

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2758

(SENATE AUTHORS: SCHMIT)

| DATE | D-PG | OFFICIAL STATUS |
|------------|-------|----------------------------------------------------------------------------|
| 03/14/2016 | 5044 | Introduction and first reading Referred to Environment and Energy |
| 03/29/2016 | 5299a | Comm report: To pass as amended and re-refer to Judiciary |
| 03/30/2016 | | Comm report: To pass as amended and re-refer to State and Local Government |

A bill for an act

1.1 relating to game and fish; modifying provisions for taking wild animals;
1.2 requiring a report; amending Minnesota Statutes 2014, sections 97A.201, by
1.3 adding a subdivision; 97A.301, subdivision 1; 97A.338; 97A.420, subdivision
1.4 1; 97A.421, subdivision 2a; 97A.451, subdivision 6; 97B.035, subdivision
1.5 1; 97B.731, subdivision 3; 97B.811, subdivision 4a; 97C.401, subdivision 2;
1.6 Minnesota Statutes 2015 Supplement, section 97B.9251; proposing coding for
1.7 new law in Minnesota Statutes, chapters 97A; 97B.
1.8

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

1.10 Section 1. 97A.036] USE OF UNMANNED AIRCRAFT SYSTEMS TO TAKE
1.11 WILD ANIMALS PROHIBITED.

1.12 Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this
1.13 section.

1.14 (b) "Unmanned aircraft" means an aircraft that is operated without the possibility of
1.15 direct human intervention from within or on the aircraft.

1.16 (c) "Unmanned aircraft system" means an unmanned aircraft and associated
1.17 elements, including communication links and the components that control the unmanned
1.18 aircraft, that are required for the pilot in command to operate safely and efficiently in the
1.19 national airspace system.

1.20 Subd. 2. Prohibition. A person may not use an unmanned aircraft system to take,
1.21 harm, or harass a wild animal.

1.22 Sec. 2. Minnesota Statutes 2014, section 97A.201, is amended by adding a subdivision
1.23 to read:

1.24 Subd. 3. Prosecuting authority. (a) County attorneys must prosecute violations an
1.25 enforcement officer is authorized to enforce under section 97A.205, clause (5).

2.1 (b) Prosecution under paragraph (a) includes associated civil actions provided by law.

2.2 Sec. 3. Minnesota Statutes 2014, section 97A.301, subdivision 1, is amended to read:

2.3 Subdivision 1. **Misdemeanor.** Unless a different penalty is prescribed, a person
2.4 is guilty of a misdemeanor if that person:

2.5 (1) ~~takes, buys, sells, transports or possesses a wild animal in violation of~~ violates
2.6 the game and fish laws;

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

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

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

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

2.12 (6) violates or attempts to violate a rule under the game and fish laws.

2.13 Sec. 4. Minnesota Statutes 2014, section 97A.338, is amended to read:

2.14 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

2.15 (a) A person who takes, possesses, or transports wild animals over the legal limit, in
2.16 closed season, or without a valid license, when the restitution value of the wild animals
2.17 is over \$1,000 is guilty of a gross overlimit violation. A violation under this section
2.18 is a gross misdemeanor.

2.19 (b) If a wild animal involved in the violation under this section is listed as a threatened
2.20 or endangered wild animal, the penalty in paragraph (a) does not apply unless more than
2.21 one animal is taken, possessed, or transported in violation of the game and fish laws.

2.22 Sec. 5. Minnesota Statutes 2014, section 97A.420, subdivision 1, is amended to read:

2.23 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the
2.24 license of a person who unlawfully takes, transports, or possesses wild animals when the
2.25 restitution value of the wild animals exceeds \$500. Except as provided in subdivisions
2.26 2, 4, and 5, the person may not use or obtain any license to take the same type of wild
2.27 animals involved, including a duplicate license, until an action is taken under subdivision
2.28 6. If the license seized under this paragraph was for a big game animal, the license seizure
2.29 applies to all licenses to take big game issued to the individual. If the license seized under
2.30 this paragraph was for small game animals, the license seizure applies to all licenses to
2.31 take small game issued to the individual.

2.32 (b) In addition to the license seizure under paragraph (a), if the restitution value of
2.33 the wild animals unlawfully taken, possessed, or transported is ~~\$5,000~~ \$1,000 or more, all

3.1 other game and fish licenses held by the person shall be immediately seized. Except as
 3.2 provided in subdivision 2, 4, or 5, the person may not obtain any game or fish license or
 3.3 permit, including a duplicate license, until an action is taken under subdivision 6.

3.4 (c) A person may not take wild animals covered by a license seized under this
 3.5 subdivision until an action is taken under subdivision 6.

3.6 Sec. 6. Minnesota Statutes 2014, section 97A.421, subdivision 2a, is amended to read:

3.7 Subd. 2a. **License revocation after conviction.** (a) A person may not obtain a
 3.8 license to take a wild animal and is prohibited from taking wild animals for a period
 3.9 of ten years after the date of conviction of a violation when the restitution value of the
 3.10 wild animals is \$2,000 or more.

