

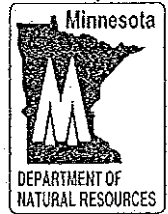
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Minnesota Department of Natural Resources

500 Lafayette Road . Saint Paul, Minnesota . 55155-4037

Office of the Commissioner

651-259-5555



December 23, 2008

The Honorable Ellen R. Anderson
State Senator -- District 66
120 Capitol
Saint Paul, Minnesota 55155-1606

The Honorable David Dill
State Representative -- District 6A
571 State Office Building
Saint Paul, Minnesota 55155

The Honorable Jean Wagenius
State Representative -- District 62B
449 State Office Building
Saint Paul, Minnesota 55155

The Honorable Satveer S. Chaudhary
State Senator -- District 50
205 Capitol
Saint Paul, Minnesota 55155-1606

The Honorable Kent Eken
State Representative -- District 2A
575 State Office Building
Saint Paul, Minnesota 55155

Dear Senators Anderson and Chaudhary, and Representatives Dill, Eken, and Wagenius:

Enclosed you will find a report summarizing CHANGES NECESSARY TO SIMPLIFY DISABILITY HUNTING PERMITS AND PROCEDURES.

The Department of Natural Resources was required to prepare this report by Minnesota Session Law 2008, Chapter 368 (Senate File 2651), Article 2, Section 75, which stated: "By January 1, 2009, the commissioner of natural resources shall report to the chairs of the senate and house of representatives committees with jurisdiction over the environment and natural resources on changes, including any statutory changes, necessary to simplify the process for obtaining disabled hunting permits and for landowners to allow hunts on their land for the disabled. The commissioner shall work with nonprofit groups and other interested parties in simplifying the process."

Please let me know if you have any questions or comments.

Sincerely,

Mark Holsten
Commissioner

MH/JLS/jls; Enclosure

c Ms. Laurie Martinson, Deputy Commissioner, Department of Natural Resources

Mr. Bob Meier, Assistant Commissioner for Policy and Government Relations, Department of Natural Resources

Mr. David R. Schad, Director, Division of Fish and Wildlife

Mr. Edward K Boggess, Deputy Director, Division of Fish and Wildlife

Report on Changes Necessary to Simplify Disability Hunting Permits and Procedures

The purpose of this report is to comply with: Laws 2008, Chapter 368 (SF 2651),
Article 2, Section 75

"The commissioner of natural resources shall report to the chairs of the House and Senate committees with jurisdiction over the environment and natural resources on changes, including any statutory changes, necessary to simplify the process for obtaining disabled hunting permits and for landowners to allow hunts on their land for the disabled. The commissioner shall work with nonprofit groups and other interested parties in simplifying the process."

In accordance with MS 3.197 the following estimated costs are associated with the development and delivery of this report to the legislature as required by Session Law 2008 Chapter 368, Article 2, Section 75. Personnel: \$5,000, Travel: \$75, Miscellaneous: \$100.

Work Group Members:

Ron Welle - Midwest Outdoors Unlimited

Roger Hauck – Capable Partners

Mike Hanson – President, Capable Partners

Eric Linder – National Wild Turkey Federation

Fred Bengtson – DNR Area Wildlife Manager, Sauk Rapids

Ron Kullmann – DNR License Bureau

Jason Abraham – DNR Seasons Specialist

Pat Watts – DNR Enforcement Division

Bill Penning – DNR Farmland Wildlife Program Leader

Facilitated by: Kathy DonCarlos – DNR Fish and Wildlife Policy/Planning

Introduction:

The Minnesota Department of Natural Resources (MNDNR) has authority under various state statutes (see Appendix A) to offer special hunts that occur outside of or give special permit preference beyond the normal season framework for persons who have a physical disability. DNR has authorized these hunts for turkeys, deer, and for the first time in 2008, prairie chickens. Under MS 97B.111 DNR can authorize such hunts for a person with a verified statement of disability from a licensed physician who is participating in a program for physically disabled hunters sponsored by a nonprofit organization. The nonprofit organization determines who meets the eligibility criteria for their program and also does most of the work involved with disabled hunt including logistics, and providing able-bodied mentors. Thanks to the efforts of organizations like Capable Partners, the National Wild Turkey Federation's – Wheelin' Sportsmen, and Midwest Outdoors Unlimited these hunts have been extremely well received and well executed. Disabled hunters and able-bodied mentors have reported high degrees of satisfaction with these opportunities.

