

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1507**

March 1, 2007

Authored by Olin, Dill and Moe

The bill was read for the first time and referred to the Committee on Environment and Natural Resources

A bill for an act

1.1 relating to natural resources; modifying acquisition authority for state trails;
1.2 modifying requirements for certain recreational vehicles; establishing an
1.3 off-highway vehicle safety and conservation program; providing for off-trail
1.4 snowmobile use in certain state forests; modifying certain state trails; modifying
1.5 funding source for certain capital improvements; amending Minnesota Statutes
1.6 2006, sections 84.029, subdivision 2; 84.788, subdivision 1; 84.82, subdivision 6;
1.7 84.8205, subdivision 1; 84.925, subdivision 5; 84.926, by adding a subdivision;
1.8 85.015, subdivision 14; Laws 2005, First Special Session chapter 1, article 2,
1.9 section 3, subdivision 6; proposing coding for new law in Minnesota Statutes,
1.10 chapter 84; repealing Minnesota Statutes 2006, section 85.015, subdivision 11.
1.11

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

1.13 Section 1. Minnesota Statutes 2006, section 84.029, subdivision 2, is amended to read:

1.14 Subd. 2. **Acquisition of land for trails.** The commissioner may acquire, by gift,
1.15 purchase, or lease, easements or other interests in land for trails, and recreational uses
1.16 related to trails, where necessary to complete trails established primarily in state forests,
1.17 state parks, or other public land under the jurisdiction of the commissioner, when railroad
1.18 rights-of-way are abandoned, when the use of township roads is compatible with vehicular
1.19 travel, ~~and~~ or when needed to complete trails established by the legislature.

1.20 Sec. 2. Minnesota Statutes 2006, section 84.788, subdivision 1, is amended to read:

1.21 Subdivision 1. **General requirements.** Unless exempted in subdivision 2, ~~after~~
1.22 ~~January 1, 1994,~~ a person may not operate and an owner may not give permission for
1.23 another to operate an off-highway motorcycle ~~on public lands or waters~~ unless the vehicle
1.24 has been registered under this section.

1.25 Sec. 3. Minnesota Statutes 2006, section 84.82, subdivision 6, is amended to read:

2.1 Subd. 6. **Exemptions.** Registration is not required under this section for:

2.2 (1) a snowmobile owned and used by the United States, another state, or a political
2.3 subdivision thereof;

2.4 (2) a snowmobile registered in a country other than the United States temporarily
2.5 used within this state;

2.6 (3) a snowmobile that is covered by a valid license of another state and has not been
2.7 within this state for more than 30 consecutive days;

2.8 (4) a snowmobile used exclusively in organized track racing events;

2.9 (5) a snowmobile in transit by a manufacturer, distributor, or dealer; ~~or~~

2.10 (6) a snowmobile at least 15 years old in transit by an individual for use only on
2.11 land owned or leased by the individual; or

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

2.13 Sec. 4. Minnesota Statutes 2006, section 84.8205, subdivision 1, is amended to read:

2.14 Subdivision 1. **Sticker required; fee.** (a) Except as provided in paragraph (b), a
2.15 person may not operate a snowmobile on a state or grant-in-aid snowmobile trail unless a
2.16 snowmobile state trail sticker is affixed to the snowmobile. The commissioner of natural
2.17 resources shall issue a sticker upon application and payment of a \$15 fee. The fee for a
2.18 three-year snowmobile state trail sticker that is purchased at the time of snowmobile
2.19 registration is \$30. In addition to other penalties prescribed by law, a person in violation
2.20 of this subdivision must purchase an annual state trail sticker for a fee of \$30. The sticker
2.21 is valid from November 1 through April 30. Fees collected under this section, except for
2.22 the issuing fee for licensing agents, shall be deposited in the state treasury and credited
2.23 to the snowmobile trails and enforcement account in the natural resources fund and,
2.24 except for the electronic licensing system commission established by the commissioner
2.25 under section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance,
2.26 grooming, and easement acquisition.

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

2.28 (1) a snowmobile owned by the state or a political subdivision of the state that is
2.29 registered under section 84.82, subdivision 5;

2.30 (2) a snowmobile that is owned and used by the United States, another state, or
2.31 a political subdivision thereof that is exempt from registration under section 84.82,
2.32 subdivision 6;

2.33 (3) a collector snowmobile that is operated as provided in a special permit issued for
2.34 the collector snowmobile under section 84.82, subdivision 7a; ~~or~~

- 3.1 (4) a person operating a snowmobile only on the portion of a trail that is owned by
 3.2 the person or the person's spouse, child, or parent; or
 3.3 (5) a snowmobile while being used to groom a state or grant-in-aid trail.

