

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH LEGISLATURE

S.F. No. 889

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DATE	D-PG	OFFICIAL STATUS
02/28/2013	451	Introduction and first reading Referred to Environment and Energy
03/11/2013	785a	Comm report: To pass as amended and re-refer to State and Local Government
03/13/2013		Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act

1.2 relating to natural resources; modifying commissioner's authority; modifying

1.3 snowmobile registration; extending Matthew Lourey Trail; modifying certain

1.4 fees; creating certain state park permit exemption; providing for duplicate

1.5 cross-country ski pass; providing for wildlife rehabilitation permit exemption;

1.6 modifying permitted uses in Cuyuna Country State Recreation Area; modifying

1.7 penalties; requiring rulemaking; amending Minnesota Statutes 2012, sections

1.8 84.027, by adding a subdivision; 84.774; 84.82, subdivision 3, by adding a

1.9 subdivision; 84.8205, subdivision 1; 85.015, subdivision 13; 85.054, by adding a

1.10 subdivision; 85.055, subdivision 1; 85.42; 97A.401, subdivision 3; Laws 1993,

1.11 chapter 172, section 34, subdivision 5.

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

1.13 Section 1. Minnesota Statutes 2012, section 84.027, is amended by adding a

1.14 subdivision to read:

1.15 Subd. 19. Federal law compliance. Notwithstanding any law to the contrary,

1.16 the commissioner may establish, by written order, policies for the use and operation of

1.17 other power-driven mobility devices, as defined under Code of Federal Regulations, title

1.18 28, section 35.104, on lands and in facilities administered by the commissioner for the

1.19 purposes of implementing the Americans with Disabilities Act, United States Code, title

1.20 42, section 12101 et seq. These policies are exempt from the rulemaking provisions of

1.21 chapter 14 and section 14.386 does not apply.

1.22 Sec. 2. Minnesota Statutes 2012, section 84.774, is amended to read:

1.23 **84.774 OFF-HIGHWAY VEHICLE CRIMINAL PENALTIES.**

1.24 (a) Except as provided in paragraph (b), a person who violates a provision of sections

1.25 84.76; 84.773; 84.777; 84.788 to 84.795; 84.798 to 84.804; 84.90; or 84.922 to 84.928 or

1.26 rules of the commissioner relating to off-highway vehicle use is guilty of a misdemeanor.

(b) A person is guilty of a gross misdemeanor if the person violates section 84.773, subdivision 2, clause (2), and the person recklessly upsets the natural and ecological balance of a wetland or public waters wetland.

(c) A person is prohibited from operating an off-highway vehicle for a period of one year if the person is:

(1) convicted of a gross misdemeanor under paragraph (b);

(2) convicted of or subject to a final order under section 84.775 for a violation of the prohibition on the intentional operation on unfrozen public water, in a state park, in a scientific and natural area, or in a wildlife management area under section 84.773, subdivision 1, clause (3);

(3) convicted of or is subject to a final order under section 84.775 for a violation of the prohibition on the willful, wanton, or reckless disregard for the safety of persons or property under section 84.773, subdivision 2, clause (1); or

(4) convicted of or subject to a final order under section 84.775 for a violation of the prohibition on carelessly upsetting the natural and ecological balance of a wetland or public waters wetland under section 84.773, subdivision 2, clause (2).

The commissioner shall notify the person of the time period during which the person is prohibited from operating an off-highway vehicle.

Sec. 3. Minnesota Statutes 2012, section 84.82, is amended by adding a subdivision to read:

Subd. 2a. **Nontrail use registration.** A snowmobile may be registered for nontrail use. A snowmobile registered under this subdivision may not be operated on a state or grant-in-aid snowmobile trail. The fee for a nontrail use registration is \$45 for three years. A nontrail use registration is not transferable. In addition to other penalties prescribed by law, the penalty for violation of this subdivision is immediate revocation of the nontrail use registration.