As a result of 2008 Session Law, DNR convened a work group of members of nonprofit sponsoring organizations and DNR staff who have been involved with disabled hunts to review how the process has worked, identify barriers, and suggest potential changes to make the process work better.

Discussion:

At a September 30th, 2008 work group meeting the committee identified the following issues:

- 1) Procedural Complexity – Currently, expedited rules (MS84.027 subd.13) must be written for each hunt. To speed up rule writing and increase efficiency all hunts for a particular species (e.g. disability turkey hunts) are bundled together and sent through the required rules process. This results in the need to have all turkey hunts identified by December for April and May hunts. This is not an issue for existing long-term hunts that are run on a regular schedule but is problematic for new hunts that are proposed just before the season opens.
- 2) Communications – Communications have been an issue between DNR and the sponsoring non-profit organizations. The organization's hunt coordinators sometimes change from year to year and DNR may not know who or how to make contact about upcoming hunts. DNR may not know the best contacts within nonprofit organizations for soliciting new hunts. Because of this, DNR has at times not been effective at getting timely information out to potential sponsoring non-profit organizations.

- 3) Licensing Barriers – The DNR uses an electronic licensing system (ELS) to sell and distribute licenses. The current ELS system requires system programming for any new or special license types, and this programming is expensive and time consuming. For this reason DNR currently uses a paper licensing system where disabled hunters send their paperwork via the US mail to DNR Central Office and a license is subsequently issued. The paper system is inconvenient, and disabled hunters occasionally go to ELS stations and are unable to purchase their license.
- 4) Lack of understanding regarding disabled hunts and private lands- There is a common misconception that disabled hunts cannot take place on private lands. In fact, such hunts are specifically authorized in statute (MS 97B.111)
- 5) Barriers to obtaining a permit to discharge a firearm from a motor vehicle – Disabled hunters often need to hunt from a standing motor vehicle. MS 97B.055 subd. 3 defines the criteria the Department uses to issue a permit to disabled hunters for shooting from a motor vehicle. Part 2b requires that the applicant must possess a valid disability parking certificate authorized by section 169.345 or license plates issued under section 168.021. This provision has created a barrier for some disabled hunters who do not own or drive an automobile, or even have a drivers license, and thus makes it more difficult to comply with existing law.

Proposed Changes:

- 1) Procedural Complexity – The work group's initial reaction was to attempt to simplify the rule writing process. However, upon further reflection, this appears to be both a communications issue and rule making issue. DNR can improve the communications process surrounding the expedited rules by clearly establishing deadlines, and more clearly communicating with our non-profit partners (see item 2 below). Also by de-linking disabled hunts from the spring turkey rule (which is written in December or earlier) DNR can delay the deadline for submitting disability hunts and still complete an expedited rule in time to authorize the spring hunts.
- 2) Communications – DNR will publish information on its website outlining the procedures and criteria required for a nonprofit organization to hold a disabled hunt. This will include information on application deadlines to hold a hunt, contacts and the approval process. Likewise, nonprofits such as Capable Partners will be requested to include DNR contact information in their newsletters and maintain closer contact with DNR by including DNR on mailing lists, and regularly providing contact information for designated hunt coordinators.

