

House Research Act Summary

CHAPTER: 176

SESSION: 2009 Regular Session

TOPIC: Omnibus Natural Resources Policy, Game & Fish, Lands, and Forestry

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Overview

This act includes: various provisions related to natural resources policy (article 1); various provisions related to the state's game and fish laws (article 2); various provisions related to the administration of state land (article 3); various provisions authorizing the sale, exchange, and conveyance of land (article 4); and forestry provisions (article 5).

Section

Article 1: Natural Resources Policy

Overview

This article includes a number of policy provisions related to the Department of Natural Resources (DNR) and the Board of Water and Soil Resources (BWSR).

- 1 Game and fish rules.** Amends § 84.027, subd. 13. Permits the commissioner of natural resources to open or close bodies of water for night bow fishing and specifies the emergency conditions for opening waters for night bow fishing.
- 2 Wild rice season.** Amends § 84.105. Shortens the wild rice harvest season by one month, making it August 15 to September 30. Wild rice may only be harvested when ripe; the change will align the season more closely to the time wild rice is ripe.
- 3 Definitions.** Amends § 84.66, subd. 2. Technical.
- 4 Off-highway vehicle criminal penalties.** Adds § 84.774. States that a person violating

certain provisions of the off-highway vehicle (OHV) laws are guilty of a misdemeanor. States that a person who operates an OHV in a manner that carelessly upsets the natural and ecological balance of a wetland or public waters wetland is guilty of a gross misdemeanor. Prohibits a person from operating an OHV for one year if convicted of certain offenses and requires the commissioner to notify a person of the time period the person is prohibited from operating an OHV.

5 Off-highway vehicle forfeiture. Adds § 84.7741.

Subd. 1. Definitions. Defines terms for purposes of the section, including “designated offense” which is defined as a second gross misdemeanor for operating an OHV in a manner that carelessly upsets the natural and ecological balance of a wetland or public waters wetland (as established in section 4) and “off-highway vehicle” to exclude off-highway vehicles stolen or taken in violation of the law.

Subd. 2. Seizure. Permits OHV’s subject to forfeiture under this section to be seized through a process issued by a court having jurisdiction or without process under certain situations.

Subd. 3. Right to possession vests immediately; custody. States that all rights, title and interest in an OHV forfeited under this section are vested in the appropriate agency and are not subject to replevin (recovery actions). Permits an agency seizing an OHV to place the vehicle under seal, move the vehicle, place a disabling device on the vehicle, or take other reasonable steps to secure the vehicle.

Subd. 4. Bond by owner for possession. Permits the owner of an OHV seized to give security or post a bond equal to the retail value of the vehicle to retrieve the vehicle until the forfeiture action is completed.

Subd. 5. Evidence. Permits certified copies of OHV and driver’s records concerning prior incidents to be used as substantive evidence where necessary to prove the commission of a designated offense.

Subd. 6. Vehicle subject to forfeiture. States that vehicles used in the commission of a designated offense are subject to forfeiture under this section.

Subd. 7. Presumptions; limitations on vehicle forfeiture. (a) States that an OHV is presumed subject to forfeiture if the driver is convicted of the designated offense or fails to appear for a scheduled court appearance and fails to surrender within 48 hours after the time required for appearance.

(b) States that vehicles forfeited under this section are subject to the interest of a secured party or lessor unless the secured party or lessor consented or had knowledge of the act for which the forfeiture was based. Requires the appropriate agency to submit the proceeds of the sale of a forfeited OHV to the secured party after deducting the agency’s costs for the seizure, tow, forfeiture and sale of the vehicle.

(c) States that a secured party or lessor’s interest in an OHV is not subject to forfeiture if the secured party or lessor demonstrates by clear and convincing evidence that they took reasonable steps to terminate use of the vehicle by the offender.

(d) States that an OHV is not subject to forfeiture under this section if the owner can demonstrate by clear and convincing evidence that the owner did not have knowledge that the vehicle was being operated in any manner contrary to law or the owner took reasonable steps to prevent use of the vehicle by the offender. States that the owner is presumed to have knowledge of the vehicle's use contrary to law if the owner is a household or family member and has three or more prior OHV convictions.

Subd. 8. Administrative forfeiture procedure. Establishes the administrative forfeiture procedure when a vehicle is seized under subdivision 2. Requires operator and owner notification of the seizure and intent to forfeit the vehicle and establishes requirements for the notification. Establishes a process for a person to demand judicial review of the forfeiture and allows the claim to be filed in conciliation court if the value of the seized property is worth \$7,500 or less and exempts a claimant from the filing fee if the value of the property is worth less than \$500.

