



## *Department of Natural Resources Fact Sheet*



### **2014 LEGISLATIVE FACT SHEET Game and Fish Technical Bill**

#### **It is needed because**

This bill addresses multiple game, fish, and natural resource management needs and provides more opportunities for fish and wildlife resource use and enjoyment, improves management capabilities, and clarifies Department of Natural Resources' (DNR) authorities. This initiative addresses the trend in declining outdoor recreation participation, promotes sustainable use and stewardship of fish and wildlife resources, and enhances fishing and hunting opportunities. This initiative also repeals obsolete and redundant statutes to simplify and streamline existing laws pertaining to fish and wildlife populations and habitat.

#### **Major program elements**

**Secs. 1 – 3, 47. Lac qui Parle Lake obsolete language.** This technical change amends or repeals obsolete language (M.S. 84.154, subd. 5) related to the original transfer of authority from the federal government to the state for managing the Lac qui Parle water control project in the 1930s. It also removes references to an appropriation and a special water control project fund pursuant to Laws of 1941 and 1943.

**Secs. 4 – 5, 45, 47. Use of OHVs and snowmobiles for deer hunting.** These provisions eliminate inconsistency between statute and rule on ATV and snowmobile use hours during the deer hunting season, increases opportunities for snowmobile use, and simplifies relevant statutes and rules.

**Secs. 6, 47. Repeal obsolete muskellunge lake designation language.** For the past decade, special and experimental regulations (M.S. 97C.001, 97C.005) are used to designate muskie waters, making M.S. 97C.011 obsolete. This provision repeals M.S. 97C.011 and eliminates cross references no longer pertinent.

**Secs. 7, 8, 47. Red Lake WMA obsolete language.** This technical change repeals (M.S. 84A.04, 84A.08, 84A.11) and amends outdated language related to the Red Lake Game Preserve which was created in 1929. The lands contained within the Red Lake Game Preserve are no longer classified as a game preserve but rather as a wildlife management area. Since no new con-con lands are being created and all bonds are paid off, requirements related to reporting or certifying reports are no longer needed.

**Sec. 9. Ownership of wild animals.** This is a technical change removing an incorrect reference to wild rice statutes (M.S. 84A.091 - 84.15).

**Sec. 10. Game and fish fund oversight committee.** This provision clarifies that the game and fish fund citizen oversight committee (M.S. 97A.055) is not an advisory council or committee as defined in M.S. 15.059 and that appointees are eligible for mileage reimbursement but not per diem or other compensation.

**Sec. 11. State owned game farms and hatcheries.** This change removes commissioner authority to acquire property for use as a game farm. DNR does not envision the need for state operated game farms in the future.

**Sec. 12. Use of motorized vehicles by disabled hunters.** This change expands allowances of permitted motor vehicles on WMAs by disabled hunters from snowmobiles and ATVs to also include motor boats and highway licensed vehicles with a disability permit.

**Sec. 13. Authority to cross WMAs.** This provision clarifies the authority of the commissioner to issue special permits to cross WMAs where there is no other reasonable option.

**Secs. 14 - 15. Electronic license system corrections.**

This provision is a customer service provision that allows license agents to correct and refund mistakes by angling and hunting license purchasers.

**Secs. 16, 31, 32, 34, 39, 44, 47. Small game seasons.**

These provisions consolidate and simplify language for small game (as defined in M.S. 97A.015) seasons by repealing language (M.S. 97B.711, 97B.611, 97B.615, 97B.625, 97B.631, 97B.635, 97B.803, 97B.911, 97B.915, 97B.921, 97B.925 and cross references) and amending language (M.S. 97B.100, 97B.621, 97B.095, 97B.731, 97B.951) so that it is consistent with other game species (e.g., deer). It recodifies two provisions related to prohibited hunting methods (M.S. 97B.099), and also requires rulemaking to establish gray partridge bag limits.

**Secs. 17 – 20, 43. Lifetime licenses.** This technical change corrects a mistake in the amounts of the 2012 fee increases including several spearing license types and will adjust the overall costs of these lifetime licenses to be less than or equal to the costs of the individual lifetimes licenses. Refunds for the decreased pricing may be issued for lifetime licenses purchased between March 1, 2013 until the effective dates for these changes.

**Secs. 21 - 22. Bear hunting youth fees.** This change corrects a mistake in the 2013 game and fish bill which simplified youth hunting requirements and fees for resident and nonresident youth and that unintentionally set the license fee for bear hunting at the adult rate.

**Sec. 23. Issuing fees for certain free licenses.** This provision eliminates the license issuing fees for the following license types: angling/spearing - disabled residents; angling - foreign exchange students, residents of state institutions, developmentally disabled residents, and veterans with 100% service disability; deer and small game hunting - veterans with 100% service disability; angling and hunting – resident military personnel on leave; and angling and small game hunting - resident discharged military personnel.

**Sec. 24. Deer killed by motor vehicles.** This change eliminates the reference to a DNR form for tracking road kills.

**Secs. 25 - 27. Trespass and firearm discharge on private land.** This clarifies outdoor recreation trespass provisions (M.S. 97B.001 Subd.3, 97B.001 Subd. 4, 97B.001 Subd. 7) that a person may not return to private property for one year after being personally notified not to do so, provides a clear misdemeanor violation for entering posted property, and clarifies provisions relating to hunting/discharging a firearm within 500 feet of a stockade or corral containing livestock.

**Secs. 28 - 29. Use of electronic range finders and hunting.** This change clarifies that hand held electronic range finders are allowed for archery and firearms hunting (M.S. 97B.081, 97B.031).

