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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1656**

02/25/2019 Authored by Persell and Lueck

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; modifying provisions for renewable energy in state

1.3 buildings; modifying provisions for certain grants for outdoor recreation; modifying

1.4 game and fish law; providing for removal of beavers and beaver dams causing

1.5 damage; amending Minnesota Statutes 2018, sections 16B.32, subdivision 1a;

1.6 16B.323, subdivision 2; 84.026, by adding a subdivision; 84.794, subdivision 2;

1.7 84.83, subdivision 3; 85.44; 97A.015, subdivisions 25, 43; 97A.126; 97A.475,

1.8 subdivision 4; 97B.655; 97B.665, by adding a subdivision; 97B.667, subdivisions

1.9 2, 3, 4, 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 16B.32, subdivision 1a, is amended to read:

1.12 Subd. 1a. **Onsite Energy generation from renewable sources.** A state agency that

1.13 prepares a predesign for a new building must consider meeting at least two percent of the

1.14 energy needs of the building from renewable sources ~~located on the building site~~. For

1.15 purposes of this subdivision, "renewable sources" are limited to wind and the sun. The

1.16 predesign must include an explicit cost and price analysis of complying with the two-percent

1.17 requirement compared with the present and future costs of energy supplied by a public

1.18 utility from a location away from the building site and the present and future costs of

1.19 controlling carbon emissions. If the analysis concludes that the building should not meet at

1.20 least two percent of its energy needs from renewable sources ~~located on the building site~~,

1.21 the analysis must provide explicit reasons why not. The building may not receive further

1.22 state appropriations for design or construction unless at least two percent of its energy needs

1.23 are designed to be met from renewable sources, unless the commissioner finds that the

1.24 reasons given by the agency for not meeting the two-percent requirement were supported

1.25 by evidence in the record.

2.1 Sec. 2. Minnesota Statutes 2018, section 16B.323, subdivision 2, is amended to read:

2.2 Subd. 2. **Solar energy system.** (a) As provided in paragraphs (b) and (c), a project for
 2.3 the construction or major renovation of a state building, after the completion of a cost-benefit
 2.4 analysis, may include installation of solar energy systems ~~of up to 300 kilowatts capacity~~
 2.5 ~~on, adjacent, or in proximity to the state building~~ on state-owned buildings and land.

2.6 (b) The capacity of a solar energy system ~~must be less than 300 kilowatts to the extent~~
 2.7 ~~necessary to match the electrical load of the building, or the capacity must be no more than~~
 2.8 necessary to keep the costs for the installation below the five percent maximum set by
 2.9 paragraph (c).

2.10 (c) The cost of the solar energy system must not exceed five percent of the appropriations
 2.11 from the bond proceeds fund for the construction or renovation of the state building. Purchase
 2.12 and installation of a solar thermal system may account for no more than 25 percent of the
 2.13 cost of a solar energy system installation.

2.14 (d) A project subject to this section is ineligible to receive a rebate for the installation
 2.15 of a solar energy system under section 116C.7791 or from any utility.

2.16 Sec. 3. Minnesota Statutes 2018, section 84.026, is amended by adding a subdivision to
 2.17 read:

2.18 Subd. 4. **Paying grant-eligible expenditures.** Notwithstanding section 16A.41, the
 2.19 commissioner may make payments for otherwise eligible grant-program expenditures that
 2.20 are made on or after the effective date of the appropriation that funds the payments for:

2.21 (1) grants-in-aid under sections 84.794, 84.803, 84.83, 84.927, and 85.44;

2.22 (2) local recreation grants under section 85.019; and

2.23 (3) enforcement and public education grants under sections 84.794, 84.803, 84.83,
 2.24 84.927, 86B.701, 86B.705, and 87A.10.

