

CHAPTER 97A

GAME AND FISH

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97A.015 DEFINITIONS.

[For text of subs 1 to 28, see M.S.2004]

Subd. 29. **Minnows.** "Minnows" means: (1) members of the minnow family, Cyprinidae, except carp and goldfish; (2) members of the mudminnow family, Umbriidae; (3) members of the sucker family, Catostomidae, not over 12 inches in length; (4) bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not over seven inches long; (5) leeches; and (6) tadpole madtoms (willow cats) and stonecats.

[For text of subs 30 to 48, see M.S.2004]

Subd. 49. **Undressed bird.** "Undressed bird" means:

(1) a bird, excluding migratory waterfowl, pheasant, Hungarian partridge, turkey, or grouse, with feet and feathered head intact;

(2) a migratory waterfowl, excluding geese, with a fully feathered wing and head attached;

(3) a pheasant, Hungarian partridge, turkey, or grouse with one leg and foot or the fully feathered head or wing intact; or

(4) a goose with a fully feathered wing attached.

[For text of subs 50 and 51, see M.S.2004]

Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, black-bird, starling, magpie, cormorant, common pigeon, chukar partridge, quail other than bob-white quail, and mute swan.

[For text of subs 53 to 55, see M.S.2004]

History: 2005 c 104 s 1; 2005 c 146 s 6,7

97A.045 COMMISSIONER, GENERAL POWERS AND DUTIES.

Subdivision 1. **Duties; generally.** The commissioner shall do all things the commissioner determines are necessary to preserve, protect, and propagate desirable species of wild animals. The commissioner shall make special provisions for the management of fish and wildlife to ensure recreational opportunities for anglers and hunters. The commissioner shall acquire wild animals for breeding or stocking and may dispose of or destroy undesirable or predatory wild animals and their dens, nests, houses, or dams.

[For text of subs 2 to 11, see M.S.2004]

History: 2005 c 146 s 8

97A.055 GAME AND FISH FUND.

[For text of subs 1 to 4, see M.S.2004]

Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint subcommittees of affected persons to review the reports prepared under subdivision 4;

review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following subcommittees, each comprised of at least three affected persons:

(1) a Fisheries Operations Subcommittee to review fisheries funding, excluding activities related to trout and salmon stamp funding;

(2) a Wildlife Operations Subcommittee to review wildlife funding, excluding activities related to migratory waterfowl, pheasant, and turkey stamp funding and excluding review of the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c);

(3) a Big Game Subcommittee to review the report required in subdivision 4, paragraph (a), clause (2);

(4) an Ecological Services Operations Subcommittee to review ecological services funding;

(5) a subcommittee to review game and fish fund funding of enforcement, support services, and Department of Natural Resources administration;

(6) a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(7) a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

(8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants; and

(9) a subcommittee to review the report on the turkey stamp and address funding issues related to wild turkeys.

(c) The chairs of each of the subcommittees shall form a Budgetary Oversight Committee to coordinate the integration of the subcommittee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; provide a forum to address issues that transcend the subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance.

(e) Each subcommittee shall choose its own chair, except that the chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of any of the subcommittees.

(f) The Budgetary Oversight Committee must make recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010.

[For text of subd 5, see M.S.2004]

History: *1Sp2005 c 1 art 2 s 95*

97A.061 PAYMENT IN LIEU OF TAXES.

Subdivision 1. **Applicability; amount.** (a) The commissioner shall annually make a payment to each county having public hunting areas and game refuges. Money to make the payments is annually appropriated for that purpose from the general fund. Except as provided in paragraph (b), this section does not apply to state trust fund land and

other state land not purchased for game refuge or public hunting purposes. Except as provided in paragraph (b), the payment shall be the greatest of:

(1) 35 percent of the gross receipts from all special use permits and leases of land acquired for public hunting and game refuges;

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

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

(b) The payment shall be 50 percent of the dollar amount adjusted for inflation as determined under section 477A.12, subdivision 1, paragraph (a), clause (1), multiplied by the number of acres of land in the county that are owned by another state agency for military purposes and designated as a game refuge under section 97A.085.

(c) The payment must be reduced by the amount paid under subdivision 3 for croplands managed for wild geese.

(d) The appraised value is the purchase price for five years after acquisition. The appraised value shall be determined by the county assessor every five years after acquisition.