**Sec. 30. Thermal imaging equipment.** This change restricts the use of thermal imaging scopes/vision devices in the same manner as night vision equipment. The equipment is used generally for the same purpose of locating and taking wild animals in cover of night or hiding, using similar but differing technology.

**Sec. 33. Elk management plan.** The DNR goal is to avoid or minimize conflict between elk and agricultural operations. This change eliminates the reference that the plan restricts elk to nonagricultural land which is not achievable.

**Secs. 35 – 37. DNR division name change.** This technical change replaces the reference to "Wildlife Division" with "Fish and Wildlife Division".

**Sec. 38. Canada geese causing damage.** This provision allows landowners experiencing property damage (including agricultural damage) to non-lethally haze, scare, chase, and harass Canada geese damaging property from March 11 – August 31. A permit would be needed for activity on public waters and for geese on nests.

**Secs. 40 - 41. Invasive species training for minnow dealers; taking and selling leeches, and commercial fishing licensees.** This change requires minnow dealers (and employees), residents under age 18 taking and selling leeches, and commercial fishing license holders (and their apprentices) to successfully complete aquatic invasive species training each year. This also requires commercial fishing licensees to verify that they have exclusive control of their holding facilities or ponds. This initiative will reduce the potential that aquatic invasive species are unintentionally transported or sold.

**Sec. 42. Laws of 2008 appropriation for shooting sports facilities and ranges.** This provision expands the use of the 2009 Heritage Enhancement appropriation (in lieu of lottery taxes) for expanding availability of low impact hunter education/firearms safety ranges and archery ranges on public properties.

**Sec. 46. Revisor's instruction.** This change removes a trademark name from statutes and rules at the request of legal counsel for the manufacturer, Oneida Victor Inc., Ltd.

**Sec. 47. Repealer.** The following obsolete statutes are being repealed.

1. M.S. 84.154 LAC QUI PARLE WATER CONTROL PROJECT: See Sections 1 – 3, 47. Lac qui Parle Lake obsolete language.
2. M.S. 84A.04 COUNTY AUDITOR TO MAKE LIST OF LANDS.; 84A.08 PRESERVE LANDS CLASSIFIED; and 84A.011 WHEN BONDS PAID IN PART BY COUNTIES: See Sections 7, 8, 47. Red Lake WMA obsolete language.
3. M.S. 97A.081 POSTING LAND: State will continue to post wildlife lands without this statute.
4. M.S. 97A.083 HUNTING AND FISHING ON STATE LAND: Authority to hunt and fish on state land is provided elsewhere (86A, 97A.141, etc.).
5. M.S. 97A.445 EXEMPTIONS FROM LICENSE REQUIREMENTS: Eliminate free licenses to take fish by angling and spearing for disabled railroad and postal retirees since this creates inequities for other constituents.
6. M.S. 97A.4742 LIFETIME FISH AND WILDLIFE TRUST FUND. Subd. 3: The "Lifetime Fish and

Wildlife Trust Fund Report" should be repealed because it is duplicative of department reporting on the financial status of this fund through the Budget Oversight Committee and the November and February forecasts.

7. M.S. 97B.061 REPORTS AND RECORDS: There are other authorities for requiring harvest information to comply with State and Federal wildlife management needs.
8. M.S. 97B.611 SQUIRRELS; 97B.615 RABBIT AND HARE SEASON; 97B.621 RACCOONS, Subd. 1 and 4; 97B.625 BOBCAT; 97B.631 FOX; 97B.635 FISHER; BADGER; OPOSSUM; AND PINE MARTEN; 97B.711 GAME BIRDS; 97B.803 MIGRATORY WATERFOWL SEASONS AND LIMITS; 97B.911 MUSKRAT SEASONS; 97B.915 MINK SEASONS; 97B.921 OTTER SEASONS; and 97B.925 BEAVER SEASONS: Rules are used to set these seasons. Repeal of these sections, changes to 97B.605, 97B.095, 97B.731, and the establishment of 97B.100 are a package that would simplify small game laws.
9. M.S. 97B.715 PHEASANTS Subd. 2: This eliminates the daily and possession limits for hen pheasants as it will likely never be needed.
10. M.S. 97C.011 MUSKELLUNGE LAKES: After an analysis of muskie lakes 10 years ago, special and experimental regulations (97C.001, 97C.005) are now used to designate muskie waters making this section obsolete.
11. M.S. 97C.827 LAKE OF THE WOODS; COMMERCIAL FISHING OF ROUGH FISH.: The state bought out commercial anglers in U.S. and Canada in the 1980s making 97C.827 obsolete.
12. M.R. 6100.5100: See Sections 4 – 5, 45, 47. Use of OHVs and snowmobiles for deer hunting.

#### **Key measures and outcomes**

DNR provides high-quality fishing, hunting, trapping, and wildlife viewing opportunities by ensuring healthy fish and wildlife populations and habitat, public access to outdoor recreation opportunities, and safety and compliance with game and fish laws. DNR seeks to provide high-quality opportunities that support Minnesota businesses and jobs and meet customer expectations through the effective and efficient delivery of conservation and license services.

**Financial implications**

Mileage reimbursement costs to Game and Fish Fund oversight committee members are estimated to be a maximum of \$27,429 per year. License fee corrections will result in a slight decrease in revenues for the Game and Fish Fund:

- \$47,000 per year for lifetime spearing licenses (Sections 17 – 20, 43).
- \$24,000 estimated one-time only refunds for lifetime spearing licenses (Sections 17 – 20, 43).
- \$22,000 per year for bear hunting youth fees (Sections 21 - 22).
- \$1,000 for issuing fees for certain free licenses (Section 23).

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