3.11 (b) A person may not obtain a license to take a wild animal and is prohibited from
 3.12 taking wild animals for a period of five years after the date of conviction of:

3.13 (1) a violation when the restitution value of the wild animals is ~~\$5,000~~ \$1,000 or
 3.14 more, but less than \$2,000; or

3.15 (2) a violation when the restitution value of the wild animals exceeds \$500 and
 3.16 the violation occurs within ten years of one or more previous license revocations under
 3.17 this ~~subdivision~~ paragraph.

3.18 ~~(b)~~ (c) A person may not obtain a license to take the type of wild animals involved in
 3.19 a violation when the restitution value of the wild animals exceeds \$500 and is prohibited
 3.20 from taking the type of wild animals involved in the violation for a period of three years
 3.21 after the date of conviction of a violation.

3.22 ~~(e)~~ (d) The time period of multiple revocations under paragraph (a), or paragraph
 3.23 (b), clause (2), shall be consecutive and no wild animals of any kind may be taken during
 3.24 the entire period.

3.25 (e) If a wild animal involved in the conviction is listed as a threatened or endangered
 3.26 wild animal, the revocations specified under this subdivision do not apply unless more
 3.27 than one animal is taken, possessed, or transported in violation of the game and fish laws.

3.28 ~~(d)~~ (f) The court may not stay or reduce the imposition of license revocation
 3.29 provisions under this subdivision.

3.30 Sec. 7. Minnesota Statutes 2014, section 97A.451, subdivision 6, is amended to read:

3.31 Subd. 6. **Nonresidents under age 16 attending camps; fishing.** A nonresident
 3.32 under the age of 16 that is attending a camp conducted by a nonprofit organization may
 3.33 take fish by angling in adjacent and connected public waters without a license. ~~The~~
 3.34 ~~organization must have a certificate from the commissioner that describes the public~~

4.1 ~~waters where the fishing is allowed.~~ The nonresident must possess a document, prescribed
 4.2 ~~by the commissioner, for identification of the nonresident and the authorized fishing~~
 4.3 ~~waters. The written document must be that authorizes angling and that is signed and dated~~
 4.4 ~~within the current calendar year by the person in charge of the camp.~~

4.5 Sec. 8. Minnesota Statutes 2014, section 97B.035, subdivision 1, is amended to read:

4.6 Subdivision 1. **Hunting with bows released by mechanical devices.** (a) A person
 4.7 may not hunt with a bow drawn, held, or released by a mechanical device, except:

4.8 (1) with a disabled hunter permit issued under section 97B.106;

4.9 (2) as provided in section 97B.037 for persons age 60 or over; or

4.10 (3) as provided in paragraph (b).

4.11 (b) A person may use a mechanical device attached to the bowstring if the person's
 4.12 own strength draws, holds, and releases the bowstring.

4.13 Sec. 9. Minnesota Statutes 2014, section 97B.731, subdivision 3, is amended to read:

4.14 Subd. 3. **Crow season.** The commissioner shall prescribe a ~~124-day~~ an open season
 4.15 and restrictions for taking crows beginning July 15 and ending October 31. ~~The open~~
 4.16 ~~season may not be shorter than the maximum season allowed under federal law.~~ The
 4.17 remainder of the year crows may be taken as allowed by federal law.

4.18 Sec. 10. Minnesota Statutes 2014, section 97B.811, subdivision 4a, is amended to read:

4.19 Subd. 4a. **Restrictions on certain motorized decoys.** ~~From the opening day of the~~
 4.20 ~~duck season through the Saturday nearest October 8, a person may not use a motorized~~
 4.21 ~~decoy, or other motorized device designed to attract migratory waterfowl. During the~~
 4.22 ~~remainder of the duck season,~~ The commissioner may, by rule, designate all or any portion
 4.23 of a wetland or lake closed to the use of motorized decoys or motorized devices designed
 4.24 to attract migratory waterfowl. On water bodies and lands fully contained within wildlife
 4.25 management area boundaries, a person may not use motorized decoys or motorized
 4.26 devices designed to attract migratory waterfowl at any time during the duck season.

4.27 Sec. 11. Minnesota Statutes 2015 Supplement, section 97B.9251, is amended to read:

4.28 **97B.9251 BEAVER SEASON.**

4.29 The commissioner may establish open seasons and restrictions for taking beaver
 4.30 from 9:00 a.m. on the Saturday nearest October 26 in the North Zone and from 9:00 a.m.
 4.31 on the Saturday nearest October 30 in the South Zone. The seasons shall be open until May
 4.32 15, except the commissioner may adopt rules to close the South Zone at an earlier date.

