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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2253

03/07/2019 Authored by Becker-Finn, Hansen, Persell and Fabian
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to natural resources; providing for certain training, certification, and fees;
1.3 modifying operating restrictions for recreational vehicles; modifying provisions
1.4 on invasive species; providing for wildland firefighters; modifying game and fish
1.5 laws; amending Minnesota Statutes 2018, sections 84.775, subdivision 1; 84.86,
1.6 subdivision 1; 84.925, subdivision 1; 84.9256, subdivision 1; 84.928, subdivision
1.7 2; 84D.03, subdivisions 3, 4; 84D.108, subdivisions 2b, 2c; 88.10, by adding a
1.8 subdivision; 97A.051, subdivision 2; 97A.433, subdivisions 4, 5; 97B.015,
1.9 subdivision 6; 97B.081, subdivision 3; 97B.1055; 97C.345, by adding a subdivision.

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

1.11 Section 1. Minnesota Statutes 2018, section 84.775, subdivision 1, is amended to read:

1.12 Subdivision 1. Civil citation; authority to issue. (a) A conservation officer or other
1.13 licensed peace officer may issue a civil citation to a person who operates:

1.14 (1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause
1.15 (1); 84.777; 84.788 to 84.795; or 84.90;

1.16 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
1.17 84.777; 84.798 to 84.804; or 84.90; or

1.18 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
1.19 84.777; 84.90; or 84.922 to 84.928.

1.20 (b) A civil citation under paragraph (a) shall require restitution for public and private
1.21 property damage and impose a penalty of:

1.22 (1) \$100 for the first offense;

1.23 (2) \$200 for the second offense; and

2.1 (3) \$500 for third and subsequent offenses.

2.2 (c) A conservation officer or other licensed peace officer may issue a civil citation to a
2.3 person who operates an off-highway motorcycle, off-road vehicle, or all-terrain vehicle in
2.4 violation of section 84.773, subdivision 2, clause (2) or (3). A civil citation under this
2.5 paragraph shall require restitution for damage to wetlands and impose a penalty of:

2.6 (1) \$100 for the first offense;

2.7 (2) \$500 for the second offense; and

2.8 (3) \$1,000 for third and subsequent offenses.

2.9 (d) If the peace officer determines that there is damage to property requiring restitution,
2.10 the commissioner must send a written explanation of the extent of the damage and the cost
2.11 of the repair by first class mail to the address provided by the person receiving the citation
2.12 within 15 days of the date of the citation.

2.13 (e) An off-road vehicle ~~or all-terrain vehicle~~ that is equipped with a snorkel device and
2.14 receives a civil citation under this section is subject to twice the penalty amounts in
2.15 paragraphs (b) and (c).

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

2.17 Sec. 2. Minnesota Statutes 2018, section 84.86, subdivision 1, is amended to read:

2.18 Subdivision 1. **Required rules.** With a view of achieving maximum use of snowmobiles
2.19 consistent with protection of the environment the commissioner of natural resources shall
2.20 adopt rules in the manner provided by chapter 14, for the following purposes:

2.21 (1) Registration of snowmobiles and display of registration numbers.

2.22 (2) Use of snowmobiles insofar as game and fish resources are affected.

2.23 (3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.

2.24 (4) Uniform signs to be used by the state, counties, and cities, which are necessary or
2.25 desirable to control, direct, or regulate the operation and use of snowmobiles.

2.26 (5) Specifications relating to snowmobile mufflers.

2.27 (6) A comprehensive snowmobile information and safety education and training program,
2.28 including but not limited to the preparation and dissemination of snowmobile information
2.29 and safety advice to the public, the training of snowmobile operators, and the issuance of
2.30 snowmobile safety certificates to snowmobile operators who successfully complete the
2.31 snowmobile safety education and training course. For the purpose of administering such

