

SENATE

STATE OF MINNESOTA

EIGHTY-SEVENTH LEGISLATURE

S.F. No. 692

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DATE	D-PG	OFFICIAL STATUS
03/09/2011	449	Introduction and first reading Referred to Environment and Natural Resources
03/17/2011	529a	Comm report: To pass as amended and re-refer to State Government Innovation and Veterans
03/23/2011	620a	Comm report: To pass as amended
	628	Second reading
05/05/2011	1765	General Orders: Stricken and returned to author See SF1115, Sec. 4-5, 10, 36-38, 48-49, 108(a)

A bill for an act

relating to natural resources; providing for certain acquisition by exchange; modifying peatland protection; modifying enforcement provisions for recreational vehicles; modifying cash match requirement for local recreation grants; modifying Mineral Coordinating Committee; modifying citizen oversight committees; repealing Blakeley State Wayside; appropriating money; amending Minnesota Statutes 2010, sections 84.033, subdivision 1; 84.035, subdivision 6; 84.925, subdivision 1; 85.018, subdivision 5; 85.019, subdivisions 4b, 4c; 86B.106; 86B.121; 93.0015, subdivisions 1, 3; 97A.055, subdivision 4b; repealing Minnesota Statutes 2010, section 85.013, subdivision 2b.

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

Section 1. Minnesota Statutes 2010, section 84.033, subdivision 1, is amended to read:

Subdivision 1. **Acquisition; designation.** The commissioner of natural resources may acquire by gift, lease, easement, exchange, or purchase, in the manner prescribed under chapter 117, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining scientific and natural areas. The commissioner shall designate any land so acquired as a scientific and natural area by written order published in the State Register and shall administer any land so acquired and designated as provided by section 86A.05. Designations of scientific and natural areas are exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 2. Minnesota Statutes 2010, section 84.035, subdivision 6, is amended to read:

Subd. 6. **Management plans.** The commissioner shall develop in consultation with the affected local government unit a management plan for each peatland scientific and natural area designated under section 84.036 ~~in a manner prescribed by section 86A.09.~~

The management plan shall address recreational trails. In those peatland scientific and natural areas where no corridor of disturbance was used as a recreational trail on or

before January 1, 1992, the plan may permit only one corridor of disturbance, in each peatland scientific and natural area, to be used as a recreational motorized trail.

Sec. 3. Minnesota Statutes 2010, section 84.925, subdivision 1, is amended to read:

Subdivision 1. **Program established.** (a) The commissioner shall establish a comprehensive all-terrain vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course.

(b) For the purpose of administering the program and to defray ~~a portion of the~~ expenses of training and certifying vehicle operators, the commissioner shall collect a fee ~~of \$15~~ from each person who receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The commissioner shall establish ~~the fee for a duplicate all-terrain vehicle safety certificate~~ both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the ~~service~~ services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the programs. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses.

(c) The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators. ~~By June 30, 2003,~~ The commissioner shall incorporate a riding component in the safety education and training program.

Sec. 4. Minnesota Statutes 2010, section 85.018, subdivision 5, is amended to read:

Subd. 5. **Motorized vehicle trails restricted.** (a) From December 1 to April 1 in any year no use of a motorized vehicle other than a snowmobile, unless authorized by permit, lease, or easement, shall be permitted on a trail designated for use by snowmobiles.

(b) ~~From December 1 to April 1 in any year~~ No use of a motorized vehicle other than an all-terrain or off-road vehicle and an off-highway motorcycle, unless authorized by permit, lease, or easement, shall be permitted on a trail designated for use by all-terrain vehicles, off-road vehicles, or both, and off-highway motorcycles.

Sec. 5. Minnesota Statutes 2010, section 85.019, subdivision 4b, is amended to read:

Subd. 4b. **Regional trails.** The commissioner shall administer a program to provide grants to units of government for acquisition and betterment of public land and improvements needed for trails outside the metropolitan area deemed to be of regional significance according to criteria published by the commissioner. Recipients must provide a nonstate cash match of at least ~~one-half~~ 25 percent of total eligible project costs. If land used for the trails is not in full public ownership, then the recipients must prove it is dedicated to the purposes of the grants for at least 20 years. The commissioner shall make payment to a unit of government upon receiving documentation of reimbursable expenditures. A unit of government may enter into a lease or management agreement for the trail, subject to section 16A.695.

Sec. 6. Minnesota Statutes 2010, section 85.019, subdivision 4c, is amended to read:

Subd. 4c. **Trail connections.** The commissioner shall administer a program to provide grants to units of government for acquisition and betterment of public land and improvements needed for trails that connect communities, trails, and parks and thereby increase the effective length of trail experiences. Recipients must provide a nonstate cash match of at least ~~one-half~~ 25 percent of total eligible project costs. If land used for the trails is not in full public ownership, then the recipients must prove it is dedicated to the purposes of the grants for at least 20 years. The commissioner shall make payment to a unit of government upon receiving documentation of reimbursable expenditures. A unit of government may enter into a lease or management agreement for the trail, subject to section 16A.695.

