

## CHAPTER 301—H.F.No. 2411

*An act relating to game and fish; prohibiting trespassing on agricultural land for outdoor recreation; prohibiting trespassing on certain private land for outdoor recreation; modifying posting requirements; modifying provisions for retrieving dogs and wounded game; prohibiting hunting in certain areas; providing civil penalties; establishing an appeals procedure; directing the disposition of penalty amounts; amending Minnesota Statutes 1994, section 97B.001, subdivisions 2, 3, 4, 5, 6, 7, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97B.*

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

Section 1. Minnesota Statutes 1994, section 97B.001, is amended by adding a subdivision to read:

**Subd. 1a. OUTDOOR RECREATION DEFINITION.** “Outdoor recreation” means any voluntary activity, including hunting, fishing, trapping, boating, hiking, camping, and engaging in winter sports, which is conducted primarily for the purposes of pleasure, rest, or relaxation and is dependent upon or derives its principal benefit from natural surroundings.

Sec. 2. Minnesota Statutes 1994, section 97B.001, subdivision 2, is amended to read:

**Subd. 2. PERMISSION REQUIRED TO ENTER AGRICULTURAL LAND TO HUNT OR OPERATE VEHICLES FOR OUTDOOR RECREATION PURPOSES.** Except as provided in subdivisions 5 and 6, a person may not enter agricultural land to hunt or operate a motor vehicle for pleasure for outdoor recreation purposes, unless the person obtains without first obtaining permission of the owner, occupant, or lessee.

Sec. 3. Minnesota Statutes 1994, section 97B.001, subdivision 3, is amended to read:

**Subd. 3. ENTERING LAND PROHIBITED AFTER NOTICE.** Except as provided in subdivision 6, a person may not enter remain on any land to take a wild animal for outdoor recreation purposes after being notified orally told not to do so orally by the owner, occupant, or lessee.

Sec. 4. Minnesota Statutes 1994, section 97B.001, subdivision 4, is amended to read:

**Subd. 4. ENTERING POSTED LAND PROHIBITED; SIGNS.** (a) Except as provided in subdivision 6, a person may not enter, for outdoor recreation purposes, any land that is posted under this subdivision to take a wild animal unless the person has obtained the without first obtaining permission of the owner, occupant, or lessee.

(b) The owner, occupant, or lessee of private land, or an authorized manager of public land may prohibit unauthorized hunting, trapping, fishing, or trespassing outdoor recreation on the land by posting signs once each year that:

(1) state “no trespassing” or similar terms;

(2) display letters at least two inches high;

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(2) (3) either:

(i) are signed by the owner, occupant, lessee, or authorized manager; or

(ii) include the legible name and telephone number of the owner, occupant, lessee, or authorized manager; and

(3) (4) either:

(i) are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded area where boundary lines are not clear, at intervals of 500 feet or less; or

(ii) mark the primary corners of each parcel of land and access roads and trails at the point of entrance to each parcel of land except that corners only accessible through agricultural land need not be posted.

(c) A person may not erect a sign that states "no hunting," "no trapping," "no fishing," "no trespassing," or another sign that prohibits trespass on land or water prohibits outdoor recreation or trespassing where the person does not have a property right, title, or interest to use the land.

Sec. 5. Minnesota Statutes 1994, section 97B.001, subdivision 5, is amended to read:

Subd. 5. **RETRIEVING WOUNDED GAME FROM AGRICULTURAL LAND.** Except as provided in subdivision 3, a hunter, person on foot, may, without permission of the owner, occupant, or lessee, retrieve wounded game, during the open season for the game, from agricultural enter land that is not posted under subdivision 4, without permission of the landowner to retrieve a wounded animal that was lawfully shot. The hunter must leave the land immediately after retrieving the wounded game.

Sec. 6. Minnesota Statutes 1994, section 97B.001, subdivision 6, is amended to read:

Subd. 6. **RETRIEVING HUNTING DOGS FROM PRIVATE LAND.** A person on foot may, without permission of the landowner owner, occupant, or lessee, enter private land on foot without a firearm to retrieve a hunting dog that has treed or is at bay with a raccoon, bobcat, coyote, or fox. After retrieving the dog, the person must immediately leave the premises.

Sec. 7. Minnesota Statutes 1994, section 97B.001, subdivision 7, is amended to read:

Subd. 7. **TAKING WITH FIREARMS IN CERTAIN AREAS.** (a) A person may not take a wild animal with a firearm within 500 feet of a building occupied by a human or livestock without the written permission of the owner, or occupant, or lessee:

(1) on another person's private agricultural land; or

(2) on a public right-of-way.

(b) A person may not take a wild animal with a firearm without the permission of the owner, occupant, or lessee, within 500 feet of a stockade or corral containing livestock.

(c) A person may not take a wild animal with a firearm on land other than agricultural land within 200 feet of a building occupied by a human without the oral permission of

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the owner or occupant of the building on any land where the person is prohibited from entering by this section.

**Sec. 8. [97B.002] CIVIL TRESPASS.**

Subdivision 1. AUTHORITY TO ISSUE. Conservation officers, sheriffs, and deputies may issue citations to a person who trespasses in violation of section 97B.001 or removes a sign posted to prevent trespass without permission of the owner of the property.

Subd. 2. PENALTY AMOUNT. The citation must impose the following penalty amounts:

- (1) \$50 for the first violation;
- (2) \$200 for the second violation in a three-year period;
- (3) for a third or subsequent violation in a three-year period, the penalty shall be \$500 and loss of every license or registration being used; and
- (4) \$50 for removal of a sign posted pursuant to this section.

Subd. 3. APPEALS. Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 4. ENFORCEMENT OF FIELD CITATIONS. Field citations may be enforced under section 116.072, subdivisions 9 and 10.

Subd. 5. CUMULATIVE REMEDY. The authority to issue field citations is in addition to other remedies available under statutory or common law, except that the state may not seek penalties under any other provision of law for the incident subject to the citation.

Subd. 6. PAYMENT OF PENALTY. Penalty amounts shall be remitted within 30 days of issuance of the penalty citation to the issuer.

Subd. 7. ALLOCATION OF PENALTY AMOUNTS. Penalty amounts are deposited to the county or the commissioner for deposit in the game and fish fund depending upon who issues the citation.

**Sec. 9. APPLICABILITY.**

Section 8 applies to violations committed on or after August 1, 1996.

Presented to the governor March 6, 1996

Signed by the governor March 6, 1996, 1:40 p.m.

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**CHAPTER 302—H.F.No. 2889**

*An act relating to local government; the cities of Norwood and Young America in Carver county and their consolidation into the city of Norwood-Young America; repealing Extra Session*

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