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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4893

1.1 A bill for an act

1.2 relating to game and fish; prohibiting taking elk except where causing damage;

1.3 amending Minnesota Statutes 2022, sections 97A.475, subdivision 2; 97A.485,

1.4 subdivision 6; 97B.515, subdivisions 1, 4; repealing Minnesota Statutes 2022,

1.5 sections 97A.433; 97B.515, subdivision 2; Minnesota Rules, parts 6232.4300;

1.6 6232.4600.

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

1.8 Section 1. Minnesota Statutes 2022, section 97A.475, subdivision 2, is amended to read:

1.9 Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents

1.10 only, are:

- 1.11 (1) for persons age 18 or over and under age 65 to take small game, \$15.50;
- 1.12 (2) for persons age 65 or over, \$7 to take small game;
- 1.13 (3) for persons age 18 or over to take turkey, \$26;
- 1.14 (4) for persons age 13 or over and under age 18 to take turkey, \$5;
- 1.15 (5) for persons age 18 or over to take deer with firearms during the regular firearms
- 1.16 season, \$34;
- 1.17 (6) for persons age 18 or over to take deer by archery, \$34;
- 1.18 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
- 1.19 season, \$34;
- 1.20 (8) to take moose, for a party of not more than six persons, \$356;
- 1.21 (9) for persons age 18 or over to take bear, \$44;

- 2.1 ~~(10)~~ to take elk, for a party of not more than two persons, \$287;
- 2.2 ~~(11)~~ (10) to take Canada geese during a special season, \$4;
- 2.3 ~~(12)~~ (11) to take light geese during the light goose conservation order, \$2.50;
- 2.4 ~~(13)~~ (12) to take sandhill crane during the sandhill crane season, \$3;
- 2.5 ~~(14)~~ (13) to take prairie chickens, \$23;
- 2.6 ~~(15)~~ (14) for persons age 13 or over and under age 18 to take deer with firearms during  
2.7 the regular firearms season, \$5;
- 2.8 ~~(16)~~ (15) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 2.9 ~~(17)~~ (16) for persons age 13 or over and under age 18 to take deer by muzzleloader  
2.10 during the muzzleloader season, \$5;
- 2.11 ~~(18)~~ (17) for persons age 10, 11, or 12 to take bear, no fee;
- 2.12 ~~(19)~~ (18) for persons age 13 or over and under age 18 to take bear, \$5;
- 2.13 ~~(20)~~ (19) for persons age 18 or over to take small game for a consecutive 72-hour period  
2.14 selected by the licensee, \$19, of which an amount equal to one-half of the fee for the  
2.15 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the  
2.16 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of  
2.17 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the  
2.18 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half  
2.19 of the small-game surcharge under subdivision 4, shall be deposited in the wildlife acquisition  
2.20 account;
- 2.21 ~~(21)~~ (20) for persons age 16 or over and under age 18 to take small game, \$5;
- 2.22 ~~(22)~~ (21) to take wolf, \$30;
- 2.23 ~~(23)~~ (22) for persons age 12 and under to take turkey, no fee;
- 2.24 ~~(24)~~ (23) for persons age 10, 11, or 12 to take deer by firearm, no fee;
- 2.25 ~~(25)~~ (24) for persons age 10, 11, or 12 to take deer by archery, no fee; and
- 2.26 ~~(26)~~ (25) for persons age 10, 11, or 12 to take deer by muzzleloader during the  
2.27 muzzleloader season, no fee.

3.1 Sec. 2. Minnesota Statutes 2022, section 97A.485, subdivision 6, is amended to read:

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

3.5 (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

3.6 (2) Minnesota sporting, the issuing fee is \$1;

3.7 (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing  
3.8 animals, the issuing fee is \$1;

3.9 (4) to apply for a limited hunt drawing, the issuing fee is \$1 unless the application requires  
3.10 a license purchase at the time of application and the license purchase requires an application  
3.11 fee;

3.12 (5) for a prairie-chicken license, the issuing fee is \$1;

3.13 (6) for a turkey license, the issuing fee is \$1;

3.14 ~~(7) for an elk license, the issuing fee is \$1;~~

3.15 ~~(8)~~ (7) for a moose license, the issuing fee is \$1;

