A bill for an act

relating to game and fish; establishing hunters', anglers', and trappers' bill of rights; proposing amendments to the Minnesota Constitution, articles I, XI, and XIII to dedicate a portion of the sales tax on hunting and fishing supplies and equipment to game and fish purposes, protect the right to arms, and the right to wear fur and display game; establishing the heritage enhancement fund and council; establishing the forest legacy account and council; requiring the commissioner of natural resources to ensure hunting and fishing access; establishing a conservation partner grant program; making the trout and salmon stamp optional; creating a fish stocking donation option for fishing license applicants; providing for automatic voter registration of applicants for game and fish licenses; appropriating money; amending Minnesota Statutes 2006, sections 97A.045, by adding a subdivision; 97A.075, by adding a subdivision; 97A.083; 97A.473, subdivision 2; 97A.474, subdivision 2; 97A.475, subdivision 10, by adding a subdivision; 97C.305, subdivision 1; 297A.94; Minnesota Statutes 2007 Supplement, section 97A.473, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 201; repealing Minnesota Statutes 2006, section 97C.305, subdivision 2.

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

ARTICLE 1
FINDINGS AND PURPOSE

Section 1. **LEGISLATIVE FINDINGS AND PURPOSE.**

This act shall be cited as the "Hunters', Anglers', and Trappers' Bill of Rights." The purpose of this act is to create the most opportunities possible for citizens to exercise their rights under article XIII, section 12, of the Minnesota Constitution.

The legislature finds that enabling citizens to exercise their right to hunt, fish, and take game are directly linked to:

(1) the right to keep and bear arms;

(2) healthy and abundant populations of fish and wildlife;

(3) freedom to consume or display legally taken fish and game;

(4) hunting, angling, and trapping traditions that are passed down from generation to generation and exposure to these traditions at a young age;

(5) regulations that are easily understood, that are enforced by state agencies with the support of citizens and sportsmen groups, and that result in ethical hunting, angling and trapping practices; and

(6) access to public land for the people, not from the people, to enjoy hunting, angling, trapping, and other outdoor activities.

ARTICLE 2
HERITAGE ENHANCEMENT FUND

Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section shall be added to article XI, to read:

Sec. 15. Beginning July 1, 2009, the sales and use tax receipts equal to the state sales and use tax of ... percent on sales and uses of supplies and equipment that are used to take game and fish and that are taxable under the general state sales and use tax law, plus penalties and interest and reduced by any refunds, shall be deposited in the heritage enhancement fund and may be spent only to enhance the population and quality of game and fish in Minnesota and provide hunter and angler access. The money dedicated under this section shall be appropriated by law and shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. A heritage enhancement fund is created in the state treasury. Land acquired with money deposited in the heritage enhancement fund under this section must be open to public taking of game and fish during the open season.

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment shall be submitted to the people at the 2008 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2009, to enhance the population and quality of game and fish in Minnesota and provide hunter and angler access by dedicating the sales and use tax receipts equal to the state

sales and use tax of ... percent on taxable sales of supplies and equipment used to take game and fish?

Yes .....
No ....."

Sec. 3. **[97A.056] HERITAGE ENHANCEMENT FUND; HERITAGE ENHANCEMENT COUNCIL.**

Subdivision 1. **Fund.** The heritage enhancement fund is established in the Minnesota Constitution, article XI, section 15. At least 99 percent of the money appropriated from the fund must be spent on game and fish projects on public and private lands.

Subd. 2. **Heritage Enhancement Council.** (a) A Heritage Enhancement Council of 11 members is created. Each member of the council shall be appointed by the governor with the advice and consent of the senate. Not more than six council members shall belong to the same political party. The governor shall select at least one member from each congressional district, with three at-large members.

(b) To be eligible for appointment to the council, a prospective member must demonstrate expertise and experience in the science, policy, or practice of the protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources. Prior service on multimember boards with grant-making responsibilities or prior experience in the management of a business enterprise is also recommended.

(c) Members shall appoint a chair who shall preside and convene meetings as often as necessary to conduct the duties prescribed by this section.

(d) Membership terms are six years, except that members shall serve on the council until their successors are appointed.

(e) Vacancies occurring on the council do not affect the authority of the remaining members of the council to carry out their duties. Vacancies shall be filled in the same manner as under paragraph (a). A member may be removed from the council upon a supermajority of eight votes in favor of the removal of that member.

