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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **3273**

February 20, 2008

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

March 18, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to natural resources; modifying monument designation authority;  
1.3 modifying state park names; modifying state park permit requirements;  
1.4 modifying requirements for youth operation of all-terrain vehicles; modifying  
1.5 campfire provisions; modifying requirements for alternative recording for state  
1.6 forest roads; modifying public water access site acquisition authority; eliminating  
1.7 certain finance report requirements; making technical corrections; amending  
1.8 Minnesota Statutes 2006, sections 84.9256, subdivision 1; 85.011; 85.012,  
1.9 subdivisions 28, 49a; 85.013, subdivision 1; 85.054, subdivision 3, by adding a  
1.10 subdivision; 88.15, subdivision 2; 89.715; 97A.055, subdivision 4b; 97A.141,  
1.11 subdivision 1; repealing Minnesota Statutes 2006, sections 84.961, subdivision  
1.12 4; 85.013, subdivision 21b; 97A.141, subdivision 2; Laws 1989, chapter 335,  
1.13 article 1, section 21, subdivision 8, as amended.

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

1.15 Section 1. Minnesota Statutes 2006, section 84.9256, subdivision 1, is amended to read:

1.16 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on  
1.17 public road rights-of-way that is permitted under section 84.928, a driver's license issued  
1.18 by the state or another state is required to operate an all-terrain vehicle along or on a  
1.19 public road right-of-way.

1.20 (b) A person under 12 years of age shall not:

1.21 (1) make a direct crossing of a public road right-of-way;

1.22 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

1.23 (3) operate an all-terrain vehicle on public lands or waters, except as provided in  
1.24 paragraph (f).

1.25 (c) Except for public road rights-of-way of interstate highways, a person 12 years  
1.26 of age but less than 16 years may make a direct crossing of a public road right-of-way  
1.27 of a trunk, county state-aid, or county highway or operate on public lands and waters or  
1.28 state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety

2.1 certificate issued by the commissioner and is accompanied on another all-terrain vehicle  
2.2 by a person 18 years of age or older who holds a valid driver's license.

2.3 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years  
2.4 old, but less than 16 years old, must:

2.5 (1) successfully complete the safety education and training program under section  
2.6 84.925, subdivision 1, including a riding component; and

2.7 (2) be able to properly reach and control the handle bars and reach the foot pegs  
2.8 while sitting upright on the seat of the all-terrain vehicle.

2.9 (e) A person at least 11 years of age may take the safety education and training  
2.10 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but  
2.11 the certificate is not valid until the person reaches age 12.

2.12 (f) A person at least ten years of age but under 12 years of age may operate an  
2.13 all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if  
2.14 accompanied by a parent or legal guardian.

2.15 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

2.16 (h) A person under the age of 16 may not operate an all-terrain vehicle on public  
2.17 lands or waters or on state or grant-in-aid trails if the person cannot properly reach and  
2.18 control the handle bars and reach the foot pegs while sitting upright on the seat of the  
2.19 all-terrain vehicle.

2.20 Sec. 2. Minnesota Statutes 2006, section 85.011, is amended to read:

2.21 **85.011 CONFIRMATION OF CREATION AND ESTABLISHMENT OF**  
2.22 **STATE PARKS, ~~MONUMENTS~~, STATE RECREATION RESERVES AREAS,**  
2.23 **AND WAYSIDES.**

2.24 The legislature of this state has provided for the creation and establishment of  
2.25 state parks, designated ~~monuments~~, state recreation reserves areas, and waysides for the  
2.26 purpose of conserving the scenery, natural and historic objects and wildlife and to provide  
2.27 for the enjoyment of the same in such manner and by such means as will leave them  
2.28 unimpaired for the enjoyment of future generations.

2.29 The establishment of such state parks, designated ~~monuments~~, state recreation  
2.30 reserves areas, and waysides is hereby confirmed as provided in this section and sections  
2.31 85.012 and 85.013 and they shall remain perpetually dedicated for the use of the people of  
2.32 the state for park purposes.

2.33 The enumerated state parks, ~~state monuments~~, state recreation areas, and state  
2.34 waysides shall consist of the lands and other property authorized therefor before January

3.1 1, 1969, together with such other lands and properties as may be authorized therefor on  
3.2 or after January 1, 1969.

3.3 Sec. 3. Minnesota Statutes 2006, section 85.012, subdivision 28, is amended to read:

3.4 Subd. 28. Interstate State Park, Chisago County, which is hereby renamed from  
3.5 Dalles of Saint Croix State Park.

