

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2096

(SENATE AUTHORS: INGEBRIGTSEN)

DATE	D-PG	OFFICIAL STATUS
03/07/2019	692	Introduction and first reading Referred to Environment and Natural Resources Policy and Legacy Finance
03/21/2019	1083a	Comm report: To pass as amended
	1232	Second reading
	4688	Rule 47, returned to Environment and Natural Resources Policy and Legacy Finance See SF835 See First Special Session 2019, SF7, Art. 3, Sec. 11, 17-18, 32, 44-45, 47, 72

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; extending oversight committees;

1.4 amending Minnesota Statutes 2018, sections 84.026, by adding a subdivision;

1.5 84.794, subdivision 2; 84.83, subdivision 3; 85.44; 97A.015, subdivisions 25, 43;

1.6 97A.055, subdivision 4b; 97A.126; 97A.475, subdivision 4; 97C.391, subdivision

1.7 1; 97C.395, subdivision 2.

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

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

1.10 to read:

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

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

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

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

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

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

1.17 84.927, 86B.701, 86B.705, and 87A.10.

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

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

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

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

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

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

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

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

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

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

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

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

2.24 (ii) make grant payments based on:

2.25 (A) successful completion of performance benchmarks;

2.26 (B) reimbursement of eligible expenditures; or

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

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

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

3.3 (3) for snowmobile safety programs; and

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

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

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

3.10 **85.44 CROSS-COUNTRY-SKI TRAIL GRANT-IN-AID PROGRAM.**

3.11 The commissioner shall establish a grant-in-aid program for local units of government
 3.12 and special park districts ~~for the acquisition, development, and maintenance of~~ to acquire,
 3.13 develop, and maintain cross-country-ski trails that are determined by the commissioner to
 3.14 be part of the state's grant-in-aid system. Grants ~~shall be~~ are available ~~for acquisition of~~ to
 3.15 acquire trail easements but may not be used to acquire any lands in fee title. Local units of
 3.16 government and special park districts applying for and receiving grants under this section
 3.17 ~~shall be~~ are considered to have cross-country-ski trails for one year following the expiration
 3.18 of their last grant. The department shall reimburse all public sponsors of grants-in-aid
 3.19 cross-country-ski trails based upon criteria established by the department. ~~Prior to the use~~
 3.20 ~~of~~ Before using any reimbursement criteria, a certain proportion of the revenues ~~shall~~ must
 3.21 be allocated on the basis of user fee sales location. The commissioner may establish a
 3.22 performance-based funding formula for annual grants-in-aid. The procedures and criteria
 3.23 for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and section
 3.24 14.386 does not apply. In administering the performance-based grants-in-aid, the
 3.25 commissioner must:

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

3.28 (2) make grant payments based on:

3.29 (i) successful completion of performance benchmarks;

3.30 (ii) reimbursement of eligible expenditures; or

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

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

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

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

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

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

4.27 Sec. 7. Minnesota Statutes 2018, section 97A.055, subdivision 4b, is amended to read:

4.28 Subd. 4b. **Citizen oversight committees.** (a) The commissioner shall appoint committees
 4.29 of affected persons to review the reports prepared under subdivision 4; review the proposed
 4.30 work plans and budgets for the coming year; propose changes in policies, activities, and
 4.31 revenue enhancements or reductions; review other relevant information; and make
 4.32 recommendations to the legislature and the commissioner for improvements in the
 4.33 management and use of money in the game and fish fund.

5.1 (b) The commissioner shall appoint the following committees, each comprised of at
5.2 least ten affected persons:

5.3 (1) a Fisheries Oversight Committee to review fisheries funding and expenditures,
5.4 including activities related to trout-and-salmon stamps and walleye stamps; and

5.5 (2) a Wildlife Oversight Committee to review wildlife funding and expenditures,
5.6 including activities related to migratory waterfowl, pheasant, and wild turkey management
5.7 and deer and big game management.