3.4 Sec. 5. **[84.9011] OFF-HIGHWAY VEHICLE SAFETY AND CONSERVATION**
 3.5 **PROGRAM.**

3.6 Subdivision 1. **Creation.** The commissioner of natural resources shall establish
 3.7 a program to promote the safe and responsible operation of off-highway vehicles in a
 3.8 manner that does not harm the environment. The commissioner shall coordinate the
 3.9 program through the regional offices of the Department of Natural Resources.

3.10 Subd. 2. **Purpose.** The purpose of the program is to encourage off-highway vehicle
 3.11 clubs to assist, on a volunteer basis, in improving, maintaining, and monitoring of trails on
 3.12 state forest land and other public lands.

3.13 Subd. 3. **Agreements.** (a) The commissioner shall enter into informal agreements
 3.14 with off-highway vehicle clubs for volunteer services to maintain, make improvements to,
 3.15 and monitor trails on state forest land and other public lands. The off-highway vehicle
 3.16 clubs shall promote the operation of off-highway vehicles in a safe and responsible manner
 3.17 that complies with the laws and rules that relate to the operation of off-highway vehicles.

3.18 (b) The off-highway vehicle clubs may provide assistance to the department in
 3.19 locating, recruiting, and training instructors for off-highway vehicle training programs.

3.20 (c) The commissioner may provide assistance to enhance the comfort and safety
 3.21 of volunteers and to facilitate the implementation and administration of the safety and
 3.22 conservation program.

3.23 Subd. 4. **Worker displacement prohibited.** The commissioner may not enter into
 3.24 any agreement that has the purpose of or results in the displacement of public employees
 3.25 by volunteers participating in the off-highway safety and conservation program under
 3.26 this section. The commissioner must certify to the appropriate bargaining agent that the
 3.27 work performed by a volunteer will not result in the displacement of currently employed
 3.28 workers or workers on seasonal layoff or layoff from a substantially equivalent position,
 3.29 including partial displacement such as reduction in hours of nonovertime work, wages, or
 3.30 other employment benefits.

3.31 Sec. 6. Minnesota Statutes 2006, section 84.925, subdivision 5, is amended to read:

3.32 Subd. 5. **Training requirements.** (a) An individual who was born after July 1,
 3.33 1987, and who is 16 years of age or older, must successfully complete the independent

4.1 study course component of all-terrain vehicle safety training before operating an all-terrain
4.2 vehicle on public lands or waters, public road rights-of-way, or state or grant-in-aid trails.

4.3 (b) An individual who is convicted of violating a law related to the operation of an
4.4 all-terrain vehicle must successfully complete the independent study course component of
4.5 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

4.6 (c) An individual who is convicted for a second or subsequent excess speed, trespass,
4.7 or wetland violation in an all-terrain vehicle season, or any conviction for careless or
4.8 reckless operation of an all-terrain vehicle, must successfully complete the independent
4.9 study and the testing and operating course components of all-terrain vehicle safety training
4.10 before continuing operation of an all-terrain vehicle.

4.11 (d) An individual who receives three or more citations and convictions for violating a
4.12 law related to the operation of an all-terrain vehicle in a two-year period must successfully
4.13 complete the independent study and the testing and operating course components of
4.14 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

4.15 (e) An individual must present evidence of compliance with this subdivision before
4.16 an all-terrain vehicle registration is issued or renewed.

4.17 Sec. 7. Minnesota Statutes 2006, section 84.926, is amended by adding a subdivision
4.18 to read:

4.19 Subd. 6. **Snowmobiles; closed forests; off trail.** Forests classified as closed forests
4.20 are open to off-trail snowmobile use unless prohibited, as determined by the commissioner
4.21 by written order published in the State Register. The determination is not subject to the
4.22 rulemaking provisions of chapter 14 and section 14.386 does not apply.