Sec. 4. Minnesota Statutes 2012, section 84.82, subdivision 3, is amended to read:

Subd. 3. Fees for registration. (a) The fee for registration of each snowmobile, other than those used for an agricultural purpose, as defined in section 84.92, subdivision 1c, ~~or~~ those registered by a dealer or manufacturer pursuant to paragraph (b) or (c), or those registered under subdivision 2a shall be as follows: \$75 for three years and \$10 for a duplicate or transfer.

(b) The total registration fee for all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be \$50 per year.

(c) The total registration fee for all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes shall be \$150 per year. Dealer and manufacturer registrations are not transferable.

(d) The onetime fee for registration of an exempt snowmobile under subdivision 6a is \$6.

Sec. 5. Minnesota Statutes 2012, section 84.8205, subdivision 1, is amended to read:

Subdivision 1. **Sticker required; fee.** (a) A snowmobile that is not registered in the state under section 84.82, subdivision 3, paragraph (a), or that is registered by a manufacturer or dealer under section 84.82, subdivision 3, paragraph (b) or (c), may not be operated on a state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to the snowmobile.

(b) The commissioner of natural resources shall issue a sticker upon application and payment of a fee. The fee is:

(1) \$35 for a one-year snowmobile state trail sticker purchased by an individual; and

(2) \$15 for a one-year snowmobile state trail sticker purchased by a dealer or manufacturer.

(c) In addition to other penalties prescribed by law, an individual in violation of this subdivision must purchase an annual state trail sticker for a fee of \$70. The sticker is valid from November 1 through June 30. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance, grooming, and easement acquisition.

(d) A state trail sticker is not required under this section for:

(1) a snowmobile that is owned and used by the United States, an Indian tribal government, another state, or a political subdivision thereof that is exempt from registration under section 84.82, subdivision 6;

(2) a collector snowmobile that is operated as provided in a special permit issued for the collector snowmobile under section 84.82, subdivision 7a;

(3) a person operating a snowmobile only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

(4) a snowmobile while being used to groom a state or grant-in-aid trail.

Sec. 6. Minnesota Statutes 2012, section 85.015, subdivision 13, is amended to read:

Subd. 13. **Arrowhead Region Trails, Cook, Lake, St. Louis, Pine, Carlton, Koochiching, and Itasca Counties.** (a)(1) The Taconite Trail shall originate at Ely in St. Louis County and extend southwesterly to Tower in St. Louis County, thence westerly to McCarthy Beach State Park in St. Louis County, thence southwesterly to Grand Rapids in Itasca County and there terminate;

(2) The C. J. Ramstad/Northshore Trail shall originate in Duluth in St. Louis County and extend northeasterly to Two Harbors in Lake County, thence northeasterly to Grand Marais in Cook County, thence northeasterly to the international boundary in the vicinity of the north shore of Lake Superior, and there terminate;

(3) The Grand Marais to International Falls Trail shall originate in Grand Marais in Cook County and extend northwesterly, outside of the Boundary Waters Canoe Area, to Ely in St. Louis County, thence southwesterly along the route of the Taconite Trail to Tower in St. Louis County, thence northwesterly through the Pelican Lake area in St. Louis County to International Falls in Koochiching County, and there terminate;

(4) The Matthew Lourey Trail shall originate in Duluth in St. Louis County and extend southerly to ~~St. Croix~~ Chengwatana State Forest in Pine County.

(b) The trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Arrowhead Region trails may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the governor. The governor shall consult with the Legislative Advisory Commission before granting approval. Recommendations of the Legislative Advisory Commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

Sec. 7. Minnesota Statutes 2012, section 85.054, is amended by adding a subdivision to read:

Subd. 18. **La Salle Lake State Recreation Area.** A state park permit is not required and a fee may not be charged for motor vehicle entry, use, or parking in La Salle Lake State Recreation Area unless the occupants of the vehicle enter, use, or park in a developed campground or day-use area.