Sec. 7. Minnesota Statutes 2010, section 86B.106, is amended to read:

**86B.106 BARRING VEHICLES FROM UNSAFE ICE.**

(a) Whenever ice conditions on a body of water deteriorate to such an extent that there is substantial danger to persons using motorized vehicles, including snowmobiles and all-terrain vehicles, the sheriff of the county where the body of water is located may prohibit or restrict the use of motorized vehicles on all or a portion of the body of water. If the body of water is located in more than one county, all counties involved must coordinate any prohibitions or restrictions that are imposed. A county sheriff acting under this section shall, as soon as practicable, post all common access sites and publicize the prohibitions or restrictions. The commissioner must be notified immediately and may review and suspend any restrictions imposed. Restrictions may be lifted as soon as conditions warrant.

(b) A person may not operate a motorized vehicle in violation of a prohibition or restriction imposed under this section.

~~(c) This section does not apply to a person who:~~  
~~(1) is a member of a sanctioned circuit watercross association and can provide proof of membership;~~  
~~(2) operates a snowmobile with a silenced exhaust and is practicing for a sanctioned event; and~~  
~~(3) receives written permission from a conservation officer who must set the date, time, and location of the practice.~~

Sec. 8. Minnesota Statutes 2010, section 86B.121, is amended to read:

**86B.121 RACES, COMPETITIONS, AND EXHIBITIONS.**

(a) A person may not hold or sponsor any scheduled or public race, regatta, tournament or other competition or exhibition, snowmobile watercross event or practice session, or trial race on water or ice, whether or not involving watercraft, without first having obtained a written permit from the sheriff of the county where the event is to originate.

(b) The sheriff, in the permit, may exempt watercraft from any of the provisions of this chapter relating to the licensing, operation, and equipment of watercraft while participating in the event authorized.

(c) The county's issuance of a permit under this section does not make the county liable for any injury occurring at the event.

Sec. 9. Minnesota Statutes 2010, section 93.0015, subdivision 1, is amended to read:

Subdivision 1. **Establishment; membership.** The Mineral Coordinating Committee is established to plan for diversified mineral development. The Mineral Coordinating Committee consists of:

(1) the commissioner of natural resources;  
(2) the ~~deputy~~ commissioner of the Minnesota Pollution Control Agency;  
~~(3) the director of United Steelworkers of America, District 11, or the director's~~  
~~designee;~~  
~~(4)~~ (3) the commissioner of Iron Range resources and rehabilitation;  
~~(5)~~ (4) the director of the Minnesota Geological Survey;  
~~(6)~~ (5) the dean of the University of Minnesota Institute of Technology;  
~~(7)~~ (6) the director of the Natural Resources Research Institute; and  
~~(8) three~~ (7) four individuals appointed by the governor for a four-year term, one  
each representing the iron ore and taconite, nonferrous metallic minerals, and industrial  
minerals industries within the state and one representing labor.

Sec. 10. Minnesota Statutes 2010, section 93.0015, subdivision 3, is amended to read:

Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, or other law to  
the contrary, the committee expires June 30, ~~2011~~ 2016.

Sec. 11. Minnesota Statutes 2010, section 97A.055, subdivision 4b, is amended to read:

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

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

(1) a Fisheries ~~Operations Subcommittee~~ Oversight Committee to review fisheries  
funding, ~~excluding~~ including activities related to trout and salmon stamp and walleye  
stamp funding; and

(2) a Wildlife ~~Operations Subcommittee~~ Oversight Committee to review wildlife  
funding, ~~excluding~~ including activities related to migratory waterfowl, pheasant, and wild  
turkey management funding and excluding review of the amounts available under section  
97A.075, subdivision 1, paragraphs (b) and (c);

~~(3) a Big Game Subcommittee to review the report required in subdivision 4,~~  
~~paragraph (a), clause (2);~~

~~(4) an Ecological Resources Subcommittee to review ecological services funding;~~

~~(5) a subcommittee to review game and fish fund funding of enforcement and operations support;~~

~~(6) a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;~~

~~(7) a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;~~

~~(8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants;~~

~~(9) a subcommittee to review the report on the wild turkey management account and address funding issues related to wild turkeys; and~~

~~(10) a subcommittee to review the walleye stamp and address funding issues related to walleye stocking.~~

(c) ~~The chairs of each of the subcommittees~~ Fisheries Oversight Committee and the Wildlife Oversight Committee, and four additional members from each committee, shall form a Budgetary Oversight Committee to coordinate the integration of the ~~subcommittee fisheries and wildlife oversight committee~~ reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; and provide a forum to address issues that transcend the ~~subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner~~ fisheries and wildlife oversight committees.

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

(e) ~~Each subcommittee shall choose its own chair, except that~~ The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee shall be chosen by their respective committees. The chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of ~~any of the subcommittees~~ either of the other oversight committees.

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

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the Fisheries Oversight Committee, the Wildlife Oversight Committee, and the Budgetary Oversight Committee ~~and subcommittees~~ do not expire until June 30, ~~2010~~ 2015.

- 7.1       Sec. 12. **REPEALER.**
- 7.2       Minnesota Statutes 2010, section 85.013, subdivision 2b, is repealed.