[For text of subs 2 to 5, see M.S.2004]

History: *1Sp2005 c 1 art 2 s 96*

NOTE: The amendment to subdivision 1 by Laws 2005, First Special Session chapter 1, article 2, section 96, is effective for aids paid in calendar year 2007 and thereafter. Laws 2005, First Special Session chapter 1, article 2, section 96, the effective date.

97A.075 USE OF LICENSE REVENUES.

[For text of subs 1 and 2, see M.S.2004]

Subd. 3. **Trout and salmon stamp.** (a) Ninety percent of the revenue from trout and salmon stamps must be credited to the trout and salmon management account. Money in the account may be used only for:

(1) the development, restoration, maintenance, improvement, protection, and preservation of habitat for trout and salmon in trout streams and lakes, including, but not limited to, evaluating habitat; stabilizing eroding stream banks; adding fish cover; modifying stream channels; managing vegetation to protect, shade, or reduce runoff on stream banks; and purchasing equipment to accomplish these tasks;

(2) rearing trout and salmon, including utility and service costs associated with coldwater hatchery buildings and systems; stocking trout and salmon in streams and lakes and Lake Superior; and monitoring and evaluating stocked trout and salmon;

(3) acquisition of easements and fee title along trout waters;

(4) identifying easement and fee title areas along trout waters; and

(5) research and special management projects on trout streams, trout lakes, and Lake Superior and portions of its tributaries.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), to specific fish rearing activities under paragraph (a), clause (2), or for costs associated with supplies and equipment to implement trout and salmon management activities under paragraph (a).

[For text of subs 4 and 5, see M.S.2004]

History: *1Sp2005 c 1 art 2 s 97*

97A.093 HUNTING, TRAPPING, AND FISHING IN SCIENTIFIC AND NATURAL AREAS.

Except as otherwise provided by law, scientific and natural areas are closed to hunting, trapping, and fishing unless:

(1) the designating document allows hunting, trapping, or fishing; or

(2) the commissioner allows hunting, trapping, or fishing in accordance with the procedure in section 86A.05, subdivision 5, paragraph (d).

History: 2005 c 161 s 2

97A.135 ACQUISITION OF WILDLIFE LANDS.

[For text of subs 1 and 2, see M.S.2004]

Subd. 2a. **Disposal of land in wildlife management areas.** (a) The commissioner may sell or exchange land in a wildlife management area authorized by designation under section 86A.07, subdivision 3, 97A.133, or 97A.145 if the commissioner vacates the designation before the sale or exchange in accordance with this subdivision. The designation may be vacated only if the commissioner finds, after a public hearing, that the disposal of the land is in the public interest.

(b) A sale under this subdivision is subject to sections 94.09 to 94.16. An exchange under this subdivision is subject to sections 94.341 to 94.347.

(c) Revenue received from a sale authorized under paragraph (a) is appropriated to the commissioner for acquisition of replacement wildlife management lands.

(d) Land acquired by the commissioner under this subdivision must meet the criteria in section 86A.05, subdivision 8, and as soon as possible after the acquisition must be designated as a wildlife management area under section 86A.07, subdivision 3, 97A.133, or 97A.145.

(e) In acquiring land under this subdivision, the commissioner must give priority to land within the same geographic region of the state as the land conveyed.

[For text of subd 3, see M.S.2004]

History: 1Sp2005 c 1 art 2 s 98

97A.401 SPECIAL PERMITS.

[For text of subs 1 to 4, see M.S.2004]

Subd. 5. **Wild animals damaging property.** Special permits may be issued with or without a fee to take protected wild animals that are damaging property or to remove or destroy their dens, nests, houses, or dams. A special permit issued under this subdivision to take beaver must state the number to be taken.

[For text of subs 6 and 7, see M.S.2004]

History: 2005 c 146 s 9

97A.405 LICENSE REQUIREMENTS.

[For text of subs 1 to 3, see M.S.2004]

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

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

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

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

(2) when the person is upgrading from a regular firearms or archery deer license to a deer license that is valid in multiple zones.

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

Subd. 5. **Resident licenses.** To obtain a resident license, a resident 21 years of age or older must:

(1) possess a current Minnesota driver's license;

(2) possess a current identification card issued by the commissioner of public safety; or

(3) present evidence showing proof of residency in cases when clause (1) or (2) would violate the Religious Freedom Restoration Act of 1993, Public Law 103-141.