4.23 Sec. 8. Minnesota Statutes 2006, section 85.015, subdivision 14, is amended to read:

4.24 Subd. 14. ~~Gateway Trail~~ **Willard Munger Trail System, Chisago, Ramsey,**
4.25 **Pine, St. Louis, Carlton, and Washington Counties.** (a) The trail shall consist of six
4.26 segments. One segment shall be known as the Gateway Trail and shall originate at the
4.27 State Capitol and shall extend northerly and northeasterly to William O'Brien State Park,
4.28 thence northerly to Taylors Falls in Chisago County, and there terminate. One segment
4.29 shall be known as the Boundary Trail and shall originate in Chisago County and extend
4.30 into Duluth in St. Louis County. One segment shall be known as the Browns Creek Trail
4.31 and shall originate at Duluth Junction and extend into Stillwater in Washington County.
4.32 One segment shall be known as the Munger Trail and shall originate at Hinckley in Pine
4.33 County and extend through Moose Lake in Carlton County to Duluth in St. Louis County.
4.34 One segment shall be known as the Alex Laveau Trail and shall originate in Carlton

5.1 County at Carlton and extend through Wrenshall to the Minnesota-Wisconsin border. One
 5.2 segment shall be established that extends the trail to include the cities of Proctor, Duluth,
 5.3 and Hermantown in St. Louis County.

5.4 (b) The trail system shall be developed primarily for hiking and ~~nonmotorized~~ riding.

5.5 (c) In addition to the authority granted in subdivision 1, lands and interests in lands
 5.6 for the ~~trail~~ Gateway and Browns Creek Trails may be acquired by eminent domain.

5.7 ~~(d) The commissioner of natural resources, after consulting with all local units of~~
 5.8 ~~government affected by the trail, and with the commissioner of transportation and the~~
 5.9 ~~Metropolitan Council, shall prepare a master plan for the trail. After completion of the~~
 5.10 ~~master plan, any land or interest in land not needed for the trail may be disposed of by the~~
 5.11 ~~commissioner of natural resources as follows:~~

5.12 ~~(1) by transfer to the Department of Transportation, the Historical Society, or~~
 5.13 ~~another state agency;~~

5.14 ~~(2) by sale at not less than the purchase price to a city, town, school district, park~~
 5.15 ~~district, or other political subdivision whose boundaries include or are adjacent to the land,~~
 5.16 ~~for public purposes only, after written notice to each of these political subdivisions; or~~

5.17 ~~(3) if no offer to purchase is received from any political subdivision within one year~~
 5.18 ~~after the completion of the master plan, then by public sale, at not less than the purchase~~
 5.19 ~~price, upon notice published in the manner provided in section 92.14, and otherwise in the~~
 5.20 ~~same manner as trust fund lands are sold, so far as applicable.~~

5.21 ~~All proceeds derived from sales of unneeded land and interest in land shall be~~
 5.22 ~~deposited in the state bond fund. For the purposes of United States Code, title 23, section~~
 5.23 ~~138, and title 49, section 1653(f), any land or interest in land not needed for the trail and~~
 5.24 ~~transferred to another state agency, or sold, does not constitute permanent park, recreation~~
 5.25 ~~area, or wildlife or waterfowl refuge facility land.~~

5.26 Sec. 9. Laws 2005, First Special Session chapter 1, article 2, section 3, subdivision 6,
 5.27 is amended to read:

5.28 **Subd. 6. Trails and Waterways Management**

5.29 26,971,000 26,660,000

5.30 Summary by Fund

5.31 General	1,684,000	1,284,000
5.32 Natural Resources	23,196,000	23,289,000
5.33 Game and Fish	2,091,000	2,087,000

5.34 \$7,224,000 the first year and \$7,224,000
 5.35 the second year are from the snowmobile

6.1 trails and enforcement account in the natural
6.2 resources fund for snowmobile grants-in-aid.

6.3 The additional money under this item may
6.4 be used for new grant-in-aid trails. Any
6.5 unencumbered balance does not cancel at the
6.6 end of the first year and is available for the
6.7 second year.

6.8 \$925,000 the first year and \$825,000 the
6.9 second year are from the natural resources
6.10 fund for off-highway vehicle grants-in-aid.

6.11 Of this amount, \$575,000 each year is from
6.12 the all-terrain vehicle account; \$150,000
6.13 each year is from the off-highway motorcycle
6.14 account; and \$200,000 the first year and
6.15 \$100,000 the second year are from the
6.16 off-road vehicle account. Any unencumbered
6.17 balance does not cancel at the end of the first
6.18 year and is available for the second year.

6.19 \$261,000 the first year and \$261,000 the
6.20 second year are from the water recreation
6.21 account in the natural resources fund for a
6.22 safe harbor program on Lake Superior.