3.16 ~~(9)~~ (8) for a wolf license, the issuing fee is \$1;

3.17 ~~(10)~~ (9) for a stamp validation that is not issued simultaneously with a license, an issuing  
3.18 fee of 50 cents may be charged at the discretion of the authorized seller;

3.19 ~~(11)~~ (10) for stamp validations issued simultaneously with a license, there is no fee;

3.20 ~~(12)~~ (11) for licenses, seals, tags, or coupons issued without a fee under section 97A.441,  
3.21 subdivisions 1 to 6a, or 97A.465, there is no fee;

3.22 ~~(13)~~ (12) for lifetime licenses, there is no fee; and

3.23 ~~(14)~~ (13) for all other licenses, permits, renewals, or applications or any other transaction  
3.24 through the electronic licensing system under this chapter or any other chapter when an  
3.25 issuing fee is not specified, an issuing fee of \$1 may be charged at the discretion of the  
3.26 authorized seller.

3.27 (b) Only one issuing fee may be collected when selling more than one stamp in the same  
3.28 transaction after the end of the season for which the stamp was issued.

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

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

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

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

4.4 (1) for licenses to take big game, 75 cents; and

4.5 (2) for other licenses, 50 cents.

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

4.12 Sec. 3. Minnesota Statutes 2022, section 97B.515, subdivision 1, is amended to read:

4.13 Subdivision 1. **License required.** A person may not take an elk ~~without an elk license~~  
4.14 except as provided in subdivision 4.

4.15 Sec. 4. Minnesota Statutes 2022, section 97B.515, subdivision 4, is amended to read:

4.16 Subd. 4. **Taking elk causing damage or nuisance.** The commissioner may authorize  
4.17 licensed hunters to take elk that are causing damage or nuisance from August 15 to March  
4.18 1 under rules prescribed by the commissioner. The commissioner may issue licenses to  
4.19 hunters impartially selected from a list of elk hunt applicants who indicated on their  
4.20 application that they would be interested and available to respond to an elk damage or  
4.21 nuisance situation. ~~Notwithstanding section 97A.433, subdivision 2, clause (2), a person~~  
4.22 ~~receiving a license to hunt elk under this subdivision does not lose eligibility for future elk~~  
4.23 ~~hunts.~~

4.24 Sec. 5. **REPEALER.**

4.25 (a) Minnesota Statutes 2022, sections 97A.433; and 97B.515, subdivision 2, are repealed.

4.26 (b) Minnesota Rules, parts 6232.4300; and 6232.4600, are repealed.

**97A.433 ELK LICENSES.**

Subdivision 1. **Number of licenses; party size.** The commissioner shall include in a rule setting the dates for an elk season:

- (1) the number of licenses to be issued; and
- (2) the size of an elk hunting party, not to exceed two persons.

Subd. 2. **Eligibility.** Persons eligible for an elk license shall be determined under this section and commissioner's rule. A person is eligible for an elk license only if the person:

- (1) is a resident; and
- (2) has never been issued an elk license.

Subd. 3. **Application for license.** An application for an elk license must be on a form provided by the commissioner and accompanied by a \$4 nonrefundable application fee per person. A person may not make more than one application for each season. If a person makes more than one application, the person is ineligible for a license for that season after determination by the commissioner, without a hearing.

Subd. 4. **Discretionary separate selection; eligibility.** (a) The commissioner may conduct a separate selection for up to 20 percent of the elk licenses to be issued for an area. Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in the area, and their family members, are eligible for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain an elk license in a separate selection may sell their license to any Minnesota resident eligible to hunt big game for no more than the original cost of the license.

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

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

**97B.515 TAKING ELK.**

Subd. 2. **Season and restrictions.** The commissioner may, by rule, prescribe the open season and the areas and conditions for the taking of elk when the precalving population exceeds 20 animals.

**6232.4300 SEASONS AND OPEN AREAS FOR TAKING ELK.**

Subpart 1. **Taking elk.** Elk may be taken by a licensed hunter using a legal firearm or a legal bow and arrow during seasons authorized by the commissioner.