3.6 Sec. 4. Minnesota Statutes 2006, section 85.012, subdivision 49a, is amended to read:

3.7 Subd. 49a. ~~St. Croix~~ Wild River State Park, Chisago County.

3.8 Sec. 5. Minnesota Statutes 2006, section 85.013, subdivision 1, is amended to read:

3.9 Subdivision 1. **Names, acquisition; administration.** (a) Designated ~~monuments,~~  
3.10 recreation reserves; and waysides heretofore established and hereby confirmed as ~~state~~  
3.11 ~~monuments,~~ state recreation areas and state waysides together with the counties in which  
3.12 they are situated are listed in this section and shall hereafter be named as indicated  
3.13 in this section.

3.14 (b) Any land that now is or hereafter becomes tax-forfeited land and is located  
3.15 within the described boundaries of a state recreation area as defined by session laws is  
3.16 hereby withdrawn from sale and is transferred from the custody, control, and supervision  
3.17 of the county board of the county to the commissioner of natural resources, free from  
3.18 any trust in favor of the interested taxing districts. The commissioner shall execute a  
3.19 certificate of acceptance of the lands on behalf of the state for such purposes and transmit  
3.20 the same to the county auditor of the county for record as provided by law in the case  
3.21 of tax-forfeited land transferred to the commissioner by resolution of the county board  
3.22 for conservation purposes.

3.23 Sec. 6. Minnesota Statutes 2006, section 85.054, subdivision 3, is amended to read:

3.24 Subd. 3. **Interstate State Park.** A Minnesota state park permit is not required at  
3.25 Interstate State Park if a valid, current, Wisconsin state park permit or sticker authorizing  
3.26 entry of a motor vehicle into Wisconsin state parks is appropriately displayed on the  
3.27 vehicle and the commissioner has entered into an agreement with appropriate officials  
3.28 of the state of Wisconsin that authorizes motor vehicles displaying Minnesota state park  
3.29 permits free entry into Interstate State Park of Wisconsin on a reciprocal basis.

3.30 Sec. 7. Minnesota Statutes 2006, section 85.054, is amended by adding a subdivision  
3.31 to read:

4.1 Subd. 14. **Grand Portage State Park.** A state park permit is not required and a fee  
 4.2 may not be charged for motor vehicle entry or parking at the Class 1 highway rest area  
 4.3 parking lot located adjacent to marked Trunk Highway 61 and Pigeon River at Grand  
 4.4 Portage State Park.

4.5 Sec. 8. Minnesota Statutes 2006, section 88.15, subdivision 2, is amended to read:

4.6 Subd. 2. **Not to be left burning.** Every person who starts or maintains a campfire  
 4.7 shall:

4.8 (1) exercise every reasonable precaution to prevent the campfire from spreading  
 4.9 ~~and shall;~~

4.10 (2) before lighting the campfire, clear the ground of all combustible material ~~within~~  
 4.11 ~~a radius of five feet from the base of the campfire. The person lighting the campfire shall;~~

4.12 (3) remain with the campfire at all times; and ~~shall~~

4.13 (4) before leaving the site, completely extinguish the campfire.

4.14 Sec. 9. Minnesota Statutes 2006, section 89.715, is amended to read:

4.15 **89.715 ALTERNATIVE RECORDING FOR STATE FOREST ROAD.**

4.16 Subdivision 1. **Authorization.** The commissioner may adopt a ~~recorded~~ state forest  
 4.17 road map under this section to record the department's state forest road prescriptive  
 4.18 easements. For purposes of this section, "~~recorded~~ state forest road map" means the  
 4.19 official map of state forest roads adopted by the commissioner.

4.20 Subd. 2. **Map requirements.** The ~~recorded~~ state forest road map must:

4.21 (1) show state forest roads at the time the map is adopted;

4.22 (2) be prepared at a scale ~~of at least four inches equals one mile~~ compliant with  
 4.23 county recorder standards;

4.24 (3) include section numbers;

4.25 (4) include a north point arrow;

4.26 (5) include the name of the county and state;

4.27 (6) include a blank and a description under the blank for the date of public hearing  
 4.28 and date of adoption;

4.29 (7) include blanks for signatures and dates of signatures for the commissioner; and

4.30 (8) include a list of legal descriptions of all parcels crossed by state forest road  
 4.31 prescriptive easements.