Subd. 9. Judicial forfeiture procedure. Establishes the judicial forfeiture procedures. States that an action for forfeiture is independent of any criminal proceedings and is governed by the Rules of Civil Procedure. Prohibits the judicial determination to precede the criminal prosecution. Requires OHVs to be returned to a person charged with an offense who is not convicted provided they comply with the redemption requirements established in subdivision 11.

Subd. 10. Disposition of forfeited vehicle. Permits an OHV forfeited under this section to be sold or kept for official use. Requires proceeds from the sale of a forfeited OHV to be distributed as follows: 70 percent to the appropriate agency for use in purchasing equipment for OHV enforcement, training and education and 30 percent to the prosecuting authority for prosecutorial purposes.

Subd. 11. Sale of forfeited vehicle by secured party. Permits a financial institution with a security interest or lease to sell a forfeited OHV and establishes the procedures for selling the vehicle. Requires the institution to provide reimbursement for the seizure, storage, and forfeiture costs, and requires proceeds in excess of the lien or lease, storage and sale costs to be forwarded to the state to be distributed as required under subdivision 10.

Subd. 12. Redemption requirements. Establishes proof of ownership and other requirements for the release of a seized OHV and states that no law enforcement agency, local unit of government, or state agency is responsible or financially liable for any storage fees incurred due to an OHV seizure under this section.

- 6 Prohibitions on youthful operators.** Amends § 84.793, subd. 1. Modifies adult supervision requirements for youthful operators of off-highway motorcycles (OHMs) by removing the requirement that the adult be on another OHM and allowing OHMs to be operated by youths under the age of 12 without supervisions on public lands or waters when participating in events the DNR has issued special use permits for.
- 7 Purposes for the account.** Amends §84.83, subd. 3. Adds snowmobile trails on Devil Track and Hungry Jack lakes in Cook County to the list of trails eligible for grant-in-aid funds.
- 8 All-terrain vehicle or vehicle.** Amends § 84.92, subd. 8. Modifies the definition of an

ATV by increasing the maximum engine displacement amount from 800 to 960 cubic centimeters.

- 9 **Crossing a public road right-of-way.** Amends § 84.928, subd. 1a. Permits an ATV to be operated across “environmentally sensitive areas” when no other method of avoidance is possible.
- 10 **Casey Jones Trail, Murray, Redwood, Pipestone, and Rock Counties.** Amends § 85.015, subd. 2. Extends the Casey Jones Trail.
- 11 **Des Moines River Valley Trail, Jackson, Cottonwood, and Murray Counties.** Adds § 85.015, subd. 26. Establishes the Des Moines River Valley Trail near the Minnesota-Iowa border.
- 12 **Multiple-vehicle permits.** Amends § 85.053, subd. 3. Expands the number of state park permits that may be issued for a reduced rate for persons with multiple vehicles. Currently, a person may only purchase one reduced rate second vehicle permit if they have more than one vehicle.
- 13 **John A. Latsch State Park.** Adds § 85.054, subd. 15. States that a state park permit is not required for motor vehicles entering or parking in the parking lot adjacent to John Latsch Road and Highway 61.
- 14 **Greenleaf Lake State Recreation Area.** Adds § 85.054, subd. 16. States that a state park permit is not required for motor vehicles entering or parking in the Greenleaf Lake State Recreation Area.
- 15 **School-sanctioned activities.** Adds § 85.054, subd. 17. States that a state park permit is not required for vehicles transporting K-12 students engaged in school sanctioned activities at state parks.
- 16 **Fees.** Amends § 85.055, subd. 1. Technical clarification needed as a result of section 12.
- 17 **State boater wayside.** Adds § 86A.05, subd. 15. Allows boater waysides to be established for public use and establishes criteria. States that the commissioner of natural resources shall administer the waysides consistent with the subdivision and may provide facilities for sanitation, picnicking, overnight mooring, camping, fishing and swimming if they are justifiable and compatible with the resources and natural environment.
- 18 **Secondary authorization; when permitted.** Amends § 86A.08, subd. 1. Limits the authorization of a secondary unit of the outdoor recreation system within the boundaries of another to only when consistent with the purposes and objectives of the respective units and removes the existing requirements that applied for each unit.
- 19 **Master plan required.** Amends § 86A.09, subd. 1. Exempts boater waysides from master planning requirements.
- 20 **Law enforcement watercraft displaying emergency lights.** Adds § 86B.311, subd. 6. Requires the operator of a watercraft to move away from a law enforcement watercraft with its emergency lights on, and maintain a slow-no wake speed while within 150 feet of the law enforcement watercraft.
- 21 **Dogs pursuing or killing big game.** Amends § 97A.321. Establishes an enforcement and

appeals process for dog owners to appeal civil penalties resulting from their dogs pursuing or killing big game.