Subp. 2. **Open areas.**

A. A license for the Grygla elk zones is valid for taking elk within the Primary Grygla Elk Zone prescribed in part 6232.4600, subpart 1, and the Secondary Grygla Elk Zone as described in part 6232.4600, subpart 2.

B. A license for the Kittson County Central Elk Zone is valid for taking elk within the elk zone prescribed in part 6232.4600, subpart 3.

**6232.4600 ELK ZONES.**

Subpart 1. **Primary Grygla Elk Zone.** The Primary Grygla Elk Zone consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 89 and Marshall County Road (CR) 145; thence along CR 145 to County State-Aid Highway (CSAH) 6, Marshall County; thence along CSAH 6 to the northwest corner of Section 16, Township 157 North, Range 39 West; thence north along the west line of Sections 9 and 4 (360th Ave NE), Township 157 North, Range 39 West, to the Moose River; thence along the southerly shore of said river to Moose River Road NW, Beltrami County; thence along Moose River Road NW to its intersection with the Moose River impoundment dike; thence generally south along the Moose River impoundment dike to the intersection with STH 89; thence west along STH 89 to the intersection with CSAH 54, Marshall County; thence north along CSAH 54 to the southeast corner of Section 2, Township 156 North, Range 39 West; thence west along the south boundary of Section 2, Township 156 North, Range 39 West; thence along an unnumbered township road (330th St NE), Marshall County, that coincides with the south boundaries of Sections 3, 4, 5, and 6, Township 156 North, Range 39 West; thence along an unnumbered township road (330th St NE), Marshall County, that coincides with the south boundary of Section 1, Township 156 North, Range 40 West, to STH 89; thence along STH 89 to the point of beginning.

Subp. 2. **Secondary Grygla Elk Zone.** The Secondary Grygla Elk Zone consists of all of Marshall County east of State Trunk Highway (STH) 89 and that portion of Beltrami County lying within Northwood and Benville Townships (Township 157 North, Range 38 West, and Township 156 North, Range 38 West) and may be opened in addition to the primary zone by written notification from the commissioner. Notification, if made, will be at the elk hunter orientation sessions at the Thief Lake Wildlife Management Area.

Subp. 3. **Kittson County Central Elk Zone.** The Kittson County Central Elk Zone consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State-Aid Highway (CSAH) 1 and State Trunk Highway (STH) 175; thence north along CSAH 1 to 380th Street; thence east to 250th Avenue; thence north along 250th Avenue to the section line between Sections 29 and 30, Township 164 North, Range 48 West; thence north on the section line between Sections 29 and 30, Township 164 North, Range 48 West, to the United States/Canadian border; thence east long the United States/Canadian border to the northeast corner of Section 30, Township 164 North, Range 46 West; thence south along the east section line of Section 30, Township 164 North, Range 46 West, to 370th Avenue; thence south along 370th Avenue to County Road (CR) 51; thence south along CR 51 to CSAH 4; thence west along CSAH 4 to State Ditch 85 (330th Street); thence east along State Ditch 85 to State Ditch 72 (310th Street); thence east along State Ditch 72 to 480th Avenue (county line); thence south along 480th Avenue to 220th Street; thence west along 220th Street to CSAH 10; thence west along CSAH 10 to U.S. Highway 59;

APPENDIX  
Repealed Minnesota Rules: 24-07447

thence north along U.S. Highway 59 to STH 175; thence west along STH 175 to the point of beginning.

Subp. 4. **Kittson County Northeast Elk Zone.** The Kittson County Northeast Elk Zone consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State-Aid Highway (CSAH) 4 and County Road (CR) 51; thence north along CR 51 to 370th Avenue; thence north along 370th Avenue to the west section line of Section 29, Township 164 North, Range 46 West; thence north along the west section of Section 29, Township 164 North, Range 46 West, to the United States/Canadian border; thence east along the United States/Canadian border to the northeast corner of Section 25, Township 164 North, Range 45 West; thence south along the eastern section line of Section 25, Township 164 North, Range 45 West to 480th Avenue; thence south along 480th Avenue to State Ditch 72 (310th Street); thence west along State Ditch 72 to State Ditch 85 (330th Street); thence west along State Ditch 85 to CSAH 4; thence north along CSAH 4 to the point of beginning.