5.1 Sec. 12. **[97B.929] PLACING TRAPS OR SNARES ON PRIVATE LAND;**
5.2 **WRITTEN PERMISSION REQUIRED.**

5.3 A person may not set or place a trap or snare on private property that is not subject to a
5.4 requirement to be open to the public, other than property owned or occupied by the person,
5.5 unless the person has the written permission of the owner, occupant, or lessee of the private
5.6 property. This section includes, but is not limited to, written permission to access private
5.7 property from waters of the state when the trap or snare is placed or staked in the water.

5.8 Sec. 13. Minnesota Statutes 2014, section 97C.401, subdivision 2, is amended to read:

5.9 Subd. 2. ~~Walleye; northern pike.~~ (a) Except as provided in paragraph (b), a person
5.10 may have no more than one walleye larger than 20 inches and ~~one northern pike larger~~
5.11 ~~than 30 inches~~ in possession.

5.12 (b) ~~The restrictions in Paragraph (a) do~~ does not apply to boundary waters.

5.13 Sec. 14. **RULEMAKING; NORTHERN PIKE.**

5.14 (a) The commissioner of natural resources shall amend Minnesota Rules, part
5.15 6262.0200, subpart 1, item G, to establish the daily and possession limits for northern pike
5.16 in management zones according to paragraphs (b) to (e).

5.17 (b) The northeastern management zone includes all inland waters lying east
5.18 and north of U.S. Highway 53 from International Falls to Duluth. In the northeastern
5.19 management zone, the daily and possession limit for northern pike is two. When taking
5.20 northern pike by angling in the northeastern management zone, only one over 40 inches in
5.21 length may be in possession, and all northern pike from 30 to 40 inches in length must be
5.22 immediately returned to the water. When taking northern pike by dark house spearing,
5.23 only one over 26 inches in length may be in possession.

5.24 (c) The north central management zone includes all inland waters lying west and
5.25 south of U.S. Highway 53 from International Falls to Duluth and north of a line described
5.26 as follows: from the South Dakota border, along State Highway 7 to State Highway 22,
5.27 thence south on State Highway 22 to U.S. Highway 212, thence east on U.S. Highway
5.28 212 to State Highway 41, thence south on State Highway 41 to the near or north bank
5.29 of the Minnesota River, thence along the near banks of the Minnesota and Mississippi
5.30 Rivers to the Wisconsin border. The north central management zone does not include
5.31 waters of the Minnesota or Mississippi Rivers where those waters create the southern
5.32 boundary of the zone. In the north central management zone, the daily and possession
5.33 limit for northern pike is ten.

6.1 (1) When taking northern pike by angling in the north central management zone,
6.2 only two over 26 inches in length may be in possession, and all northern pike from 22
6.3 to 26 inches must be immediately returned to the water.

6.4 (2) When taking northern pike by dark house spearing in the north central
6.5 management zone:

6.6 (i) only two northern pike over 26 inches in length and no northern pike from 22 to
6.7 26 inches in length may be in possession; or

6.8 (ii) only one northern pike from 22 to 26 inches in length and one northern pike over
6.9 26 inches in length may be in possession.

6.10 (d) The southern management zone includes all inland waters lying south of a line
6.11 described as follows: from the South Dakota border, along State Highway 7 to State
6.12 Highway 22, thence south on State Highway 22 to U.S. Highway 212, thence east on U.S.
6.13 Highway 212 to State Highway 41, thence south on State Highway 41 to and including
6.14 the waters of the Minnesota River, thence along the Minnesota River to and including the
6.15 waters of the Mississippi River to the Wisconsin border. In the southern management
6.16 zone, the daily and possession limit for northern pike is two. The minimum size for
6.17 northern pike taken by angling or dark house spearing in the southern management zone is
6.18 24 inches in length.

6.19 (e) The restrictions in paragraphs (b) to (d) do not apply in boundary waters.

6.20 (f) The commissioner may use the good cause exempt rulemaking procedure under
6.21 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this
6.22 section, and Minnesota Statutes, section 14.386, does not apply, except as provided under
6.23 Minnesota Statutes, section 14.388.

6.24 (g) No later than January 15, 2027, the commissioner must report on the success
6.25 of the northern pike regulations, together with recommendations on whether to keep or
6.26 change the regulations. The report must be submitted to the chairs and ranking minority
6.27 members of the senate and house of representatives committees having jurisdiction over
6.28 environment and natural resources policy and finance.

6.29 **Sec. 15. FISH HOOKING MORTALITY REPORT.**

6.30 By January 15, 2018, the commissioner of natural resources shall report to the
6.31 legislative committees with jurisdiction over natural resource policy on catch-and-release
6.32 fish hooking mortality. The report shall include an explanation of the methodology used
6.33 to determine hooking mortality. As a part of the explanation, the commissioner shall
6.34 re-examine the current methodology for determining hooking mortality and include

- 7.1 recommendations for changes in the methodology, based on updated information and
- 7.2 studies.