- 22 Taking wild animals to protect public safety.** Amends § 97B.657. Allows a licensed peace officer to take protected wild animals any time that they pose an immediate threat to public safety and requires a peace officer to protect all evidence and notify a conservation officer within 48 hours of the taking.
- 23 Membership.** Amends § 103B.101, subd. 1. Increases the membership of BWSR from 12 to 15 appointed members.
- 24 Voting members.** Amends § 103B.101, subd. 2. Expands the membership of BWSR to include a township officer and two city officials (at least one of the city officials must be from the metropolitan area).
- 25 Wetland functions for determining public values.** Amends § 103B.3355. Adds carbon sequestration to the list of functions that determine the public value of wetlands. States that the provision is effective August 1, 2009, and applies to rulemaking that begins after that date.
- 26 Financial assistance.** Amends § 103B.3369, subd. 5. Expands the types of funding a county may use to come up with the local match required for base grants awarded by BWSR for local water management planning and implementation through the Natural Resources Block Grant. Currently, the match is required to be provided through a local levy; this change would allow other local sources.
- 27 Request by district board.** Amends § 103C.501, subd. 2. Removes the requirement that a soil and water conservation district have a comprehensive plan for purposes of cost-share funds.
- 28 Cost-sharing funds.** Amends § 103C.501, subd. 4. Adds water quantity problems due to altered hydrology to the list of priorities for cost-share funds.
- 29 Contracts by districts.** Amends § 103C.501, subd. 5. Adds water quantity improvements to the list of activities that a soil and water conservation district may provide cost-share contracts for.
- 30 Policies and rules.** Amends § 103C.501, subd. 6. Modifies cost-share rulemaking provisions by permitting BWSR to adopt rules and requiring BWSR to adopt policies related to the cost-share program and adds water quantity problems due to altered hydrology to the lists of priorities.
- 31 Purpose and policy.** Amends § 103F.505. Makes changes to the purpose of the RIM reserve program including: modifying the purpose to include the restoration of marginal agricultural land, protection of environmentally sensitive areas, and the enhancement of soil and water quality; and adding to the purpose, minimizing damage to flood-prone areas, carbon sequestration, and supporting native plant habitats. Removes reference to the reestablishment of perennial vegetation.
- 32 Drained wetland.** Amends § 103F.511, subd. 5. Modifies the definition of “drained wetland” to include alterations made after December 23, 1985, and removes the requirement that they meet the commissioner’s definition of a legal alteration for purposes of the RIM

reserve program.

- 33 Reinvest in Minnesota reserve program.** Amends § 103F.511, subd. 8a. Defines the “Reinvest in Minnesota Reserve program” as the program under section 103F.515 to be consistent with current Minnesota Rules.
- 34 Riparian land.** Amends § 103F.515, subd. 1. Modifies the definition of “riparian land” by removing the requirement that it be identified in a comprehensive local water plan for purposes of the RIM reserve program.
- 35 Establishment of program.** Amends § 103F.515, subd. 1. Makes technical corrections to incorporate the statutory name change of the RIM reserve program and the modified purpose of the program.
- 36 Nature of property rights acquired.** Amends § 103F.515, subd. 4. Prohibits a conservation easement under the program from allowing livestock grazing unless approved by BWSR (currently BWSR must consult with the commissioner of natural resources before approval and there are exceptions for severe droughts or local emergencies). Permits conservation easements to allow spraying chemicals or mowing if approved by BWSR. Requires BWSR to allow the harvest of native grasses for use in seed production or bioenergy on wellhead protection lands.
- 37 Nature of property rights acquired.** Amends § 103F.515, subd. 4. Prohibits a conservation easement under the program from allowing livestock grazing unless approved by BWSR (currently BWSR must consult with the commissioner of natural resources before approval and there are exceptions for severe droughts or local emergencies).
- 38 Agreements by landowner.** Amends § 103F.515, subd. 5. Modifies a requirement of landowner agreements to not convert land to agricultural crop production if it supports native vegetation AND has not been used in crop production (currently the land must either support native vegetation OR have not been used in crop production).
- 39 Payments for conservation easements and establishment of conservation practices.** Amends § 103F.515, subd. 6. Requires BWSR to establish rates for landowner payments for the conservation easements and related conservation practices and removes the current payment structure.
- 40 Cooperation.** Amends § 103F.521, subd. 1. Adds soil and water conservation districts and watershed districts to the list of entities BWSR shall cooperate and share information with.
- 41 Supplemental payments on federal and state conservation programs.** Amends § 103F.525. Removes the prohibition on using bond proceeds to supplement payments made under federal land retirement programs.
- 42 Food plots.** Amends § 103F.526. Allows BWSR to authorize wildlife food plots on lands enrolled in the program.
- 43 Rulemaking.** Amends § 103F.531. Allows BWSR to adopt “policy” to implement the program and removes the requirement that rules include standards for tree planting.
- 44 Release and alteration of conservation easements.** Amends § 103F.535, subd. 5. Allows BWSR to alter, release, or terminate any conservation easements (currently only those

existing as of April 30, 1992, can be altered, released, or terminated).