3.1 program and to defray expenses of training and certifying snowmobile operators, the
3.2 commissioner shall collect a fee from each person who receives the youth or adult training.
3.3 The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for
3.4 issuing a duplicate snowmobile safety certificate. The commissioner shall establish both
3.5 fees in a manner that neither significantly overrecovers nor underrecovers costs, including
3.6 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
3.7 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
3.8 by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing
3.9 fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails
3.10 and enforcement account in the natural resources fund and the amount thereof, except for
3.11 the electronic licensing system commission established by the commissioner under section
3.12 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated
3.13 annually to the Enforcement Division of the Department of Natural Resources for the
3.14 administration of such programs. In addition to the fee established by the commissioner,
3.15 instructors may charge each person any fee paid by the instructor for the person's online
3.16 training course and up to the established fee amount for class materials and expenses. The
3.17 commissioner shall cooperate with private organizations and associations, private and public
3.18 corporations, and local governmental units in furtherance of the program established under
3.19 this clause. School districts may cooperate with the commissioner and volunteer instructors
3.20 to provide space for the classroom portion of the training. The commissioner shall consult
3.21 with the commissioner of public safety in regard to training program subject matter and
3.22 performance testing that leads to the certification of snowmobile operators.

3.23 (7) The operator of any snowmobile involved in an accident resulting in injury requiring
3.24 medical attention or hospitalization to or death of any person or total damage to an extent
3.25 of \$500 or more, shall forward a written report of the accident to the commissioner on such
3.26 form as the commissioner shall prescribe. If the operator is killed or is unable to file a report
3.27 due to incapacitation, any peace officer investigating the accident shall file the accident
3.28 report within ten business days.

3.29 Sec. 3. Minnesota Statutes 2018, section 84.925, subdivision 1, is amended to read:

3.30 Subdivision 1. ~~Program~~ **Training and certification programs established.** (a) The
3.31 commissioner shall establish:

3.32 (1) a comprehensive all-terrain vehicle environmental and safety education and training
3.33 certification program, including the preparation and dissemination of vehicle information
3.34 and safety advice to the public, the training of all-terrain vehicle operators, and the issuance

4.1 of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who
 4.2 successfully complete the all-terrain vehicle environmental and safety education and training
 4.3 course; and

4.4 (2) a voluntary all-terrain vehicle online training program for youth and a parent or
 4.5 guardian, offered at no charge for operators at least six years of age but younger than ten
 4.6 years of age.

4.7 (b) A parent or guardian must be present at ~~the hands-on~~ a training ~~portion of the program~~
 4.8 ~~for~~ when the youth who are six through is under ten years of age.

4.9 ~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of
 4.10 training and certifying vehicle operators, the commissioner shall collect a fee from each
 4.11 person who receives the training for certification under paragraph (a), clause (1). The
 4.12 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing
 4.13 a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees
 4.14 in a manner that neither significantly overrecovers nor underrecovers costs, including
 4.15 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
 4.16 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
 4.17 by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing
 4.18 fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle
 4.19 account in the natural resources fund and the amount thereof, except for the electronic
 4.20 licensing system commission established by the commissioner under section 84.027,
 4.21 subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to
 4.22 the Enforcement Division of the Department of Natural Resources for the administration
 4.23 of the programs. In addition to the fee established by the commissioner, instructors may
 4.24 charge each person up to the established fee amount for class materials and expenses.

4.25 ~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations,
 4.26 private and public corporations, and local governmental units in furtherance of the ~~program~~
 4.27 programs established under this section. School districts may cooperate with the
 4.28 commissioner and volunteer instructors to provide space for the classroom portion of the
 4.29 training. The commissioner shall consult with the commissioner of public safety in regard
 4.30 to ~~training program~~ the subject matter of the training programs and performance testing that
 4.31 leads to the certification of vehicle operators. The commissioner shall incorporate a riding
 4.32 component in the ~~safety education and training program.~~ certification programs established
 4.33 under this section and may incorporate a riding component in the training program established
 4.34 in paragraph (a), clause (2).

5.1 Sec. 4. Minnesota Statutes 2018, section 84.9256, subdivision 1, is amended to read:

5.2 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public
5.3 road rights-of-way that is permitted under section 84.928 and as provided under paragraph
5.4 (j), a driver's license issued by the state or another state is required to operate an all-terrain
5.5 vehicle along or on a public road right-of-way.

