

State of Minnesota

H. F. No. **1656**

1.1 A bill for an act

1.2 relating to natural resources; modifying provisions for certain grants for outdoor

1.3 recreation; modifying game and fish law; providing for removal of beavers and

1.4 beaver dams causing damage; banning certain insecticides in wildlife management

1.5 areas; requiring rulemaking; amending Minnesota Statutes 2018, sections 84.026,

1.6 by adding a subdivision; 84.794, subdivision 2; 84.83, subdivision 3; 85.44;

1.7 97A.015, subdivisions 25, 43; 97A.126; 97A.321, subdivision 1; 97A.475,

1.8 subdivision 4; 97B.011; 97B.081, subdivision 3; 97B.205; 97B.655; 97B.665, by

1.9 adding a subdivision; 97B.667, subdivisions 2, 3, 4, by adding a subdivision;

1.10 proposing coding for new law in Minnesota Statutes, chapters 97A; 97B.

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

1.12 Section 1. Minnesota Statutes 2018, section 84.026, is amended by adding a subdivision

1.13 to read:

1.14 Subd. 4. **Paying grant-eligible expenditures.** Notwithstanding section 16A.41, the

1.15 commissioner may make payments for otherwise eligible grant-program expenditures that

1.16 are made on or after the effective date of the appropriation that funds the payments for:

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

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

1.19 (3) enforcement and public education grants under sections 84.794, 84.803, 84.83,

1.20 84.927, 86B.701, 86B.705, and 87A.10.

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

1.22 Subd. 2. **Purposes.** (a) Subject to appropriation by the legislature, money in the

1.23 off-highway motorcycle account may only be spent for:

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

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

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

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

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

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

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

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

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

2.25 (ii) make grant payments based on:

2.26 (A) successful completion of performance benchmarks;

2.27 (B) reimbursement of eligible expenditures; or

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

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

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

(3) for snowmobile safety programs; and

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

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

Sec. 4. Minnesota Statutes 2018, section 85.44, is amended to read:

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

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

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

(2) make grant payments based on:

(i) successful completion of performance benchmarks;

(ii) reimbursement of eligible expenditures; or

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

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

Sec. 5. Minnesota Statutes 2018, section 97A.015, subdivision 25, is amended to read:

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

Sec. 6. Minnesota Statutes 2018, section 97A.015, subdivision 43, is amended to read:

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

Sec. 7. Minnesota Statutes 2018, section 97A.126, is amended to read:

97A.126 WALK-IN ACCESS PROGRAM.

Subdivision 1. **Establishment.** A walk-in access program is established to provide public access to wildlife habitat on ~~private land~~ not otherwise open to the public for hunting, excluding trapping, as provided under this section. The commissioner may enter into

5.1 agreements with other units of government and landowners to provide ~~private land~~ hunting
5.2 access.

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

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

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

5.12 (d) The general provisions for use of wildlife management areas adopted under sections
5.13 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats,
5.14 firearms and target shooting, hunting stands, abandonment of trash and property, destruction
5.15 or removal of property, introduction of plants or animals, and animal trespass, apply to
5.16 hunters on lands enrolled in the walk-in access program.

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

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

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

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

5.23 Sec. 8. **[97A.138] INSECTICIDES IN WILDLIFE MANAGEMENT AREAS.**

5.24 A person may not use a product containing an insecticide in a wildlife management area
5.25 if the insecticide is from the neonicotinoid class of insecticides.

5.26 Sec. 9. Minnesota Statutes 2018, section 97A.321, subdivision 1, is amended to read:

5.27 Subdivision 1. **Owner responsibility; penalty amount.** (a) The owner of a dog that
5.28 pursues but does not kill or mortally wound a big game animal is subject to a civil penalty
5.29 of \$100 for each violation. The owner of a dog that kills or mortally wounds a big game
5.30 animal is subject to a civil penalty of \$500 for each violation.

(b) Paragraph (a) does not apply to a person using a dog in compliance with section 97B.207.

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

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

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

Sec. 11. Minnesota Statutes 2018, section 97B.011, is amended to read:

97B.011 DOGS PURSUING BIG GAME.

(a) A person who observes a dog wounding, killing, or pursuing in a manner that endangers big game may kill the dog:

(1) at any time, if the person is a peace officer or conservation officer; or

(2) between January 1 and July 14, if the person is not a peace officer or conservation officer and the discharge of firearms is allowed.

The officer or person is not liable for damages for killing the dog.

(b) Paragraph (a) does not apply to a dog used in compliance with section 97B.207.

