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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2947

03/10/2016 Authored by Gruenhagen and Urdahl

The bill was read for the first time and referred to the Committee on Mining and Outdoor Recreation Policy

1.1 A bill for an act
1.2 relating to natural resources; establishing pass requirement for use of
1.3 state-supported trails; authorizing rulemaking; providing criminal penalties;
1.4 proposing coding for new law in Minnesota Statutes, chapter 85.

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

1.6 Section 1. **[85.391] DEFINITIONS.**

1.7 Subdivision 1. **Scope.** For purposes of sections 85.391 to 85.397, the following
1.8 terms have the meanings given them.

1.9 Subd. 2. **Commissioner.** "Commissioner" means the commissioner of natural
1.10 resources.

1.11 Subd. 3. **State-supported trail grant-in-aid program.** "State-supported trail
1.12 grant-in-aid program" means a program administered by the commissioner as described
1.13 in section 85.395.

1.14 Subd. 4. **Race.** "Race" means a timed event organized for a large number of
1.15 participants at one time over a course prepared specifically for the organized event.

1.16 Subd. 5. **State-supported trail.** "State-supported trail" means a public pathway
1.17 that is designated and promoted for recreational use and is built or maintained with state
1.18 funding, including, but not limited to, state trails, local trails receiving state money
1.19 for acquisition or construction, and state grant-in-aid trails under any of the programs
1.20 administered by the commissioner.

1.21 Sec. 2. **[85.392] STATE-SUPPORTED TRAIL PASS.**

1.22 Subdivision 1. **Pass in possession.** While on a state-supported trail, a person age 16
1.23 or over must carry in immediate possession a valid, signed state-supported trail pass. A

2.1 landowner who grants an easement for a grant-in-aid trail is not required to have a trail
2.2 pass when on the landowner's property.

2.3 Subd. 2. Exemptions. (a) A person using a state-supported trail is exempt from
2.4 the trail pass required in this section when the person is:

2.5 (1) skiing and:

2.6 (i) has in possession a cross-country ski pass issued under section 85.41; or

2.7 (ii) is exempt from the cross-country ski pass requirement;

2.8 (2) riding a horse and:

2.9 (i) has in possession a horse pass issued under section 85.46; or

2.10 (ii) is exempt from the horse pass requirement;

2.11 (3) operating a snowmobile that:

2.12 (i) is registered under section 84.82, subdivision 3;

2.13 (ii) has a current snowmobile state trail sticker under section 84.8205; or

2.14 (iii) is exempt from registration;

2.15 (4) operating an all-terrain vehicle that:

2.16 (i) is registered for public use under section 84.922;

2.17 (ii) has a current nonresident all-terrain vehicle state trail pass under section
2.18 84.9275; or

2.19 (iii) is exempt from registration;

2.20 (5) operating an off-highway motorcycle that:

2.21 (i) is registered under section 84.788;

2.22 (ii) has a current nonresident off-highway motorcycle state trail pass under section
2.23 84.7945; or

2.24 (iii) is exempt from registration; or

2.25 (6) operating an off-road vehicle that:

2.26 (i) is registered under section 84.798;

2.27 (ii) has a current nonresident off-road vehicle state trail pass under section 84.8035; or

2.28 (iii) is exempt from registration.

2.29 (b) Participants in a race are exempt from the pass requirement in subdivision 1 if
2.30 the organizers of the event or those in an official capacity obtain a special use permit in
2.31 advance from the agency with jurisdiction over the state-supported trail. A permit must
2.32 require that the permit holder return the trail and any associated facility to the trail's and
2.33 facility's original condition if any damage is done during the race. Limited permits for
2.34 special events may be issued and must require the removal of any trail markers, banners,
2.35 and other material used in connection with the special event.

3.1 (c) Unless otherwise exempted under paragraph (b), students, teachers, and
3.2 supervising adults engaged in school-sanctioned activities or youth activities sponsored by
3.3 a nonprofit organization are exempt from the pass requirement in subdivision 1.

3.4 (d) A resident that is in the armed forces of the United States, stationed outside of
3.5 the state, and in the state on leave is exempt from the pass requirement in subdivision 1 if
3.6 the resident possesses official military leave papers.

3.7 (e) A resident who has served at any time during the preceding 24 months in federal
3.8 active service, as defined in section 190.05, subdivision 5c, outside the United States as a
3.9 member of the National Guard or as a reserve component or active duty member of the
3.10 United States armed forces and has been discharged from active service is exempt from the
3.11 pass requirement in subdivision 1 if the resident possesses official military discharge papers.