2.25 Sec. 4. Minnesota Statutes 2018, section 84.794, subdivision 2, is amended to read:

2.26 Subd. 2. **Purposes.** (a) Subject to appropriation by the legislature, money in the
 2.27 off-highway motorcycle account may only be spent for:

2.28 (1) administration, enforcement, and implementation of sections 84.787 to 84.795;

2.29 (2) acquisition, maintenance, and development of off-highway motorcycle trails and use
 2.30 areas; ~~and~~

3.1 (3) grants-in-aid to counties and municipalities to construct and maintain off-highway
3.2 motorcycle trails and use areas; and

3.3 (4) grants for enforcement and public education to local law enforcement agencies.

3.4 (b) The distribution of funds made available for grants-in-aid must be guided by the
3.5 statewide comprehensive outdoor recreation plan.

3.6 Sec. 5. Minnesota Statutes 2018, section 84.83, subdivision 3, is amended to read:

3.7 Subd. 3. **Purposes for the account; allocation.** (a) The money deposited in the account
3.8 and interest earned on that money may be expended only as appropriated by law for the
3.9 following purposes:

3.10 (1) for a grant-in-aid program to counties and municipalities for construction and
3.11 maintenance of snowmobile trails that are determined by the commissioner to be part of
3.12 the state's grant-in-aid system, including maintenance of trails on lands and waters of
3.13 Voyageurs National Park; on Lake of the Woods; on Rainy Lake; on the following lakes in
3.14 St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion;
3.15 and on the following lakes in Cook County: Devil Track and Hungry Jack; The commissioner
3.16 may establish a performance-based funding formula for annual grants-in-aid. The procedures
3.17 and criteria for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and
3.18 section 14.386 does not apply. In administering the performance-based grants-in-aid, the
3.19 commissioner must:

3.20 (i) determine annual grant amounts based on a funding formula that includes consideration
3.21 of historical costs, snowfall, use, and tourism;

3.22 (ii) make grant payments based on:

3.23 (A) successful completion of performance benchmarks;

3.24 (B) reimbursement of eligible expenditures; or

3.25 (C) a combination of subitems (A) and (B); and

3.26 (iii) assess penalties to nonperforming grant-in-aid recipients, which may include
3.27 withholding grant payments or making the grantee or trail system ineligible for future
3.28 grant-in-aid funding.

3.29 (2) ~~for acquisition, development, and maintenance of~~ to acquire, develop, and maintain
3.30 state recreational snowmobile trails;

3.31 (3) for snowmobile safety programs; and

4.1 (4) ~~for the administration and enforcement of~~ to administer and enforce sections 84.81
4.2 to 84.91 and appropriated grants to local law enforcement agencies.

4.3 (b) No less than 60 percent of revenue collected from snowmobile registration and
4.4 snowmobile state trail sticker fees must be expended for grants-in-aid to develop, maintain,
4.5 and groom trails and acquire easements.

4.6 Sec. 6. Minnesota Statutes 2018, section 85.44, is amended to read:

4.7 **85.44 CROSS-COUNTRY-SKI TRAIL GRANT-IN-AID PROGRAM.**

4.8 The commissioner shall establish a grant-in-aid program for local units of government
4.9 and special park districts ~~for the acquisition, development, and maintenance of~~ to acquire,
4.10 develop, and maintain cross-country-ski trails that are determined by the commissioner to
4.11 be part of the state's grant-in-aid system. Grants ~~shall be~~ are available ~~for acquisition of~~ to
4.12 acquire trail easements but may not be used to acquire any lands in fee title. Local units of
4.13 government and special park districts applying for and receiving grants under this section
4.14 ~~shall be~~ are considered to have cross-country-ski trails for one year following the expiration
4.15 of their last grant. The department shall reimburse all public sponsors of grants-in-aid
4.16 cross-country-ski trails based upon criteria established by the department. ~~Prior to the use~~
4.17 ~~of~~ Before using any reimbursement criteria, a certain proportion of the revenues ~~shall~~ must
4.18 be allocated on the basis of user fee sales location. The commissioner may establish a
4.19 performance-based funding formula for annual grants-in-aid. The procedures and criteria
4.20 for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and section
4.21 14.386 does not apply. In administering the performance-based grants-in-aid, the
4.22 commissioner must:

4.23 (1) determine annual grant amounts based on a funding formula that includes
4.24 consideration of historical costs, snowfall, use, and tourism;

4.25 (2) make grant payments based on:

4.26 (i) successful completion of performance benchmarks;

4.27 (ii) reimbursement of eligible expenditures; or

4.28 (iii) a combination of items (i) and (ii); and

4.29 (3) assess penalties to nonperforming grant-in-aid recipients, which may include
4.30 withholding grant payments or making the grantee or trail system ineligible for future
4.31 grant-in-aid funding.

5.1 Sec. 7. Minnesota Statutes 2018, section 97A.015, subdivision 25, is amended to read:

5.2 Subd. 25. **Game fish.** "Game fish" means ~~walleye, sauger, yellow perch, channel catfish,~~
 5.3 ~~flathead catfish; members of the pike family, Esocidae, including muskellunge and northern~~
 5.4 ~~pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth~~
 5.5 ~~bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family,~~
 5.6 ~~Percichthyidae, including white bass and yellow bass; members of the salmon and trout~~
 5.7 ~~subfamily, Salmoninae, including Atlantic salmon, chinook salmon, coho salmon, pink~~
 5.8 ~~salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout,~~
 5.9 ~~and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon~~
 5.10 ~~family, Acipenseridae, including lake sturgeon, and shovelnose sturgeon.~~ fish from the
 5.11 following families and species: Acipenseridae (lake sturgeon and shovelnose sturgeon),
 5.12 Anguillidae (American eel), Centrarchidae (black crappie; largemouth bass; rock bass;
 5.13 smallmouth bass; white crappie; and sunfishes, including bluegill, green sunfish, longear
 5.14 sunfish, orangespotted sunfish, pumpkinseed, and warmouth), Esocidae (muskellunge and
 5.15 northern pike), Gadidae (burbot), Ictaluridae (blue catfish, channel catfish, and flathead
 5.16 catfish), Moronidae (white bass and yellow bass), Percidae (sauger, walleye, and yellow
 5.17 perch), Polyodontidae (paddlefish), and Salmonidae (Atlantic salmon, brook trout, brown
 5.18 trout, chinook salmon, cisco, coho salmon, kokanee salmon, lake trout, lake whitefish, pink
 5.19 salmon, and rainbow trout). "Game fish" includes hybrids of game fish.

5.20 Sec. 8. Minnesota Statutes 2018, section 97A.015, subdivision 43, is amended to read:

5.21 Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin,
 5.22 ~~burbot, eiseo,~~ gar, goldeye, and bullhead, except for any fish species listed as endangered,
 5.23 threatened, or of special concern in Minnesota Rules, chapter 6134.

5.24 Sec. 9. Minnesota Statutes 2018, section 97A.126, is amended to read:

5.25 **97A.126 WALK-IN ACCESS PROGRAM.**

5.26 Subdivision 1. **Establishment.** A walk-in access program is established to provide public
 5.27 access to wildlife habitat on ~~private~~ land not otherwise open to the public for hunting,
 5.28 excluding trapping, as provided under this section. The commissioner may enter into
 5.29 agreements with other units of government and landowners to provide ~~private land~~ hunting
 5.30 access.

5.31 Subd. 2. **Use of enrolled lands.** (a) From September 1 to May 31, a person must have
 5.32 a walk-in access hunter validation in possession to hunt on ~~private~~ lands, including
 5.33 agricultural lands, that are posted as being enrolled in the walk-in access program.

6.1 (b) Hunting on private lands that are posted as enrolled in the walk-in access program
6.2 is allowed from one-half hour before sunrise to one-half hour after sunset.