- 45 Public waters inventory.** Amends § 103G.201. Eliminates the requirement that public water inventory maps be filed with the county auditor and requires that the county be notified of updates to public water inventory maps and that those updates are made available to the county.
- 46 Consumptive use of water.** Approves a permit for the consumptive use of more than 2,000,000 gallons of water per day for a snow making machine for Duluth’s Spirit Mountain ski area (§ 103G.265, subd. 3, requires legislative approval of permits for the consumptive use of water in excess of 2,000,000 gallons per day).
- 47 Planning and development.** Requires the commissioner to work with Friends of the Casey Jones Trail in planning and developing the extension of the trail as authorized in section 10.
- 48 Trail planning and development.** Requires the commissioner to work with Friends of the Jackson County Trails in planning and developing the Des Moines River Valley Trail as authorized in section 11.
- 49 Wild rice harvest authority.** Permits the DNR to restrict or prohibit the harvesting of wild rice on public waters based on the stage of ripeness until December 31, 2009.
- 50 Revisor’s instruction.** Instructs the Revisor to change “conservation reserve program” to “Reinvest in Minnesota reserve program” in various statutes, and to correct cross references to OHV penalties necessary due to the repeal, recodification and establishment of new penalties under sections 4 and 52.
- 51 Appropriation.** Appropriates \$20,000 from the natural resources fund for the start-up costs of the OHV administrative forfeiture processes required under section 5 of this article.
- 52 Repealer.** Repeals § 84.796 (off-highway motorcycle penalties); § 84.805 (existing off-road vehicle penalties); § 84.805 (off-highway vehicle penalties); § 85.0505, subd. 2 (allows liquor to be sold at a restaurant in John A. Latsch State Park); § 103B.101, subd. 11 (requires the director of the Division of Waters at the DNR to perform engineering work requested by the BWSR and appear at certain hearings); § 103F.511, subd. 4 (the definition for “conservation reserve program”); 103F.521, subd. 2 (a requirement that BWSR and others provide technical assistance to landowners under the RIM Reserve program); and some of the existing rules for the RIM Reserve program.

Article 2: Game and Fish Policy

Overview

This article includes a number of policy provisions related to the state’s game and fish laws. It includes the related policy recommendations from the Department of Natural Resources (DNR) and various other policy provisions.

- 1 Electronic licensing system data.** Adds § 13.7931, subd. 6. Adds a reference in the Data Practices Act to the new data requirements for data collected by the DNR’s electronic licensing system for noncommercial game and fish licenses, cross-country ski passes, horse trail passes, and other transactions established in section 4 of this article.

- 2 **General conditions for regulation of aquatic farms.** Amends § 17.4981. Exempts the commissioner from the standard rulemaking process when establishing licensing and other fees for aquaculture.
- 3 **Inspection and additional fees.** Amends § 17.4988, subd. 3. Exempts the commissioner from the standard rulemaking process when establishing licensing and other fees for aquaculture.
- 4 **Electronic licensing system data.** Adds § 84.0874. States that certain data (name, address, driver's license number and date of birth) created, collected, stored, or maintained by the DNR for purposes of obtaining noncommercial game and fish licenses, cross-country ski passes, horse trail passes, snowmobile trail stickers, recreational motor vehicle registrations or other electronic licensing system transactions are private and may be disclosed for law enforcement purposes. Permits the data, except for the driver's license number, to be disclosed to a government entity for natural resource management purposes, including recruitment, retention, and training certification and verification.
- 5 **Refunds.** Amends § 84.788, subd. 11. Allows registration fees for off-highway motorcycles to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.
- 6 **Refunds.** Amends § 84.798, subd. 10. Allows registration fees for off-road vehicles to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.
- 7 **Refunds.** Amends § 84.82, subd. 11. Allows registration fees for snowmobiles to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.
- 8 **Refunds.** Amends § 84.922, subd. 12. Allows registration fees for all-terrain vehicles to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.
- 9 **Refunds.** Amends § 86B.415, subd. 11. Allows registration fees for watercrafts to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.
- 10 **Bow fishing.** Adds § 97A.015, subd. 3b. Defines "bow fishing" as taking rough fish by archery where the arrows are tethered or controlled by an attached line.
- 11 **Summary of game and fish laws.** Adds § 97A.051, subd. 2. Technical.
- 12 **Deer, bear, and lifetime licenses.** Amends § 97A.075, subd. 1. Technical.
- 13 **Turkey account.** Amends § 97A.075, subd. 5. Technical correction needed as a result of changes made to the wild turkey license in the 2008 session.
- 14 **Waterfowl feeding and resting areas.** Amends § 97A.095, subd. 2. Modifies the electric motor restriction while in waterfowl feeding and resting areas from one with 30 pounds of thrust or less to one that is 12 volts or less.