Subd. 3. **Duties of Heritage Enhancement Council.** (a) The council shall develop a biennial budget plan for expenditures from the heritage enhancement fund. The biennial budget plan may include grants to local fishing and hunting groups to improve, enhance, or protect game and fish resources. By August 15 of each even-numbered year, the council shall submit the budget plan to the commissioner of finance.

(b) In the biennial budget submitted to the legislature, the governor shall submit separate budget detail for planned expenditures from the heritage enhancement fund as recommended by the council.

(c) Entities receiving appropriations from the heritage enhancement fund shall submit a work program and semiannual progress reports to the Heritage Enhancement Council in the form determined by the council.

Subd. 4. **Heritage Enhancement Council administration.** (a) The council may appoint legal and other personnel and consultants necessary to carry out functions and duties of the council. Permanent employees shall be in the unclassified service. The council may request staff assistance and data from any other agency of state government as needed for the execution of the responsibilities of the council and an agency must promptly furnish the requested assistance or data.

(b) The administrative expenses of the council shall be paid from the heritage enhancement fund.

(c) A council member or an employee of the council may not participate in or vote on a decision of the council relating to an organization in which the member or employee has either a direct or indirect personal financial interest. While serving on or employed by the council, a person shall avoid any potential conflict of interest.

Sec. 4. Minnesota Statutes 2006, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section and the Minnesota Constitution, article XI, section 15, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during

certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

Sec. 5. **EFFECTIVE DATE.**

(a) Sections 1 and 2 apply to sales and uses occurring after June 30, 2009.

(b) Sections 3 and 4 are effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

ARTICLE 3
RIGHT TO ARMS CONSTITUTIONAL AMENDMENT

Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section shall be added to article I, to read:

Sec. 18. The right of a citizen to keep, bear, and use arms for the defense and security of the person, family, or home, or for lawful hunting, recreation, or marksmanship training is fundamental and shall not be infringed.

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment must be submitted to the people at the 2008 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to provide that the right of a citizen to keep, bear, and use arms for the defense and security of the person, family, or home, or for lawful hunting, recreation, or marksmanship training is fundamental and shall not be infringed?

Yes .....
No ....."

ARTICLE 4
RIGHT TO WEAR FUR AND DISPLAY TROPHY ANIMALS

Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section shall be added to article XIII, to read:

Sec. 13. The right of a citizen to wear fur, pelts, skins, or hides from legally taken animals and the right of a citizen to display legally taken trophy animals on the citizen's property shall not be infringed.

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment must be submitted to the people at the 2008 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to provide that the right of a citizen to wear fur, pelts, skins, or hides from legally taken animals and the right to display legally taken trophy animals on the citizen's property shall not be infringed?

Yes .....
No ....."

ARTICLE 5
HUNTING AND FISHING

Section 1. **[84.992] CONSERVATION PARTNERS PROGRAM.**

Subdivision 1. **Program established.** The commissioner of natural resources shall administer a program to provide grants to local sporting and conservation clubs for projects that enhance the population and quality of game and fish in the state and fund hunter and angler recruitment and retention programs.

Subd. 2. **Grant amount.** A grant for a project may not exceed $20,000.

Subd. 3. **Application; eligibility.** Applications for grants must be made to the commissioner on forms prescribed by the commissioner. To be eligible, a local sporting or conservation club must pay at least one-half of the project costs as a local match.

Subd. 4. **Rules.** The commissioner may adopt rules for the program under chapter 14.

Sec. 2. Minnesota Statutes 2006, section 97A.045, is amended by adding a subdivision to read:

Subd. 13. **Duty to ensure hunting and fishing access.** The commissioner shall ensure that state lands, subject to applicable state laws and limitations for public safety and homeland security, are open to access and use for recreational hunting and access to fishing. The commissioner shall manage lands in a manner to support, promote, and enhance recreational hunting and fishing opportunities to the extent authorized by law. To the greatest practicable extent, the commissioner's land management decisions and actions

may not result in a net loss of acreage available for hunting and fishing opportunities that exists on July 1, 2008.

Sec. 3. **[97A.0551] FOREST LEGACY ACCOUNT AND COUNCIL.**

Subdivision 1. **Fund.** A forest legacy fund is established in the state treasury. At least 99 percent of the money appropriated from the account must be spent on game and fish projects on public and private lands.