5.6 (b) A person under 12 years of age shall not:

5.7 (1) make a direct crossing of a public road right-of-way;

5.8 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

5.9 (3) operate an all-terrain vehicle on public lands or waters, except as provided in
5.10 paragraph (f).

5.11 (c) Except for public road rights-of-way of interstate highways, a person 12 years of age
5.12 but less than 16 years may make a direct crossing of a public road right-of-way of a trunk,
5.13 county state-aid, or county highway or operate on public lands and waters or state or
5.14 grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate
5.15 issued by the commissioner and is accompanied by a person 18 years of age or older who
5.16 holds a valid driver's license.

5.17 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old,
5.18 but less than 16 years old, must:

5.19 (1) successfully complete the safety education and training program under section 84.925,
5.20 subdivision 1, including a riding component; and

5.21 (2) be able to properly reach and control the handle bars and reach the foot pegs while
5.22 sitting upright on the seat of the all-terrain vehicle.

5.23 (e) A person at least ~~six~~ ten years of age may take the safety education and training
5.24 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but
5.25 the certificate is not valid until the person reaches age 12.

5.26 (f) A person at least ten years of age but under 12 years of age may operate an all-terrain
5.27 vehicle with an engine capacity up to 110cc if the vehicle is a class 1 all-terrain vehicle with
5.28 straddle-style seating or up to 170cc if the vehicle is a class 1 all-terrain vehicle with
5.29 side-by-side-style seating on public lands or waters if accompanied by a parent or legal
5.30 guardian.

5.31 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

6.1 (h) A person under the age of 16 may not operate an all-terrain vehicle on public lands
6.2 or waters or on state or grant-in-aid trails if the person cannot properly reach and control:

6.3 (1) the handle bars and reach the foot pegs while sitting upright on the seat of the
6.4 all-terrain vehicle with straddle-style seating; or

6.5 (2) the steering wheel and foot controls of a class 1 all-terrain vehicle with
6.6 side-by-side-style seating while sitting upright in the seat with the seat belt fully engaged.

6.7 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than 16
6.8 years old, may make a direct crossing of a public road right-of-way of a trunk, county
6.9 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters or
6.10 state or grant-in-aid trails if:

6.11 (1) the nonresident youth has in possession evidence of completing an all-terrain safety
6.12 course offered by the ATV Safety Institute or another state as provided in section 84.925,
6.13 subdivision 3; and

6.14 (2) the nonresident youth is accompanied by a person 18 years of age or older who holds
6.15 a valid driver's license.

6.16 (j) A person 12 years of age but less than 16 years of age may operate an all-terrain
6.17 vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted
6.18 under section 84.928 if the person:

6.19 (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;
6.20 and

6.21 (2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

6.22 Sec. 5. Minnesota Statutes 2018, section 84.928, subdivision 2, is amended to read:

6.23 Subd. 2. **Operation generally.** A person may not drive or operate an all-terrain vehicle:

6.24 (1) at a rate of speed greater than reasonable or proper under the surrounding
6.25 circumstances;

6.26 (2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or
6.27 damage to the person or property of another;

6.28 (3) without headlight and taillight lighted at all times if the vehicle is equipped with
6.29 headlight and taillight;

6.30 (4) without a functioning stoplight if so equipped;

6.31 (5) in a tree nursery or planting in a manner that damages or destroys growing stock;

- 7.1 (6) without a brake operational by either hand or foot;
- 7.2 (7) with more than one person on the vehicle, except as allowed under section 84.9257;
- 7.3 (8) at a speed exceeding ten miles per hour on the frozen surface of public waters within
- 7.4 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or
- 7.5 ~~(9) with a snorkel device that has a raised air intake six inches or more above the vehicle~~
- 7.6 ~~manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle~~
- 7.7 ~~Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway~~
- 7.8 ~~vehicle recreation areas; or~~
- 7.9 ~~(10)~~ (9) in a manner that violates operation rules adopted by the commissioner.

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

7.11 Sec. 6. Minnesota Statutes 2018, section 84D.03, subdivision 3, is amended to read:

7.12 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested

7.13 waters for bait or aquatic farm purposes is prohibited except as provided in paragraph (b)

7.14 or (c) and section 97C.341.