- 15 Exemption from certain local ordinances.** Adds § 97A.137, subd. 4. Exempts wildlife management areas (WMA's) that are 160 contiguous acres or larger from local ordinances that limit the taking of game and fish or vegetation management of the unit, and exempts WMA's that are at least 40 acres but less than 160 acres from ordinances that: restrict trapping, the discharge of archery equipment and certain firearms, or noise; require dogs to be leashed; or restrict the management of vegetation.
- 16 Portable stands.** Adds § 97A.137, subd. 5. Allows a person with a valid bear license, prior to the Saturday on or nearest to September 16, to leave a portable stand in a WMA within 100 yards of a legally tagged and registered bear bait site. Requires a person leaving such a stand to affix their name and address to the stand so that it can be seen from the ground.
- 17 Shining.** Amends § 97A.331, subd. 2. Clarifies when the gross misdemeanor for violating restrictions on the use of artificial lights to locate wild animals applies by adding a cross-reference to the restrictions (which are also modified in section 43 of this article).
- 18 Replacement licenses.** Adds § 97A.405, subd. 4. Makes technical changes and removes a provision that allowed a person submitting an archery and firearms license for replacement to apply the value of both licenses to the replacement license fee.
- 19 General.** Amends § 97A.421, subd. 1. Adds trapping to the list of game and fish law violations that, when convicted of violating a second time, result in the loss of the annual license.
- 20 Owners or tenants of agricultural land.** Amends § 97A.411, subd. 3. Technical.
- 21 Angling; Take a Kid Fishing Weekends.** Amends § 97A.445, subd. 1. Allows those age 16 or older to take a kid fishing under the DNR's "Take a Kid Fishing Weekend" program without a license (currently only those over 18 are allowed to do so).
- 22 Angling in a state park.** Amends § 97A.445 by adding subd. 1a. Allows a resident to fish without a license when shore fishing or wading in a state park or when angling from a boat on waters completely encompassed within a state park. States that the provision does not apply to waters where a trout stamp is needed.
- 23 Residents under age 16; fishing.** Amends § 97A.451, subd. 2. Allows a resident under age 16 to net ciscoes or whitefish for personal consumption without a license.
- 24 Residents 90 years of age or older; fishing.** Adds § 97A.451, subd. 8. Allows a resident age 90 years of age or older to fish without a license.
- 25 Residents discharged from active service.** Amends § 97A.465, subd. 1b. Specifies that free deer licenses issued to residents with certain military service are for deer of either sex.
- 26 Resident lifetime licenses authorized.** Amends § 97A.473, subd. 1. Technical.
- 27 Lifetime spearing license; fee.** Adds § 97A.473, subd. 2a. Establishes a lifetime spearing license fee schedule for residents.
- 28 Lifetime angling and spearing license; fee.** Adds § 97A.473, subd. 2b. Establishes a lifetime spearing and angling license fee schedule for residents.

- 29 Lifetime sporting with spearing option license; fee.** Adds § 97A.473, subd. 5a. Establishes a lifetime sporting license with a spearing option license fee schedule for residents.
- 30 Establishment; purpose.** Amends § 97A.4742, subd. 1. Technical.
- 31 Resident hunting.** Amends § 97A.475, subd. 2. Technical
- 32 Nonresident hunting.** Amends § 97A.475, subd. 3. Technical.
- 33 Nonresident fishing.** Amends § 97A.475, subd. 7. Adds a license fee for nonresident spearing which is permitted under section 60 of this article.
- 34 Fish houses, dark houses, and shelters; residents.** Amends § 97A.475, subd. 11. Clarifies that a “shelter” in addition to fish and dark houses must be licensed.
- 35 Fish houses, dark houses, and shelters; nonresident.** Amends § 97A.475, subd. 12. Clarifies that a “shelter” must be licensed and adds dark houses, which is necessary due to the addition of nonresident spearing under sections 33 and 60 of this article.
- 36 Private fish hatcheries.** Amends § 97A.475, subd. 29. Exempts the commissioner from the standard rulemaking process when establishing licensing and other fees for private fish hatcheries.
- 37 Generally.** Amends § 97A.525, subd. 1. Allows a person to transport a wild animal by common carrier if being shipped to a taxidermist, tanner, or fur buyer and eliminates the different requirements for nonresidents and residents (see also the repeal of § 97A.525, subd. 2 included in this article).
- 38 Possession of crossbows.** Amends § 97B.035, subd. 2. Removes the bow case requirements for crossbows that apply when in motor vehicles during the open season for game provided the bow is unarmed and removes the restriction when they are outdoors.
- 39 Exception for disabled persons.** Amends § 97B.045, subd. 2. Allows a disabled person with a permit to hunt from a vehicle to transport an uncased, unloaded gun. This is currently only allowed while participating in special hunts.
- 40 Exceptions; hunting and shooting ranges.** Adds § 97B.045, subd. 3. Provides an exception to gun casing requirements that apply when transporting a firearm. The exception would allow the transport of an uncased firearm (excluding pistols) while: on a shooting range, provided permission has been granted by the owner; while lawfully hunting on private land; or while traveling to or from a site the person intends to hunt or has hunted that day unless: (1) within Anoka, Hennepin, or Ramsey county; (2) within an area where the discharge of a firearm has been prohibited; (3) within a city with a population over 2,500; (4) on school grounds; or (5) when otherwise restricted under § 97A.091 (existing restriction while on game refuges); § 97B.081 (existing restriction while using artificial lights (“shining”)); or § 97B.086 (existing restriction while using night vision equipment).
- 41 Transportation of archery bows.** Amends § 97B.051. Removes existing casing requirements for bows provided they are not armed.
- 42 Hunting from a vehicle by disabled hunters.** Amends § 97B.055, subd. 3. Allows the commissioner to issue permits to disabled persons to hunt from a vehicle that are valid for