5.8 (c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight
5.9 Committee, and four additional members from each committee, shall form a Budgetary
5.10 Oversight Committee to coordinate the integration of the fisheries and wildlife oversight
5.11 committee reports into an annual report to the legislature; recommend changes on a broad
5.12 level in policies, activities, and revenue enhancements or reductions; and provide a forum
5.13 to address issues that transcend the fisheries and wildlife oversight committees.

5.14 (d) The Budgetary Oversight Committee shall develop recommendations for a biennial
5.15 budget plan and report for expenditures on game and fish activities. By August 15 of each
5.16 even-numbered year, the committee shall submit the budget plan recommendations to the
5.17 commissioner and to the senate and house of representatives committees with jurisdiction
5.18 over natural resources finance.

5.19 (e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight
5.20 Committee shall be chosen by their respective committees. The chair of the Budgetary
5.21 Oversight Committee shall be appointed by the commissioner and may not be the chair of
5.22 either of the other oversight committees.

5.23 (f) The Budgetary Oversight Committee may make recommendations to the commissioner
5.24 and to the senate and house of representatives committees with jurisdiction over natural
5.25 resources finance for outcome goals from expenditures.

5.26 (g) The committees authorized under this subdivision are not advisory councils or
5.27 committees governed by section 15.059 and are not subject to section 15.059. Committee
5.28 members appointed by the commissioner may request reimbursement for mileage expenses
5.29 in the same manner and amount as authorized by the commissioner's plan adopted under
5.30 section 43A.18, subdivision 2. Committee members must not receive daily compensation
5.31 for oversight activities. The Fisheries Oversight Committee, the Wildlife Oversight
5.32 Committee, and the Budgetary Oversight Committee expire June 30, ~~2020~~ 2025.

6.1 Sec. 8. Minnesota Statutes 2018, section 97A.126, is amended to read:

6.2 **97A.126 WALK-IN ACCESS PROGRAM.**

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

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

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

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

6.17 (d) The general provisions for use of wildlife management areas adopted under sections
6.18 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats,
6.19 firearms and target shooting, hunting stands, abandonment of trash and property, destruction
6.20 or removal of property, introduction of plants or animals, and animal trespass, apply to
6.21 hunters on lands enrolled in the walk-in access program.

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

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

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

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

6.28 Sec. 9. Minnesota Statutes 2018, section 97A.475, subdivision 4, is amended to read:

6.29 Subd. 4. **Small-game surcharge and donation.** (a) Fees for annual licenses to take
6.30 small game must be increased by a surcharge of \$6.50, except licenses under subdivisions
6.31 2, clauses (18) and (19); and 3, paragraph (a), ~~clause~~ clauses (14) and (15). An additional
6.32 commission may not be assessed on the surcharge and the following statement must be

7.1 included in the annual small-game-hunting regulations: "This \$6.50 surcharge is being paid
7.2 by hunters for the acquisition and development of wildlife lands."

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

7.8 Sec. 10. Minnesota Statutes 2018, section 97C.391, subdivision 1, is amended to read:

7.9 Subdivision 1. **General restrictions.** A person may not buy or sell fish taken from the
7.10 waters of this state, except:

7.11 (1) minnows;

7.12 (2) rough fish ~~excluding ciscoes~~;

7.13 (3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;

7.14 (4) fish taken under licensed commercial fishing operations;

7.15 (5) fish that are private aquatic life; and

7.16 (6) fish lawfully taken and subject to sale from other states and countries.

7.17 Sec. 11. Minnesota Statutes 2018, section 97C.395, subdivision 2, is amended to read:

7.18 Subd. 2. **Continuous season for certain species.** For sunfish, white crappie, black
7.19 crappie, yellow perch, catfish, rock bass, white bass, yellow bass, burbot, cisco (tullibee),
7.20 lake whitefish, and rough fish, the open season is continuous.