7.15 (b) In waters that are listed as infested waters, except those listed as infested with

7.16 prohibited invasive species of fish or certifiable diseases of fish, as defined under section

7.17 17.4982, subdivision 6, taking wild animals may be permitted for:

7.18 (1) commercial taking of wild animals for bait and aquatic farm purposes as provided

7.19 in a permit issued under section 84D.11, subject to rules adopted by the commissioner; and

7.20 (2) bait purposes for noncommercial personal use in waters that contain Eurasian

7.21 watermilfoil, when the infested waters are listed solely because they contain Eurasian

7.22 watermilfoil and if the equipment for taking is limited to cylindrical minnow traps not

7.23 exceeding 16 inches in diameter and 32 inches in length.

7.24 (c) In streams or rivers that are listed as infested waters, except those listed as infested

7.25 with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest

7.26 of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait by

7.27 hook and line for noncommercial personal use is allowed as follows:

7.28 (1) fish taken under this paragraph must be used on the same body of water where caught

7.29 and while still on that water body. Where the river or stream is divided by barriers such as

7.30 dams, the fish must be caught and used on the same section of the river or stream;

8.1 (2) fish taken under this paragraph may not be transported live from or off the water
8.2 body;

8.3 (3) fish harvested under this paragraph may only be used in accordance with this section;

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

8.5 (5) fish taken under this paragraph must meet all other size restrictions and requirements
8.6 as established in rules; and

8.7 (6) all species listed under this paragraph shall be included in the person's daily limit as
8.8 established in rules, if applicable.

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

8.12 (e) Bait intended for sale may not be held in infested water after taking and before sale
8.13 unless authorized under a license or permit according to Minnesota Rules, part 6216.0500.

8.14 (f) In the Minnesota River downstream of Granite Falls, the Mississippi River downstream
8.15 of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors Falls,
8.16 including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules,
8.17 part 6266.0500, subpart 1, items A and B, harvesting gizzard shad by cast net for
8.18 noncommercial personal use as bait for angling, as provided in a permit issued under section
8.19 84D.11, is allowed as follows:

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

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

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

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

8.28 Sec. 7. Minnesota Statutes 2018, section 84D.03, subdivision 4, is amended to read:

8.29 Subd. 4. **Restrictions in infested and noninfested waters; commercial fishing and**
8.30 **turtle, frog, and crayfish harvesting.** (a) All nets, traps, buoys, anchors, stakes, and lines
8.31 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that

9.1 is listed because it contains invasive fish, invertebrates, aquatic plants or aquatic macrophytes
9.2 other than Eurasian watermilfoil, or certifiable diseases, as defined in section 17.4982, must
9.3 be tagged with tags provided by the commissioner, as specified in the commercial licensee's
9.4 license or permit. Tagged gear must not be used in water bodies other than those specified
9.5 in the license or permit. The license or permit may authorize department staff to remove
9.6 tags ~~after the~~ from gear is that has been decontaminated according to a protocol specified
9.7 by the commissioner if use of the decontaminated gear in other water bodies does not pose
9.8 an unreasonable risk of harm to natural resources or the use of natural resources in the state.

9.9 This tagging requirement does not apply to commercial fishing equipment used in Lake
9.10 Superior.

9.11 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle,
9.12 frog, or crayfish harvesting in an infested water that is listed solely because it contains
9.13 Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum
9.14 of two days before they are used in any other waters, except as provided in this paragraph.
9.15 Commercial licensees must notify the department's regional or area fisheries office or a
9.16 conservation officer before removing nets or equipment from an infested water listed solely
9.17 because it contains Eurasian watermilfoil and before resetting those nets or equipment in
9.18 any other waters. Upon notification, the commissioner may authorize a commercial licensee
9.19 to move nets or equipment to another water without freezing or drying, if that water is listed
9.20 as infested solely because it contains Eurasian watermilfoil.

9.21 (c) A commercial licensee must remove all aquatic macrophytes from nets and other
9.22 equipment before placing the equipment into waters of the state.

9.23 (d) The commissioner shall provide a commercial licensee with a current listing of listed
9.24 infested waters at the time that a license or permit is issued.