Sec. 12. Minnesota Statutes 2018, section 97B.081, subdivision 3, is amended to read:

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

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

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

(i) on foot;

- 7.1 (ii) using a shotgun;
- 7.2 (iii) not within a public road right-of-way;
- 7.3 (iv) using a handheld or electronic calling device; and
- 7.4 (v) not within 200 feet of a motor vehicle; or
- 7.5 (3) cast the rays of a handheld artificial light to retrieve wounded or dead big game
- 7.6 animals, provided that the person is:
- 7.7 (i) on foot; and
- 7.8 (ii) not in possession of a firearm or bow.
- 7.9 (b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight,
- 7.10 headlight, or other artificial light to:
- 7.11 (1) carry out any agricultural, safety, emergency response, normal vehicle operation, or
- 7.12 occupation-related activities that do not involve taking wild animals; or
- 7.13 (2) carry out outdoor recreation as defined in section 97B.001 that is not related to
- 7.14 spotting, locating, or taking a wild animal.
- 7.15 (c) Except as otherwise provided by the game and fish laws, it is not a violation of this
- 7.16 section for a person to use an electronic range finder device from one-half hour before
- 7.17 sunrise until one-half hour after sunset while lawfully hunting wild animals.
- 7.18 (d) It is not a violation of this section for a licensed bear hunter to cast the rays of a
- 7.19 handheld artificial light to track or retrieve a wounded or dead bear while possessing a
- 7.20 firearm, ~~provided that:~~
- 7.21 (1) if the person:
- 7.22 ~~(1)~~ (i) has the person's valid bear-hunting license in possession;
- 7.23 ~~(2)~~ (ii) is on foot; and
- 7.24 ~~(3)~~ (iii) is following the blood trail of a bear that was shot during legal shooting hours;
- 7.25 or
- 7.26 (2) as provided in section 97B.207.
- 7.27 (e) It is not a violation of this section for a licensed deer hunter to cast the rays of a
- 7.28 handheld artificial light to track or retrieve a wounded deer as provided in section 97B.207.
- 7.29 (f) For purposes of this subdivision, "handheld artificial light" means an artificial light
- 7.30 that is carried in the hand or attached to the person.

Sec. 13. Minnesota Statutes 2018, section 97B.205, is amended to read:

**97B.205 ~~USE OF~~ USING DOGS AND HORSES TO TAKE BIG GAME
PROHIBITED.**

A person may not use a dog or horse to take big game, except as provided under section 97B.207.

Sec. 14. 97B.207] USING DOGS TO LOCATE WOUNDED DEER OR BEAR.

Subdivision 1. Using dogs allowed. A person may use a dog to locate and retrieve a wounded deer or bear only as provided in this section.

Subd. 2. Requirements for hunters and handlers. (a) A person attempting to locate and retrieve a wounded deer or bear using a dog must have a valid license to take the deer or bear and have the license in possession. If the person is a dog handler that does not have a valid hunting license, the person must be accompanied by a licensed hunter with the license in possession.

(b) The licensed hunter, and any accompanying dog handler, must be on foot and must wear blaze orange or blaze pink as provided in section 97B.071, paragraph (a).

(c) Any light used must be a handheld artificial light, as defined under section 97B.081, subdivision 3, paragraph (f).

Subd. 3. Requirements for dogs. (a) A dog used to locate a wounded deer or bear must be accompanied by a licensed hunter and any dog handler until the wounded deer or bear is located. The dog must be leashed and the licensed hunter or dog handler must be in physical control of the leash at all times. The leash must not exceed 30 feet in length.

(b) The dog owner's information, including the owner's name and telephone number, must be on the dog while the dog is used to locate a wounded deer or bear under this section.

(c) The licensed hunter and any accompanying dog handler are jointly and severally responsible for a dog under this section. A violation of this subdivision is a misdemeanor under section 97A.301, subdivision 1, and section 97A.421 applies.

Subd. 4. Additional requirements. (a) The trespass provisions in section 97B.001 apply to activities under this section, including all requirements to gain permission to enter private or public property.

(b) Activities under this section may occur during legal shooting hours or outside legal shooting hours of the open season for the location and species. Any activity occurring under

9.1 this section outside the open season for the location and species must be reported to the
9.2 local conservation officer before locating or retrieving the wounded deer or bear.

9.3 Sec. 15. Minnesota Statutes 2018, section 97B.655, is amended to read:

9.4 **97B.655 TAKING ANIMALS CAUSING DAMAGE.**

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

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

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

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

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

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

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

9.25 Sec. 16. Minnesota Statutes 2018, section 97B.665, is amended by adding a subdivision
9.26 to read:

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

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

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

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

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

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

10.12 (e) For purposes of this subdivision:

10.13 (1) "landowner" means:

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

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

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

10.18 Sec. 17. Minnesota Statutes 2018, section 97B.667, subdivision 2, is amended to read:

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

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

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

11.1 Sec. 18. Minnesota Statutes 2018, section 97B.667, subdivision 3, is amended to read:

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

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

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

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

11.13 Sec. 19. Minnesota Statutes 2018, section 97B.667, subdivision 4, is amended to read:

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

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

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

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

11.22 Sec. 20. Minnesota Statutes 2018, section 97B.667, is amended by adding a subdivision
11.23 to read:

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

11.28 Sec. 21. **STAMP DESIGN; RULE AMENDMENT.**

11.29 (a) The commissioner of natural resources shall amend Minnesota Rules, part 6290.0400,
11.30 subpart 3, to:

12.1 (1) allow a contest entry to be created using nonphotographic digital media; and

12.2 (2) require a person submitting a contest entry to list all media used in the creation of
12.3 the entry.

12.4 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
12.5 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
12.6 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
12.7 14.388.

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