the life of the person (currently the permits can only be valid for five years) provided the commissioner determines there is no chance the person will become ineligible for a permit.

43 Using artificial lights to locate animals. Amends § 97B.081.

Subd. 1. With implements to take wild animals. Modifies provisions on the use of artificial lights (“shining”) when in the possession of a firearm or bow while hunting by expanding the prohibition to the taking of small game and unprotected wild animals. Consolidates the exceptions to the prohibition for raccoon and coyote hunting into a new subdivision (subdivision 3 below) and removes the exception for firearms that are unloaded or firearms and bows that are cased and in a trunk of a motor vehicle.

Subd. 2. Without implements to take wild animals. Modifies shining provisions by adding highways to the prohibition and modifying the timeframe that the activity is prohibited by changing it to two hours after sunset until sunrise (it was between the hours of 10:00 PM and 6:00 AM). Expands the prohibition on shining to all fenced, agricultural property that previously applied to only certain land. Requires signs prohibiting shining to be placed at 500 foot intervals or less (they previously needed to be placed at 1000 foot intervals). Consolidates the exceptions to the prohibition in the new subdivision (subdivision 3 below).

Subd. 3. Exceptions. Consolidates the exceptions to artificial light use restrictions into one subdivision, including the raccoon and coyote hunting provisions, safety and normal vehicle and occupational operation provisions, and establishes new exceptions for retrieving wounded or dead big game or carrying out outdoor recreation not related to spotting, locating, or taking wild animals.

44 Possession of night vision equipment. Amends § 97B.086. Clarifies that restrictions while using night vision equipment apply to all night vision equipment and removes the exemption from the restrictions for peace officers and military personnel.

45 Establishment; requirements. Amends § 97B.111, subd. 1. Allows the commissioner to authorize a participant in a special hunt for disabled hunters to allow participants to shoot from a stationary vehicle.

46 Definition. Amends § 97B.328, subd. 3. Modifies the definition of bait for the purposes of restrictions while hunting deer.

47 Unprotected mammals and birds. Amends § 97B.651. Prohibits a person from importing or exporting a live coyote unless authorized by a permit from the commissioner.

48 Hours for placing decoys. Amends § 97B.811, subd. 2. Extends the hours for placing decoys when hunting waterfowl, to two hours before lawful shooting (it currently is one hour).

49 Restrictions on leaving decoys unattended. Amends § 97B.811, subd. 3. Reduces the number of hours decoys may be left unattended on public waters during times outside of the open season for waterfowl from four hours to three hours.

50 Restrictions. Amends § 97B.931, subd. 1. Expands the types of handguns that a person may not have in possession while using a light when tending traps.