9.25 Sec. 8. Minnesota Statutes 2018, section 84D.108, subdivision 2b, is amended to read:

9.26 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional
9.27 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
9.28 ~~Gull Narrows State Water Access Site, Government Point State Water Access Site, and~~
9.29 ~~Gull East State Water Access Site~~ water access sites on Gull Lake (DNR Division of Waters
9.30 number 11-0305) in Cass and Crow Wing Counties using the same authorities, general
9.31 procedures, and requirements provided for the Lake Minnetonka pilot project in subdivision
9.32 2a. Lake service providers participating in the Gull Lake targeted pilot study place of business
9.33 must be located in Cass or Crow Wing County.

10.1 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,
 10.2 the report to the chairs and ranking minority members of the senate and house of
 10.3 representatives committees having jurisdiction over natural resources required under Laws
 10.4 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study
 10.5 recommendations and assessments.

10.6 (c) This subdivision expires December 1, 2019.

10.7 Sec. 9. Minnesota Statutes 2018, section 84D.108, subdivision 2c, is amended to read:

10.8 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional
 10.9 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
 10.10 ~~Cross Lake #1 State Water Access Site~~ water access sites on Cross Lake (DNR Division of
 10.11 Waters number 18-0312) in Crow Wing County using the same authorities, general
 10.12 procedures, and requirements provided for the Lake Minnetonka pilot project in subdivision
 10.13 2a. The place of business of lake service providers participating in the Cross Lake targeted
 10.14 pilot study must be located in Cass or Crow Wing County.

10.15 (b) If an additional targeted pilot project for Cross Lake is implemented under this
 10.16 section, the report to the chairs and ranking minority members of the senate and house of
 10.17 representatives committees having jurisdiction over natural resources required under Laws
 10.18 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot
 10.19 study recommendations and assessments.

10.20 (c) This subdivision expires December 1, 2019.

10.21 Sec. 10. Minnesota Statutes 2018, section 88.10, is amended by adding a subdivision to
 10.22 read:

10.23 Subd. 3. **Wildland firefighters; training and licensing.** Forest officers and all
 10.24 individuals employed as firefighters under this chapter are not subject to the licensing,
 10.25 training, and certification requirements of chapter 299N.

10.26 Sec. 11. Minnesota Statutes 2018, section 97A.051, subdivision 2, is amended to read:

10.27 Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a
 10.28 summary of the hunting and fishing laws and rules and deliver a sufficient supply to license
 10.29 vendors to ~~furnish one copy to each person obtaining a hunting, fishing, or trapping license.~~

10.30 (b) At the beginning of the summary, under the heading "Trespass," the commissioner
 10.31 shall summarize the trespass provisions under sections 97B.001 to 97B.945, state that

11.1 conservation officers and peace officers must enforce the trespass laws, and state the penalties
11.2 for trespassing.

11.3 (c) In the summary, the commissioner shall, under the heading "Duty to Render Aid,"
11.4 summarize the requirements under section 609.662 and state the penalties for failure to
11.5 render aid to a person injured by gunshot.

11.6 Sec. 12. Minnesota Statutes 2018, section 97A.433, subdivision 4, is amended to read:

11.7 Subd. 4. **Discretionary separate selection; eligibility.** (a) The commissioner may
11.8 conduct a separate selection for up to 20 percent of the elk licenses to be issued for an area.
11.9 Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in
11.10 the area, and their family members, are eligible for the separate selection. Persons that are
11.11 unsuccessful in a separate selection must be included in the selection for the remaining
11.12 licenses. Persons who obtain an elk license in a separate selection ~~must allow public elk~~
11.13 ~~hunting on their land during the elk season for which the license is valid.~~ may sell their
11.14 license to any Minnesota resident eligible to hunt big game for no more than the original
11.15 cost of the license.

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

11.18 Sec. 13. Minnesota Statutes 2018, section 97A.433, subdivision 5, is amended to read:

11.19 Subd. 5. **Mandatory separate selection.** The commissioner must conduct a separate
11.20 selection for 20 percent of the elk licenses to be issued each year. Only individuals who
11.21 have applied at least ten times for an elk license and who have never received a license are
11.22 eligible for this separate selection. A person who is unsuccessful in a separate selection
11.23 under this subdivision must be included in the selection for the remaining licenses.