History: 2005 c 146 s 10,11

97A.435 TURKEY LICENSES; APPLICATION AND ELIGIBILITY.

[For text of subd 1, see M.S.2004]

Subd. 2. **Eligibility.** Persons eligible for a turkey license shall be determined by this section and commissioner's rule. A person is eligible for a turkey license only if the person is at least age 16 before the season opens, possesses a firearms safety certificate, or, if under age 12, is accompanied by a parent or guardian.

[For text of subd 3, see M.S.2004]

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

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

[For text of subd 5, see M.S.2004]

History: 2005 c 146 s 12,13

97A.441 LICENSES TO BE ISSUED WITHOUT A FEE.

[For text of subs 1 to 6a, see M.S.2004]

Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a person who is an owner or tenant and is living and actively farming on at least 80 acres of agricultural land, as defined in section 97B.001, in deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to land leased for agricultural purposes or owned by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first

Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clauses (4) and (13).

[For text of subs 8 to 10, see M.S.2004]

History: 2005 c 146 s 14

97A.451 LICENSE REQUIREMENTS AND EXEMPTIONS RELATING TO AGE.

[For text of subd 2, see M.S.2004]

Subd. 3. Residents under age 16; small game. (a) A resident under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the resident is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian; or
- (3) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not register fisher, otter, bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat, or pine marten taken by a resident under age five must be included in the limit of the accompanying parent or guardian.

(c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

[For text of subs 3a and 4, see M.S.2004]

Subd. 5. Nonresidents under age 16. (a) A nonresident under the age of 16 may take fish by angling without a license if a parent or guardian has a fishing license. Fish taken by a nonresident under the age of 16 without a license must be included in the limit of the parent or guardian.

(b) A nonresident under age 16 may purchase a fishing license at the resident fee or be included under a nonresident family license, take fish by angling, and possess a limit of fish.

[For text of subs 6 and 7, see M.S.2004]

History: 2005 c 146 s 15,16

NOTE: The amendment to subdivision 5 by Laws 2005, chapter 146, section 16, is effective March 1, 2006. Laws 2005, chapter 146, section 16, the effective date.

97A.465 MILITARY PERSONNEL; FISHING AND HUNTING.

[For text of subs 1 to 4, see M.S.2004]

Subd. 5. Preference to service members. (a) For purposes of this subdivision:

(1) "qualified service member or veteran" means a Minnesota resident who is currently serving, or has served at any time during the past 24 months, in active service as a member of the United States armed forces, including the National Guard or other military reserves; and

(2) "active service" means service defined under section 190.05, subdivision 5b or 5c.

(b) Notwithstanding any other provision of this chapter, chapter 97B or 97C, or administrative rules, the commissioner may give first preference to qualified service members or veterans in any drawing or lottery involving the selection of applicants for hunting or fishing licenses, permits, and special permits. This subdivision does not apply to licenses or permits for taking moose, elk, or prairie chickens. Actions of the

commissioner under this subdivision are not rules under the Administrative Procedure Act and section 14.386 does not apply.

History: 2005 c 146 s 17

97A.4742 LIFETIME FISH AND WILDLIFE TRUST FUND.

[For text of subds 1 to 3, see M.S.2004]

Subd. 4. **Annual report.** By December 15 each year, the commissioner shall submit a report to the legislative committees having jurisdiction over environment and natural resources appropriations and environment and natural resources policy. The report shall state the amount of revenue received in and expenditures made from revenue transferred from the lifetime fish and wildlife trust fund to the game and fish fund. The report may be included in the game and fish fund report required by section 97A.055, subdivision 4. The commissioner shall make the annual report available to the public.

History: 1Sp2005 c 1 art 2 s 99

97A.475 LICENSE FEES.

[For text of subds 1 and 2, see M.S.2004]

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

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

[For text of subds 4 to 6, see M.S.2004]

Subd. 7. **Nonresident fishing.** Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take fish by angling, \$34;
- (2) to take fish by angling limited to seven consecutive days selected by the licensee, \$24;
- (3) to take fish by angling for a 72-hour period selected by the licensee, \$20;
- (4) to take fish by angling for a combined license for a family for one or both parents and dependent children under the age of 16, \$46;
- (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; and
- (6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$35.