- 51 Contests without a permit.** Amends § 97C.081, subd. 2. Modifies the exemptions from fishing contest permit requirements by changing the participant limit to 25 boats or less (it was 30 participants or less) and adding exemptions for contests that are limited to rough fish or contests where the total prize value is \$500 or less.
- 52 Contests requiring a permit.** Amends § 97C.081, subd. 3. Removes the commissioner's ability to waive the fishing contest permit fees for charitable organizations and reduces the permit fees by half for open water fishing contests and changes the participation thresholds from the number of participants to the number of boats.
- 53 Restrictions.** Amends § 97C.081, subd. 4. Requires the commissioner to develop a best practices certification program for fishing contest organizers to ensure the proper handling and release of fish by March 1, 2011.
- 54 Permit application process.** Amends § 97C.081, subd. 6. Requires the commissioner to develop an online, Web-based fishing contest application process.
- 55 Permit restrictions.** Amends § 97C.081, subd. 9. Permits the commissioner to allow live release weigh-ins at public accesses.
- 56 Use of artificial lights to take fish prohibited.** Amends § 97C.335. Clarifies the prohibition on batteries used in lighted lures from containing mercury and exempts bow fishing from the prohibitions on using artificial lights to take fish.
- 57 Possession.** Amends § 97C.345, subd. 2. Removes a provision allowing a person to possess bows and arrows near waters during certain times which is now addressed in the new bow fishing provisions established in section 62 of this article.
- 58 Prohibition on returning certain netted rough fish to waters.** Adds § 97C.346. Prohibits a person from releasing certain rough fish (carp and buffalo) that are netted back into the water.
- 59 License required.** Amends § 97C.355, subd. 2. Clarifies that a "shelter" in addition to fish and dark houses must be licensed.
- 60 Nonresidents.** Amends § 97C.371, subd. 5. Permits a nonresident to take fish by spearing.
- 61 Taking rough fish by spearing.** Amends § 97C.375. Removes a provision allowing a person to take rough fish by archery which is now addressed in the new bow fishing provisions established in section 62 of this article.
- 62 Bow fishing.** Adds § 97C.376.

Subd. 1. Season. Establishes the bow fishing season as the period from May 1 to the last Sunday in February.

Subd. 2. Possession of bows and arrows. Permits a person to possess bows and arrows for purposes of bow fishing within 100 feet of waters during the bow fishing season subject to local ordinances, and requires a person to take reasonable measures to retrieve arrows and wounded fish.

Subd. 3. Nighttime restrictions on motors. Requires a person bow fishing from sunset to sunrise that uses a gasoline powered motor to use a four-stroke engine

powered generator and establishes noise limits.

Subd. 4. Nighttime structure and campground setback requirements.

Prohibits a person from discharging an arrow while bow fishing within 150 feet of an occupied structure or within 300 feet of a campsite from sunset to sunrise.

Subd. 5. Prohibition on returning rough fish to waters. Prohibits rough fish taken by bow fishing from being returned to the water, and prohibits rough fish from being left on the banks of any water of the state.

- 63** **Dates for certain species.** Amends § 97C.395, subd. 1. Extends the winter season for lake trout in lakes located entirely within the BWCA to January 1 to March 31 (currently the season is from January 15 to March 31).
- 64** **Residents under age 16; small game.** Amends Laws 2008, ch. 368, art. 2, § 25. Extends the effective date, by one year, of a requirement passed in the 2008 session that would require residents under age 16 to get a free license to hunt small game.
- 65** **Elk management plan.** Requires the commissioner to develop, present to the Kittson, Marshall, and Roseau County boards, and implement an elk management plan within 180 days of enactment.
- 66** **Rulemaking.** Requires the commissioner to amend or adopt rules that establish minimum size limits for muskies on inland waters that establish a 48 inch statewide minimum size limit for muskies and tiger muskies, except for certain lakes managed specifically for tiger muskies in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, in which case the size limit must be 40 inches. Exempts the rules from the standard rulemaking process under the good cause exemption.
- 67** **Temporary warning requirements; shining without implements to take wild animals.** States that a violation of the shining prohibitions under 97B.081, subdivision 2 are punishable by a warning only until August 1, 2010.
- 68** **Zone 3 deer season and restrictions; 2009.** Extends the early A deer season in Zone 3 by two days and prohibits a person from taking an antlered deer during the last two days of the early season unless the deer has at least four points or the person has already taken an antlerless deer, or from party hunting during the last two days of the early season.
- 69** **Appropriation.** Appropriates \$15,000 from the game and fish fund for the development of an on-line fishing contest permit process as required under section 54 of this article.
- 70** **Let's Go Fishing.** Appropriates \$150,000 in fiscal years 2010 and 2011 for a grant to Let's Go Fishing of Minnesota and establishes requirements and conditions for the use of the funds.
- 71** **Repealer.** Repeals: § 97A.525, subd. 2 (establishing requirements for transporting wild animals by common carrier for nonresidents); § 97B.301, subd. 7 & 8 (deer season provisions no longer needed due to simplification effort); and § 97C.405 (existing muskie size limits).

Article 3: State Land Administration

Overview

This article contains a number of provisions related to the administration of state land.