6.3 (c) Hunter access on private lands that are posted as enrolled in the walk-in access
6.4 program is restricted to nonmotorized use, except by hunters with disabilities operating
6.5 motor vehicles on established trails or field roads who possess a valid permit to shoot from
6.6 a stationary vehicle under section 97B.055, subdivision 3.

6.7 (d) The general provisions for use of wildlife management areas adopted under sections
6.8 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats,
6.9 firearms and target shooting, hunting stands, abandonment of trash and property, destruction
6.10 or removal of property, introduction of plants or animals, and animal trespass, apply to
6.11 hunters on lands enrolled in the walk-in access program.

6.12 (e) Any use of enrolled lands other than hunting according to this section is prohibited,
6.13 including:

6.14 (1) harvesting bait, including minnows, leeches, and other live bait;

6.15 (2) training dogs or using dogs for activities other than hunting; and

6.16 (3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind,
6.17 or other structure, unless constructed or maintained by the landowner.

6.18 Sec. 10. Minnesota Statutes 2018, section 97A.475, subdivision 4, is amended to read:

6.19 Subd. 4. **Small-game surcharge and donation.** (a) Fees for annual licenses to take
6.20 small game must be increased by a surcharge of \$6.50, except licenses under subdivisions
6.21 2, clauses (18) and (19); and 3, paragraph (a), ~~clause~~ clauses (14) and (15). An additional
6.22 commission may not be assessed on the surcharge and the following statement must be
6.23 included in the annual small-game-hunting regulations: "This \$6.50 surcharge is being paid
6.24 by hunters for the acquisition and development of wildlife lands."

6.25 (b) A person may agree to add a donation of \$1, \$3, or \$5 to the fees for annual resident
6.26 and nonresident licenses to take small game. An additional commission may not be assessed
6.27 on the donation. The following statement must be included in the annual small-game-hunting
6.28 regulations: "The small-game license donations are being paid by hunters for administration
6.29 of the walk-in access program."

7.1 Sec. 11. Minnesota Statutes 2018, section 97B.655, is amended to read:

7.2 **97B.655 TAKING ANIMALS CAUSING DAMAGE.**

7.3 Subdivision 1. **Owners and occupants may take certain animals.** (a) A person or the
 7.4 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,
 7.5 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the
 7.6 person where the animal is causing damage. The person or the person's agent may take the
 7.7 animal without a license and in any manner except by artificial lights in the closed season
 7.8 or by poison. Raccoons may be taken under this subdivision with artificial lights during
 7.9 open season.

7.10 (b) Any traps used under this subdivision must be tagged with:

7.11 (1) if placed by the owner or occupant of the land, the name and telephone number of
 7.12 the landowner or occupant; or

7.13 (2) if placed by an agent of the landowner or occupant, the agent's information as required
 7.14 under section 97B.928.

7.15 (c) A person or the person's agent who kills mink, raccoon, bobcat, fox, opossum,
 7.16 muskrat, or beaver under this subdivision must notify a conservation officer or employee
 7.17 of the Fish and Wildlife Division within 24 hours after the animal is killed.

7.18 Subd. 2. **Special permit for taking protected wild animals.** (a) The commissioner may
 7.19 issue special permits under section 97A.401, subdivision 5, to take protected wild animals
 7.20 that are damaging property or to remove or destroy their dens, nests, or houses, ~~or~~ dams.

7.21 (b) Removing or destroying a beaver dam associated with beavers causing damage must
 7.22 be according to section 97B.665.

7.23 Sec. 12. Minnesota Statutes 2018, section 97B.665, is amended by adding a subdivision
 7.24 to read:

7.25 Subd. 3. **Removing beaver dams; agreement by landowner.** (a) Except as provided
 7.26 in paragraph (b), a beaver dam that is causing damage to property may be removed or
 7.27 destroyed by a person or the person's agent from property that is owned, occupied, or
 7.28 otherwise managed by the person.