Sec. 8. Minnesota Statutes 2012, section 85.055, subdivision 1, is amended to read:

Subdivision 1. **Fees.** The fee for state park permits for:

(1) an annual use of state parks is \$25;

(2) a second or subsequent vehicle state park permit is \$18;

(3) a state park permit valid for one day is \$5;
(4) a daily vehicle state park permit for groups is \$3;
(5) an annual permit for motorcycles is \$20;
(6) an employee's state park permit is without charge; and
(7) a state park permit for disabled persons under section 85.053, subdivision 7, clauses (1) ~~and (2)~~ to (3), is \$12.

The fees specified in this subdivision include any sales tax required by state law.

Sec. 9. Minnesota Statutes 2012, section 85.42, is amended to read:

85.42 USER FEE; VALIDITY.

(a) The fee for an annual cross-country ski pass is \$19 for an individual age 16 and over. The fee for a three-year pass is \$54 for an individual age 16 and over. This fee shall be collected at the time the pass is purchased. Three-year passes are valid for three years beginning the previous July 1. Annual passes are valid for one year beginning the previous July 1.

(b) The cost for a daily cross-country skier pass is \$5 for an individual age 16 and over. This fee shall be collected at the time the pass is purchased. The daily pass is valid only for the date designated on the pass form.

(c) A pass must be signed by the skier across the front of the pass to be valid and becomes nontransferable on signing.

(d) The commissioner and agents shall issue a duplicate pass to a person whose pass is lost or destroyed, using the process established under section 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate cross-country ski pass is \$2.

Sec. 10. Minnesota Statutes 2012, section 97A.401, subdivision 3, is amended to read:

Subd. 3. Taking, possessing, and transporting wild animals for certain purposes. (a) Except as provided in paragraph (b), special permits may be issued without a fee to take, possess, and transport wild animals as pets and for scientific, educational, rehabilitative, wildlife disease prevention and control, and exhibition purposes. The commissioner shall prescribe the conditions for taking, possessing, transporting, and disposing of the wild animals.

(b) A special permit may not be issued to take or possess wild or native deer for exhibition, propagation, or as pets.

(c) Notwithstanding rules adopted under this section relating to wildlife rehabilitation permits, nonresident professional wildlife rehabilitators with a federal rehabilitation permit may possess and transport wildlife affected by oil spills.

6.1 Sec. 11. Laws 1993, chapter 172, section 34, subdivision 5, is amended to read:

6.2 Subd. 5. **Management plan.** (a) The commissioner and local area advisory
6.3 committee must cooperatively develop a comprehensive management plan that provides
6.4 for multiple use recreation, protection of natural resources, allowance of hunting,
6.5 snowmobiling, horse trails and forest management, interpretation of cultural and historic
6.6 resources, land acquisition needs, fee structure, and road and facility development. The
6.7 completed management plan shall serve as the master plan for purposes of Minnesota
6.8 Statutes, section 86A.09.

6.9 (b) Hunting, fishing, and trapping of protected species during designated seasons
6.10 are permitted in the Cuyuna Country State Recreation Area. Dogs under control for
6.11 hunting purposes during regular hunting seasons are permitted in the Cuyuna Country
6.12 State Recreation Area.

6.13 Sec. 12. **RULEMAKING AUTHORITY.**

6.14 The commissioner of natural resources may use the good cause exemption under
6.15 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules to conform
6.16 with section 10, and Minnesota Statutes, section 14.386, does not apply except as provided
6.17 under Minnesota Statutes, section 14.388.

6.18 Sec. 13. **RULEMAKING; DISPLAY OF PADDLE BOARD LICENSE**
6.19 **NUMBERS.**

6.20 (a) The commissioner of natural resources shall amend Minnesota Rules, parts
6.21 6110.0200, 6110.0300, and 6110.0400, to exempt paddle boards from the requirement to
6.22 display license certificates and license numbers, in the same manner as other nonmotorized
6.23 watercraft such as canoes and kayaks.

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