- 1 **Establishment of boundary lines relating to certain state landholdings.** Amends § 84.0273. Permits the commissioner to sell, by private sale, surplus lands not needed for natural resource purposes (except school trust lands) to adjoining landowners and leaseholders to resolve trespass issues affecting ownership interests of the state or adjoining landowners.
- 2 **Camp Ripley buffer easements.** Adds § 84.0277. Permits the commissioner to acquire perpetual conservation easements from willing landowners consistent with Camp Ripley's Army compatible use buffer project, a three-mile zone around Camp Ripley. Establishes payment formulas to be used in calculating the payments.
- 3 **Notice of additions and deletions.** Amends § 85.0115. Permits a city or county affected by a proposed addition of a legislatively designated boundary of a state park to petition the commissioner to attend a public hearing on the addition. Establishes requirements of the petition and permits the commissioner to send a designee to the hearing.
- 4 **Arrowhead Region Trails, in Cook, Lake, St. Louis, Pine, Carlton, Koochiching, and Itasca Counties.** Amends § 85.015, subd. 13. Renames the Northshore Trail the C. J. Ramstad/Northshore Trail.
- 5 **Home-based business; conditional use.** Adds § 103F.321, subd. 3. Permits a local unit of government to issue a conditional use permit to a home-based business in a wild and scenic district that: is located on property that includes the business owner's primary residence; the business is conducted within the primary residence or an accessory structure constructed prior to the effective date of the section; creation of additional impervious surface parking on the property is not necessary; and all other requirements of the conditional use permit, and state and local requirements of the business are satisfied.
- 6 **Timber sales; land leases and uses.** Amends § 282.04, subd. 1. Permits a county auditor, with approval of the county board, to grant permits, licenses, or leases of tax-forfeited land to be used for facilities needed to recover iron-bearing oxides from tailings basins or stockpiles, or for a buffer area needed for a mining operation. Raises the maximum time period for such a permit and similar permits from 15 to 25 years.
- 7 **Acquisition and management.** Amends Laws 1996, ch. 407, § 32, subd. 3. Permits the DNR to lease lands for the Iron Range off-highway vehicle recreation area.
- 8 **Lake Shetek State Park, Murray County.** Amends Laws 2008, ch. 368, art. 1, § 21, subd. 4. Corrects a legal description.
- 9 **Moose Lake State Park, Carlton County.** Amends Laws 2008, ch. 368, art. 1, § 21, subd. 5. Corrects a legal description.
- 10 **Additions to state parks.** Expands the boundaries of Fort Snelling State Park and Mille

Lacs Kathio State Park.

- 11** **Deletions from state parks.** Removes land from Lake Bemidji State Park and Great River Bluffs State Park.
- 12** **Wind energy lease.** Requires the commissioner to enter into a 30-year lease of state land with the Mt. Iron Economic Development Authority for the installation of up to four wind turbines and access roads by August 30, 2009.
- 13** **Lake Vermilion easements.** Requires the commissioner to grant easements across state land administered by the DNR to private landowners on Bass Bay on the north shore of Lake Vermilion to access Mud Creek Road (County Highway 408) by July 30, 2009. Requires the commissioner to comply with all applicable environmental review requirements and requires landowners granted an easement to grant a reciprocal easement to the state.
- 14** **Veterans Cemetery.** Requires the commissioner to work with the commissioner of veterans affairs to locate sites throughout the state that would be appropriate for a new veterans cemetery.
- 15** **Signs.** Requires the commissioner to adopt a design to rename the Northshore Trail to the C.J. Ramstad Memorial Trail, and erect signs after the availability of nonstate funds has been identified to cover all the costs of designing, erecting, and maintaining the signs.

Article 4: Land Sales

Overview

This article authorizes the sale, conveyance, and exchange of land and contains other related provisions.

- 1 to 30** **Sale, conveyance, or exchange of lands.** Permits the conveyance, public and private sales, and the exchange of certain lands in locations as described in the bill.
- 31** **Effective date.** States that sections 1 to 30 are effective the day following final enactment.

Article 5: Forest and Timber Management

Overview

This article includes changes to timber sale requirements for the biennium and authorizes a forest management pilot project.

- 1** **Appraised volume timber sales; fiscal years 2010 and 2011.** Requires the commissioner of natural resources to increase the amount of timber products sold from state lands based on the appraiser's estimate of the timber volume described in the permit during fiscal years 2010 and 2011. Requires the commissioner to evaluate these timber sales and other methods used to sell timber from state lands in order to identify the most effective and efficient method or methods in protecting the fiduciary interest of the state and submit a report to the

legislature by January 15, 2011.

- 2 **Forest management lease-pilot project.** Allows the commissioner to lease up to 10,000 acres state-owned forest lands for forest management purposes as a pilot project. Limits the leases to terms not to exceed 21 years and prohibits a person or entity from leasing more than 3,000 acres. Requires a lessee to comply with the timber harvesting and forest management guidelines developed by the Forest Resources Council under section 89A.05 and provide public access. States that “state-owned forest lands” under this section include school trust lands and university land granted to the state by Congress. Requires the commissioner to submit a report to the legislature by December 15, 2009, that includes an implementation plan for the pilot project that begins no later than July 1, 2010. Requires an annual report to the legislature once the plan is implemented.