6.23 \$742,000 the first year and \$760,000 the
6.24 second year are from the natural resources
6.25 fund for state trail operations. This
6.26 appropriation is from the revenue deposited
6.27 in the natural resources fund under Minnesota
6.28 Statutes, section 297A.94, paragraph (e),
6.29 clause (2).

6.30 \$655,000 the first year and \$655,000 the
6.31 second year are from the natural resources
6.32 fund for trail grants to local units of
6.33 government on land to be maintained for
6.34 at least 20 years for the purposes of the
6.35 grant. This appropriation is from the revenue

7.1 deposited in the natural resources fund
7.2 under Minnesota Statutes, section 297A.94,
7.3 paragraph (e), clause (4).

7.4 By June 30, 2007, the department shall
7.5 establish a boat launch and ramp at Horseshoe
7.6 Bay in Cook County, and rehabilitate the
7.7 historic fishing pier on Dower Lake in Todd
7.8 County. The commissioner may use funds
7.9 appropriated under Laws 2006, chapter 258,
7.10 section 7, subdivision 6, for this purpose.

7.11 \$1,600,000 the first year and \$1,900,000 the
7.12 second year are from the water recreation
7.13 account in the natural resources fund for
7.14 the acquisition, development, maintenance,
7.15 and rehabilitation of existing sites for public
7.16 access and boating facilities on public waters.
7.17 This money is from the watercraft license fee
7.18 increases in this act.

7.19 \$100,000 the first year is for a grant to the
7.20 Duluth Port Authority to determine the cause
7.21 of freshwater corrosion of harbor sheet
7.22 piling, provided these state funds are matched
7.23 on a dollar-for-dollar basis by nonstate funds.
7.24 This is a onetime appropriation.

7.25 \$300,000 is for a grant to the St. Louis and
7.26 Lake Counties Regional Railroad Authority
7.27 to complete constructing, furnishing, and
7.28 equipping Mesabi Station along the 132-mile
7.29 recreational trail known as Mesabi Trail
7.30 and located at the intersection of U.S.
7.31 Highway 53 and marked Trunk Highway
7.32 37. This appropriation is dependent upon
7.33 a matching contribution of \$800,000 from
7.34 other sources, public or private. This is a
7.35 onetime appropriation.

8.1 \$75,000 the first year is from the all-terrain
8.2 vehicle account in the natural resources
8.3 fund for a study to determine the amount
8.4 of gasoline used each year by all-terrain
8.5 vehicle riders in the state, except for riders
8.6 with vehicles registered for private use. The
8.7 commissioners of natural resources, revenue,
8.8 and transportation shall jointly determine
8.9 the amount of unrefunded gasoline tax
8.10 attributable to all-terrain vehicle use in the
8.11 state and shall report to the legislature by
8.12 March 1, 2006, with an appropriate proposed
8.13 revision to Minnesota Statutes, section
8.14 296A.18.

8.15 \$50,000 is appropriated from the all-terrain
8.16 vehicle account in the natural resources fund
8.17 to the commissioner of natural resources for
8.18 fiscal year 2006 for a feasibility study on the
8.19 use of all-terrain vehicles on the North Shore
8.20 Trail. All data and information compiled
8.21 for this study may be used in any future
8.22 master trail plan revision. The study shall
8.23 be reported back to the house and senate
8.24 environment committee chairs by March 1,
8.25 2006.

8.26 The appropriation in Laws 2003, chapter
8.27 128, article 1, section 5, subdivision 6, from
8.28 the water recreation account in the natural
8.29 resources fund for a cooperative project with
8.30 the United States Army Corps of Engineers
8.31 to develop the Mississippi Whitewater Park
8.32 is available until June 30, 2007.

8.33 By February 15, 2006, the commissioner
8.34 shall report to the senate Environment,
8.35 Agriculture and Economic Development

9.1 Budget Division and the house Environment,
9.2 Natural Resources, and Agriculture
9.3 Finance Committees on the management
9.4 and operational responsibilities for the
9.5 Mississippi Whitewater Park authorized
9.6 by Minnesota Statutes, section 85.0156.
9.7 The report shall identify who the potential
9.8 operators, owners, and managers of the park
9.9 will be as well as related issues.

9.10 Sec. 10. **REPEALER.**

9.11 Minnesota Statutes 2006, section 85.015, subdivision 11, is repealed.