11.24 Sec. 14. Minnesota Statutes 2018, section 97B.015, subdivision 6, is amended to read:

11.25 Subd. 6. **Provisional certificate for persons with permanent physical or**
11.26 **developmental disability.** Upon the recommendation of a course instructor, the
11.27 commissioner may issue a provisional firearms safety certificate to a person who satisfactorily
11.28 completes the classroom portion of the firearms safety course but is unable to pass the
11.29 written or an alternate format exam portion of the course because of a permanent physical
11.30 disability or developmental disability as defined in section 97B.1055, subdivision 1. The
11.31 certificate is valid only when used according to section 97B.1055.

12.1 Sec. 15. Minnesota Statutes 2018, section 97B.081, subdivision 3, is amended to read:

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

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

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

12.7 (i) on foot;

12.8 (ii) using a shotgun;

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

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

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

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

12.14 (i) on foot; and

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

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

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

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

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

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

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

12.29 (2) is on foot; and

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

13.1 (e) For purposes of this subdivision, "handheld light" means an artificial light that is
 13.2 carried in the hand or attached to the person.

13.3 Sec. 16. Minnesota Statutes 2018, section 97B.1055, is amended to read:

13.4 **97B.1055 HUNTING BY PERSONS WITH A PERMANENT PHYSICAL OR**
 13.5 **DEVELOPMENTAL DISABILITY.**

13.6 Subdivision 1. **Definitions.** For purposes of this section and section 97B.015, subdivision
 13.7 6²:

13.8 (1) "person with developmental disability" means a person who has been diagnosed as
 13.9 diagnosis of having substantial limitations in present functioning, manifested as significantly
 13.10 subaverage intellectual functioning, existing concurrently with demonstrated deficits in
 13.11 adaptive behavior, and who manifests when these conditions manifest before the person's
 13.12 22nd birthday. A person with a related condition means a person who meets the diagnostic
 13.13 definition under section 252.27, subdivision 1a.; and

13.14 (2) "permanent physical disability" means a physical disability that prevents a person
 13.15 from being able to navigate natural terrain or hold a firearm for a required field component
 13.16 for the firearms safety training program under section 97B.020.

13.17 Subd. 2. **Obtaining license.** (a) Notwithstanding section 97B.020, a person with a
 13.18 permanent physical disability or developmental disability may obtain a firearms hunting
 13.19 license with a provisional firearms safety certificate issued under section 97B.015,
 13.20 subdivision 6.

13.21 (b) Any person accompanying or assisting a person with a permanent physical disability
 13.22 or developmental disability under this section must possess a valid firearms safety certificate
 13.23 issued by the commissioner.

13.24 Subd. 3. **Assistance required.** A person who obtains a firearms hunting license under
 13.25 subdivision 2 must be accompanied and assisted by a parent, guardian, or other adult person
 13.26 designated by a parent or guardian when hunting. A person who is not hunting but is solely
 13.27 accompanying and assisting a person with a permanent physical disability or developmental
 13.28 disability need not obtain a hunting license.

13.29 Subd. 4. **Prohibited activities.** (a) This section does not entitle a person to possess a
 13.30 firearm if the person is otherwise prohibited from possessing a firearm under state or federal
 13.31 law or a court order.

14.1 (b) No person shall knowingly authorize or permit a person, who by reason of a permanent
14.2 physical disability or developmental disability is incapable of safely possessing a firearm,
14.3 to possess a firearm to hunt in the state or on any boundary water of the state.

14.4 Sec. 17. Minnesota Statutes 2018, section 97C.345, is amended by adding a subdivision
14.5 to read:

14.6 Subd. 3b. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take gizzard
14.7 shad for use as bait for angling from July 1 to November 30 as allowed under section 84D.03,
14.8 subdivision 3.

14.9 (b) Cast nets used under this subdivision must be monofilament and may not exceed
14.10 five feet in radius. Mesh size must be from three-eighths- to five-eighths-inch bar measure.
14.11 A person may use up to two cast nets at one time.