requirements and the approval number issued by the
12.30 U.S. Coast Guard;

12.31 (3) in serviceable condition free of tears, rot, punctures, or waterlogging, and with
12.32 all straps and fasteners present and in good condition;

12.33 (4) of the appropriate size for the intended wearer, if the device is designed to be worn,
12.34 and in compliance with any requirements listed on the U.S. Coast Guard approval label;

13.1 (5) for wearable devices, either readily accessible or worn, except when:
 13.2 (a) devices are required to be worn to be accepted as U.S. Coast Guard-approved; or
 13.3 (b) wearing a U.S. Coast Guard-approved wearable personal flotation device is
 13.4 mandatory; and

13.5 (6) for throwable devices, immediately available.

13.6 "Readily accessible" means easily retrievable within a reasonable amount of time
 13.7 in an emergency. "Immediately available" means easily reached in time of emergency.
 13.8 Personal flotation devices located in locked containers, under heavy objects, or left in
 13.9 shipping bags are not considered readily accessible or immediately available."

13.10 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
 13.11 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
 13.12 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,
 13.13 section 14.388.

13.14 Sec. 24. **RULEMAKING; MOTORIZED TRAIL ENVIRONMENTAL REVIEW.**

13.15 (a) The Environmental Quality Board shall amend Minnesota Rules, chapter 4410, to
 13.16 allow the following without preparing a mandatory environmental assessment worksheet:

13.17 (1) constructing a recreational trail less than 25 miles long on forested or other
 13.18 naturally vegetated land for a recreational use;

13.19 (2) adding a new motorized recreational use or a seasonal motorized recreational
 13.20 use to an existing motorized recreational trail if the treadway width is not expanded as a
 13.21 result of the added use; and

13.22 (3) designating an existing, legally constructed route, such as a logging road, for
 13.23 motorized recreational trail use.

13.24 (b) The board may use the good cause exemption rulemaking procedure under
 13.25 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this
 13.26 section, and Minnesota Statutes, section 14.386, does not apply except as provided under
 13.27 Minnesota Statutes, section 14.388.

13.28 Sec. 25. **REPEALER.**

13.29 (a) Minnesota Statutes 2014, sections 97A.475, subdivision 25; and 97B.905,
 13.30 subdivision 3, are repealed.

13.31 (b) Minnesota Rules, part 6264.0400, subparts 27 and 28, are repealed.

13.32 **EFFECTIVE DATE.** Paragraph (b) is effective July 1, 2015.

APPENDIX
Repealed Minnesota Statutes: H1406-1

97A.475 LICENSE FEES.

Subd. 25. **Muskrat farms.** The fee for a muskrat farm license is \$11.

97B.905 FUR DEALER'S LICENSES.

Subd. 3. **Bond required for fur buyer license applicants.** Applicants for a raw fur dealer's license must, at the time of application for the license, furnish a corporate surety bond in favor of the state for \$1,000 payable upon violation of the game and fish laws.

APPENDIX
Repealed Minnesota Rule: H1406-1

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

Subp. 27. **Spearing restrictions.** The following waters are closed to the taking of fish by spearing from December 1 to the last Sunday in February. A person may not have a spear in possession or under control while on or fishing in these waters during this period.

Name	Location	County
A. Bald Eagle	T.30,31, R.21,22, S.Various	Anoka, Ramsey, Washington
B. Rebecca	T.118,119, R.24, S.Various	Hennepin

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

Subp. 28. **Seasonal spearing restrictions.** The following waters are closed to the taking of fish by spearing from December 1 to the last Sunday in February. A person may not have a spear in possession or under control while on or fishing in these waters during this period.

Name	Location	County
A. Minnetonka	T.116,117, R.22-24, S.Various	Hennepin, Carver
B. Libbs	T.117, R.22, S.17	Hennepin
C. Peavy	T.117, R.23, S.1	Hennepin
D. Forest	T.117, R.23, S.7	Hennepin
E. Tanager	T.117, R.23, S.10,11	Hennepin