Subd. 2. **Forest Legacy Council.** (a) A Forest Legacy Council of 11 members is created. Each member of the council shall be appointed by the governor with the advice and consent of the senate. Not more than six council members shall belong to the same political party. The governor shall select at least one member from each congressional district, with three at-large members.

(b) To be eligible for appointment to the council, a prospective member must be a sportsperson who demonstrates expertise and experience in the science, policy, or practice of outdoor recreational activities such as hunting, fishing, or trapping. Prior service on multimember boards with grant-making responsibilities or prior experience in the management of a business enterprise is also recommended.

(c) Members shall appoint a chair who shall preside and convene meetings as often as necessary to conduct the duties prescribed by this section.

(d) Membership terms are six years, except that members shall serve on the council until their successors are appointed.

(e) Vacancies occurring on the council do not affect the authority of the remaining members of the council to carry out their duties. Vacancies shall be filled in the same manner as under paragraph (a). A member may be removed from the council upon a supermajority of eight votes in favor of the removal of that member.

Subd. 3. **Duties of Forest Legacy Council.** (a) The council shall develop a biennial budget plan for expenditures from the forest legacy fund. The biennial budget plan may include grants to local fishing and hunting groups to improve, enhance, or protect game and fish resources. By August 15 of each even-numbered year, the council shall submit the budget plan to the commissioner of finance.

(b) In the biennial budget submitted to the legislature, the governor shall submit separate budget detail for planned expenditures from the forest legacy fund as recommended by the council.

(c) Entities receiving appropriations from the forest legacy account shall submit a work program and semiannual progress reports to the Forest Legacy Council in the form determined by the council.

Sec. 4. Minnesota Statutes 2006, section 97A.075, is amended by adding a subdivision to read:

Subd. 6. **Fish stocking donation.** Revenue from the optional fishing license stocking donation under section 97A.475, subdivision 7a, shall be used only to stock walleye, northern pike, muskellunge, and trout species in public waters that are not subject to commercial netting by Indian tribes.

Sec. 5. Minnesota Statutes 2006, section 97A.083, is amended to read:

97A.083 HUNTING AND FISHING ON STATE LAND.

The commissioner shall allow or prohibit hunting and fishing on state land as provided under the game and fish laws. The commissioner shall publish information on hunting and fishing on state land, including areas where taking wild animals is allowed or prohibited. The commissioner shall ensure hunting and fishing access according to section 97A.045, subdivision 13.

Sec. 6. Minnesota Statutes 2006, section 97A.473, subdivision 2, is amended to read:

Subd. 2. **Lifetime angling license; fee.** (a) A resident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual resident angling license. The license does not include ~~a trout and salmon stamp validation or other~~ any stamps required by law.

(b) The fees for a resident lifetime angling license are:

(1) age 3 and under, $227;

(2) age 4 to age 15, $300;

(3) age 16 to age 50, $383; and

(4) age 51 and over, $203.

Sec. 7. Minnesota Statutes 2007 Supplement, section 97A.473, subdivision 5, is amended to read:

Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt and trap small game in the state. The license authorizes those activities authorized by the annual resident angling, resident small game hunting, and resident trapping licenses. The license does not include ~~a trout and salmon stamp validation,~~ a turkey stamp validation~~,~~ or any other hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

(1) age 3 and under, $357;

(2) age 4 to age 15, $480;

(3) age 16 to age 50, $613; and

(4) age 51 and over, $413.

Sec. 8. Minnesota Statutes 2006, section 97A.474, subdivision 2, is amended to read:

Subd. 2. **Nonresident lifetime angling license; fee.** (a) A nonresident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual nonresident angling license. The license does not include ~~a trout and salmon stamp validation or other~~ any stamps required by law.

(b) The fees for a nonresident lifetime angling license are:

(1) age 3 and under, $447;

(2) age 4 to age 15, $600;

(3) age 16 to age 50, $773; and

(4) age 51 and over, $513.

Sec. 9. Minnesota Statutes 2006, section 97A.475, is amended by adding a subdivision to read:

Subd. 7a. **Fishing license donation.** A person may agree to add a donation of $1 for annual resident and nonresident fishing licenses under subdivisions 6 and 7 to be used for fish stocking under section 97C.201. The commissioner shall modify the fishing license application to include a box indicating whether or not an applicant would like to make the donation.