3.12 Subd. 3. **License agents.** (a) The commissioner may appoint agents to issue and
3.13 sell state-supported trail passes. The commissioner may revoke the appointment of an
3.14 agent at any time.

3.15 (b) The commissioner may adopt additional rules as provided in section 97A.485,
3.16 subdivision 11. An agent shall observe all rules adopted by the commissioner for the
3.17 accounting and handling of licenses pursuant to section 97A.485, subdivision 11.

3.18 (c) An agent must promptly deposit and remit all money received from the sale of
3.19 passes, except issuing fees, to the commissioner.

3.20 Subd. 4. **Issuance; inspection.** The commissioner and agents shall issue and
3.21 sell state-supported trail passes. The pass must be with the trail user and available for
3.22 inspection by a conservation officer or other peace officer. The pass must include the
3.23 applicant's signature and other information deemed necessary by the commissioner.

3.24 Subd. 5. **Issuing fee.** In addition to the fee for a state-supported trail pass, an issuing
3.25 fee of \$1 per pass must be charged. The issuing fee is retained by the seller of the pass.
3.26 Issuing fees for passes issued by the commissioner must be deposited in the state-supported
3.27 trail account in the natural resources fund and retained for the operation of the electronic
3.28 licensing system. A pass must indicate the amount of the fee that is retained by the seller.

3.29 Sec. 3. **[85.393] USER FEE; VALIDITY.**

3.30 (a) The fee for an annual state-supported trail pass is \$..... for an individual age 16
3.31 and over. The fee for a three-year pass is \$..... for an individual age 16 and over. The
3.32 fee must be collected at the time the pass is purchased. Three-year passes are valid for
3.33 three years beginning the previous July 1. Annual passes are valid for one year beginning
3.34 the previous July 1.

4.1 (b) The cost for a daily state-supported trail pass is \$..... for an individual age 16
 4.2 and over. The fee must be collected at the time the pass is purchased. The daily pass is
 4.3 valid only for the date designated on the pass form.

4.4 (c) A pass must be signed by the user across the front of the pass to be valid. The
 4.5 pass is nontransferable after it is signed.

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

4.9 **Sec. 4. [85.394] DISPOSITION OF RECEIPTS; PURPOSE.**

4.10 Fees from state-supported trail passes must be deposited in the state treasury and
 4.11 credited to a state-supported trail account in the natural resources fund and, except for the
 4.12 electronic licensing system commission established by the commissioner under section
 4.13 84.027, subdivision 15, may be spent for the following purposes:

4.14 (1) grants-in-aid for state-supported trails to:

4.15 (i) counties and municipalities for construction and maintenance of trails; and

4.16 (ii) special park districts as provided in section 85.395 for construction and
 4.17 maintenance of trails;

4.18 (2) administration of the state-supported trail grant-in-aid program; and

4.19 (3) development and maintenance of state trails.

4.20 **Sec. 5. [85.395] STATE-SUPPORTED TRAIL GRANT-IN-AID PROGRAM.**

4.21 The commissioner shall establish a grant-in-aid program for local units of
 4.22 government and special park districts for the acquisition, development, and maintenance of
 4.23 state-supported trails. Grants are available for acquisition of trail easements, but may not
 4.24 be used to acquire lands in fee title. Local units of government and special park districts
 4.25 applying for and receiving grants under this section are considered to have state-supported
 4.26 trails for one year following the expiration of the recipient's last grant. The commissioner
 4.27 shall reimburse all public sponsors of grants-in-aid state-supported trails based upon
 4.28 criteria established by the commissioner. Prior to the use of any reimbursement criteria, a
 4.29 certain proportion of the revenue must be allocated on the basis of user fee sales location.

4.30 **Sec. 6. [85.396] PENALTIES.**

4.31 Subdivision 1. **Use of state-supported trail without pass.** Except as provided in
 4.32 section 85.392, subdivision 2, a person must not use a state-supported trail without a

5.1 valid, signed state-supported trail pass. A person who violates this subdivision is guilty
5.2 of a misdemeanor.

5.3 Subd. 2. **False statements.** A person who knowingly makes a false statement
5.4 related to an application for a state-supported trail pass is guilty of a misdemeanor.

5.5 Sec. 7. **[85.397] ENFORCEMENT.**

5.6 The commissioner must enforce sections 85.391 to 85.397 as provided in sections
5.7 97A.201 to 97A.255.