[For text of subds 8 to 15, see M.S.2004]

Subd. 16. **Resident hunting guides.** The fee for a resident license to guide bear hunters is \$82.50.

[For text of subds 18 to 45, see M.S.2004]

History: 2005 c 146 s 18,19; 1Sp2005 c 1 art 2 s 100

NOTE: The amendment to subdivision 7 by Laws 2005, chapter 146, section 18, is effective March 1, 2006. Laws 2005, chapter 146, section 18, the effective date.

97A.482 LICENSE APPLICATIONS; COLLECTION OF SOCIAL SECURITY NUMBERS.

(a) All applicants for individual noncommercial game and fish licenses under this chapter and chapters 97B and 97C must include the applicant's Social Security number on the license application. If an applicant does not have a Social Security number, the applicant must certify that the applicant does not have a Social Security number.

(b) The Social Security numbers collected by the commissioner on game and fish license applications are private data under section 13.355, subdivision 1, and must be provided by the commissioner to the commissioner of human services for child support enforcement purposes. Title IV-D of the Social Security Act, United States Code, title 42, section 666(a)(13), requires the collection of Social Security numbers on game and fish license applications for child support enforcement purposes.

(c) The commissioners of human services and natural resources shall request a waiver from the secretary of health and human services to exclude any applicant under the age of 16 from the requirement under this section and under cross-country ski licensing sections to provide the applicant's Social Security number. If a waiver is granted, this section will be so amended effective January 1, 2006, or upon the effective date of the waiver, whichever is later.

History: *1Sp2005 c 1 art 2 s 101*

97A.485 ISSUANCE OF LICENSES.

[For text of subs 1 to 5, see M.S.2004]

Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell licenses under this section must issue the following licenses for the license fee and the following issuing fees:

- (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
- (2) Minnesota sporting, the issuing fee is \$1; and
- (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing animals, the issuing fee is \$1;
- (4) for a stamp that is not issued simultaneously with a license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller;
- (5) for stamps issued simultaneously with a license, there is no fee;
- (6) for licenses, seals, tags, or coupons issued without a fee under section 97A.441 or 97A.465, an issuing fee of 50 cents may be charged at the discretion of the authorized seller;
- (7) for lifetime licenses, there is no fee; and
- (8) for all other licenses, permits, renewals, or applications or any other transaction through the electronic licensing system under this chapter or any other chapter when an issuing fee is not specified, an issuing fee of 50 cents may be charged at the discretion of the authorized seller.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp validation is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The agent shall keep the issuing fee as a commission for selling the licenses.

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

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:

- (1) for licenses to take big game, 75 cents; and
- (2) for other licenses, 50 cents.

(g) The commissioner may issue one-day angling licenses in books of ten licenses each to fishing guides operating charter boats upon receipt of payment of all license fees, excluding the issuing fee required under this section. Copies of sold and unsold licenses shall be returned to the commissioner. The commissioner shall refund the charter boat captain for the license fees of all unsold licenses. Copies of sold licenses shall be maintained by the commissioner for one year.

Subd. 7. Electronic licensing system commission. The commissioner shall retain for the operation of the electronic licensing system the commission established under section 84.027, subdivision 15, and issuing fees collected by the commissioner on all license fees collected, excluding:

- (1) the small game surcharge; and
- (2) \$2.50 of the license fee for the licenses in section 97A.475, subdivisions 6, clauses (1), (2), and (4), 7, 8, 12, and 13.

Subd. 9. Certain licenses not to be issued after season opens. A license to guide bear hunters may not be issued after the day before the opening of the related firearms season.

[For text of subds 11 to 13, see M.S.2004]

History: 2005 c 146 s 20; 1Sp2005 c 1 art 2 s 102,103

97A.505 POSSESSION OF WILD ANIMALS.

[For text of subds 2 to 8, see M.S.2004]

Subd. 9. Possession of live cervidae. A person may not possess live cervidae, except as authorized in sections 17.452, 35.153, and 35.155 or 97A.401.

History: 1Sp2005 c 1 art 1 s 97

97A.551 POSSESSION AND TRANSPORTATION OF FISH.

[For text of subds 2 to 5, see M.S.2004]

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

History: 1Sp2005 c 1 art 2 s 104