7.29 (b) A person or a person's agent may not remove or destroy a beaver dam under this
 7.30 subdivision:

7.31 (1) if removing or destroying the dam would change or diminish the historical water
 7.32 levels, course, current, or cross section of public waters; or

8.1 (2) when a permit is required under section 103G.245.

8.2 (c) A person or a person's agent may not remove or destroy a beaver dam under this
 8.3 subdivision if the dam is on public property or another person's private property unless the
 8.4 person obtains the approval or permission of the landowner of the property where the beaver
 8.5 dam is located.

8.6 (d) If unable to obtain the approval or permission of the landowner under paragraph (c),
 8.7 a person may petition to district court for relief as provided in subdivision 2.

8.8 (e) For purposes of this subdivision:

8.9 (1) "landowner" means:

8.10 (i) the owner, lessee, or occupant of private property; or

8.11 (ii) an authorized manager of public property; and

8.12 (2) "person" includes a governmental entity in addition to the entities described under
 8.13 section 97A.015, subdivision 35.

8.14 Sec. 13. Minnesota Statutes 2018, section 97B.667, subdivision 2, is amended to read:

8.15 Subd. 2. ~~Local Government units.~~ (a) ~~Local~~ Government units may, as provided in this
 8.16 section, kill or arrange to have killed beaver that are causing damage, including damage to
 8.17 silvicultural projects and drainage ditches, on property owned or managed by the ~~local~~
 8.18 government unit. ~~Removal or destruction of~~ Removing or destroying any associated beaver
 8.19 lodge is subject to section 97A.401, subdivision 5, and removing or destroying any associated
 8.20 beaver dam is subject to section 97B.665.

8.21 (b) The ~~local~~ government unit may kill beaver associated with the lodge or damage in
 8.22 any manner, except by poison or artificial lights.

8.23 (c) The ~~local~~ government unit may arrange to have killed any beaver associated with
 8.24 the lodge or damage by trapping through a third-party contract or under subdivision 4.

8.25 Sec. 14. Minnesota Statutes 2018, section 97B.667, subdivision 3, is amended to read:

8.26 Subd. 3. **Permits and notice; requirements.** (a) Before killing or arranging to kill a
 8.27 beaver under this section, the road authority or ~~local~~ government unit must contact a
 8.28 conservation officer for a special beaver permit: if the beaver will be killed within two weeks
 8.29 before or after the trapping season for beaver, and the conservation officer must issue the
 8.30 permit for any beaver subject to this section. A permit is not required:

9.1 (1) for a licensed trapper during the open trapping season for beaver; or

9.2 (2) when the trapping season for beaver is closed and it is not within two weeks before
9.3 or after the trapping season for beaver.

9.4 (b) A road authority or ~~local~~ government unit that kills or arranges to have killed a beaver
9.5 under this section must notify a conservation officer or employee of the Fish and Wildlife
9.6 Division within ten days after the animal is killed.

9.7 Sec. 15. Minnesota Statutes 2018, section 97B.667, subdivision 4, is amended to read:

9.8 Subd. 4. **~~Local~~ Beaver control programs.** A road authority or ~~local~~ government unit
9.9 may, after consultation with the Fish and Wildlife Division, implement a ~~local~~ beaver control
9.10 program designed to reduce the number of incidents of beaver:

9.11 (1) interfering with or damaging a public road; or

9.12 (2) causing damage, including damage to silvicultural projects and drainage ditches, on
9.13 property owned or managed by the ~~local~~ government unit.

9.14 The ~~local~~ control program may include ~~the offering of a bounty for the lawful taking of~~
9.15 to lawfully take beaver.

9.16 Sec. 16. Minnesota Statutes 2018, section 97B.667, is amended by adding a subdivision
9.17 to read:

9.18 Subd. 5. **Tagging requirements for traps.** Traps used under subdivision 1 or 2 must
9.19 be tagged with the name and telephone number of the government unit. Traps used for
9.20 trapping under a third-party contract must also be tagged with the contractor's information
9.21 as provided in section 97B.928.