- 3) Licensing Barriers –The current ELS system is being entirely reprogrammed into a new, more flexible system capable of issuing and delivering licenses for disabled hunts. This system will be implemented in the summer of 2009. DNR will continue to offer paper applications or other options for hunters that have difficulty reaching regular ELS vendors.
- 4) Lack of understanding regarding disabled hunts and private lands – Nonprofit organizations wishing to hold disabled hunts on private land will be allowed to do so if hunt conditions are approved by the Commissioner and the landowner provides written permission to the sponsoring nonprofit.
- 5) Barriers to obtaining a permit to discharge a firearm from a motor vehicle – The work group encourages the Legislature to consider modifying 97B.111 as follows:

97B.111 SPECIAL FIREARM HUNTING SEASONS FOR PHYSICALLY DISABLED.

Subdivision 1. **Establishment**; requirements. The commissioner may establish criteria, special seasons, ~~and limits, and may authorize shooting from a standing motor vehicle not withstanding 97B.055 subd. 3~~ for persons who have a physical disability to take big game and small game with **firearms** and by archery in designated areas. A person hunting under this section who has a physical disability must have a verified statement of the disability by a licensed **physician** and must be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under subdivision 2. A license is not required for a person to assist a physically disabled person hunting during a special season under ~~this~~ section.

Subd. 2. **Permit** for organization; laser sights. (a) ~~The commissioner~~ may issue a special permit without a fee to a nonprofit organization to provide an assisted hunting opportunity to physically disabled hunters. The assisted hunting opportunity may take place:

- (1) in areas designated by the commissioner under subdivision 1; or
 - (2) on private property or a licensed shooting preserve.
- (b) The sponsoring organization shall provide a physically capable person to assist each disabled hunter ~~with~~ safety-related aspects of hunting and, notwithstanding section 97B.081, a person with a physical disability who is totally blind may use laser sights.
- (c) The commissioner may impose reasonable permit conditions.

This modification will allow disabled hunters who are participating an a sponsored hunt to shoot from a standing motor vehicle (such as an ATV) without having to apply for a disability parking certificate authorized by section 169.345 or license plates issued under section 168.021.

Appendix A: Relevant Statutes

97B.111 SPECIAL FIREARM HUNTING SEASONS FOR PHYSICALLY DISABLED.

Subdivision 1. Establishment; requirements. The commissioner may establish criteria, special seasons, and limits for persons who have a physical disability to take big game and small game with firearms and by archery in designated areas. A person hunting under this section who has a physical disability must have a verified statement of the disability by a licensed physician and must be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under subdivision 2. A license is not required for a person to assist a physically disabled person hunting during a special season under this section.

Subd. 2. **Permit** for organization; laser sights. (a) The commissioner may issue a special permit without a fee to a nonprofit organization to provide an assisted hunting opportunity to physically disabled hunters. The assisted hunting opportunity may take place:

- (1) in areas designated by the commissioner under subdivision 1; or
- (2) on private property or a licensed shooting preserve. .

(b) The sponsoring organization shall provide a physically capable person to assist each disabled hunter with safety-related aspects of hunting and, notwithstanding section 97B.081, a person with a physical disability who is totally blind may use laser sights.

(c) The commissioner may impose reasonable permit conditions.

97B.055 DISCHARGING FIREARMS AND BOWS AND ARROWS.

Subd. 3. Hunting from vehicle by disabled hunters. (a) The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a person who obtains the required licenses and who has a permanent physical disability that is more substantial than discomfort from walking. The permit recipient must be:

(1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or other mechanical support or prosthetic device; or

(2) unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing.

(b) The permanent physical disability must be established by medical evidence verified in writing by a licensed physician or chiropractor. The commissioner may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this section. In addition to providing the medical evidence of a permanent disability, the applicant must possess a valid disability parking certificate authorized by section 169.345 or license plates issued under section 168.021.

(c) A person issued a special permit under this subdivision and hunting deer may take a deer of either sex, except in those antlerless permit areas and seasons where no antlerless permits are offered. This subdivision does not authorize another member of a party to take an antlerless deer under section 97B.301, subdivision 3.

(d) A permit issued under this subdivision is valid for five years.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this section for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this section is guilty of a misdemeanor. A physician or chiropractor who fraudulently certifies to the commissioner that a person is permanently disabled as described in this section is guilty of a misdemeanor.