Sec. 10. Minnesota Statutes 2006, section 97A.475, subdivision 10, is amended to read:

Subd. 10. **Trout and salmon stamp validation.** The ~~fee for a~~ contribution amount for an optional trout and salmon stamp validation is at least $10.

Sec. 11. Minnesota Statutes 2006, section 97C.305, subdivision 1, is amended to read:

Subdivision 1. ~~**Requirement**~~ **Optional trout and salmon stamp.** ~~Except as provided in subdivision 2 or section 97A.405, subdivision 2, a person over age 16 and under age 65 required to possess an angling license must have a trout and salmon stamp validation to:~~ The commissioner shall issue an optional trout and salmon stamp validation to a person who provides a contribution under section 97A.475, subdivision 10.

~~(1) take fish by angling in:~~

~~(i) a stream designated by the commissioner as a trout stream;~~

~~(ii) a lake designated by the commissioner as a trout lake; or~~

~~(iii) Lake Superior; or~~

~~(2) possess trout or salmon taken in the state by angling.~~

Sec. 12. **APPROPRIATION.**

$..... is appropriated to the commissioner of natural resources from the general fund to implement this article.

Sec. 13. **REPEALER.**

Minnesota Statutes 2006, section 97C.305, subdivision 2, is repealed.

ARTICLE 6
AUTOMATIC VOTER REGISTRATION

Section 1. **[201.1612] GAME AND FISH LICENSE AUTOMATIC REGISTRATION.**

Subdivision 1. **Automatic registration.** An individual who properly completes an application for a game and fish license and who is eligible to vote under section 201.014, must be registered to vote as provided in this section, unless the applicant declines to be registered.

Subd. 2. **Applications.** The commissioner of natural resources, in consultation with the secretary of state, shall change the applications for game and fish licenses so that the forms may also serve as voter registration applications. The forms must contain spaces for all information collected by voter registration applications prescribed by the secretary of state and a box for the applicant to decline to be registered to vote. If the applicant has not declined to be registered to vote, the commissioner shall transmit the information daily by electronic means to the secretary of state.

Subd. 3. **Registration.** (a) The secretary of state shall determine whether the applicant is currently registered in the statewide voter registration system. For each currently registered voter whose registration is not changed, the secretary of state shall update the voter's registration date in the statewide voter registration system. For each currently registered voter whose registration is changed, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

(b) If the applicant is not currently registered in the statewide voter registration system, the secretary of state shall determine whether the applicant is 18 years of age or older and a citizen of the United States and compare the voter registration information

received from the commissioner of natural resources with the information on wards, incompetents, and felons received from the state court administrator under sections 201.15 and 201.155, to determine whether the applicant is eligible to vote. If an applicant is within six months of turning 18 years of age, the secretary of state shall wait until the applicant has turned 18 years of age to determine whether the applicant is eligible to vote. For each applicant the secretary of state determines is an eligible voter, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

Subd. 4. **Notice.** Upon receipt of the registration, the county auditor shall mail to the voter the notice of registration required by section 201.121, subdivision 2.

Subd. 5. **Effective date.** An application for registration that is dated during the 20 days before an election in any jurisdiction within which the voter resides is not effective until the day after the election.

Sec. 2. **APPROPRIATION.**

Subdivision 1. **Secretary of state.** $..... is appropriated from the general fund to the secretary of state to design and install an automatic voter registration system under this article, to be available until June 30, 2009.

Subd. 2. **Commissioner of natural resources.** $..... is appropriated from the general fund to the commissioner of natural resources to revise the form of game and fish license applications and to facilitate the electronic exchange of voter registration information with the secretary of state as required by section 1, to be available until June 30, 2009.

Subd. 3. **Supreme Court.** $..... is appropriated from the general fund to the Supreme Court to pay costs incurred by the state court administrator in providing information on wards, incompetents, and felons to the secretary of state for the purpose of automatic voter registration under this article, to be available until June 30, 2009.

Sec. 3. **EFFECTIVE DATE.**

An applicant for a Minnesota game or fish license must not be registered to vote under section 1 until the secretary of state has certified that the system for automatic registration of those applicants has been tested and shown to properly determine whether an applicant is eligible to vote.

APPENDIX
Article locations in 08-5671

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