4.32 Subd. 3. **Procedure to adopt map.** (a) The commissioner must prepare an official  
 4.33 map for each county or smaller geographic area as determined by the commissioner as

5.1 provided in subdivision 2, and set a time, place, and date for a public hearing on adopting  
5.2 a ~~recorded~~ state forest road map to record roads.

5.3 (b) The hearing notice must state that the roads to be recorded will be to the width of  
5.4 the actual use including ditches, backslopes, fills, and maintained rights-of-way, unless  
5.5 otherwise specified in a prior easement of record. The hearing notice must be published  
5.6 once a week for two successive weeks in a qualified newspaper of general circulation that  
5.7 serves the county or smaller geographic areas as determined by the commissioner, the last  
5.8 publication to be made at least ten days before the date of the public hearing. At least 30  
5.9 days before the hearing, the hearing notice must be sent by certified mail to the property  
5.10 owners directly affected in the county or smaller geographic areas as determined by the  
5.11 commissioner at the addresses listed on the tax assessment notices at least seven days  
5.12 before appearing in the qualified newspaper. The hearing notice may be sent with the tax  
5.13 assessment, but all additional costs incurred shall be billed to the department.

5.14 (c) After the public hearing is held, the commissioner may amend and adopt the  
5.15 ~~recorded~~ state forest road map. The ~~recorded~~ adopted state forest road map must be dated  
5.16 and signed by the commissioner and must be ~~recorded~~ filed for recording with the county  
5.17 recorder within 90 days after the map is adopted. The map is effective when filed with  
5.18 the county recorder.

5.19 (d) The ~~recorded~~ state forest road map that is recorded with the county recorder must  
5.20 comply with the standards of the county recorder where the state forest roads are located.

5.21 (e) A ~~recorded~~ state forest road map that was prepared by using aerial photographs  
5.22 to establish road centerlines and that has been duly recorded with the county recorder is an  
5.23 adequate description for purposes of recording road easements and the map is the legally  
5.24 constituted description and prevails when a deed for a parcel abutting a road contains  
5.25 no reference to a road easement. Nothing prevents the commissioner from accepting a  
5.26 more definitive metes and bounds or survey description of a road easement for a road of  
5.27 record if the description of the easement is referenced to equal distance on both sides  
5.28 of the existing road centerline.

5.29 (f) The commissioner shall consult with representatives of county land  
5.30 commissioners, county auditors, county recorders, and Torrens examiners in implementing  
5.31 this subdivision.

5.32 Subd. 4. **Appeal.** (a) ~~Before filing an appeal under paragraph (b), a person may~~  
5.33 ~~seek resolution of concerns regarding a decision to record a road under this section by~~  
5.34 ~~contacting the commissioner in writing.~~

5.35 (b) ~~A person may appeal a decision to record or exclude recording a road under this~~  
5.36 ~~section to the district court within 120 days after the date the commissioner adopts the~~

6.1 ~~state forest road map.~~ Appeals may be filed only by property owners who are directly  
6.2 affected by a proposed map designation and only for those portions of the map designation  
6.3 that directly affect them.

6.4 (b) A property owner may appeal the map designation to the commissioner within 60  
6.5 days of the map being recorded by filing a written request for review. The commissioner  
6.6 shall review the request and any supporting evidence and render a decision within 45  
6.7 days of receipt of the request for review.

6.8 (c) If a property owner wishes to appeal a decision of the commissioner after review  
6.9 under paragraph (b), the property owner must file an appeal with the district court within  
6.10 60 days of the commissioner's decision.

6.11 (d) If any portion of a map appealed under paragraph (b) is modified or found to be  
6.12 invalid by a court of competent jurisdiction under paragraph (c), the remainder of the map  
6.13 shall not be affected and its recording with the county recorder shall stand.

6.14 Subd. 5. **Unrecorded road or trail not affected.** This section does not affect or  
6.15 diminish the legal status or state obligations of roads and trails not shown on the ~~recorded~~  
6.16 state forest road map.

6.17 Subd. 6. **Exemption.** Adoption of a ~~recorded~~ state forest road map under this  
6.18 section is exempt from the rulemaking requirements of chapter 14 and section 14.386  
6.19 does not apply.

6.20 Sec. 10. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

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

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

6.29 (1) a Fisheries Operations Subcommittee to review fisheries funding, excluding  
6.30 activities related to trout and salmon stamp funding;

6.31 (2) a Wildlife Operations Subcommittee to review wildlife funding, excluding  
6.32 activities related to migratory waterfowl, pheasant, and turkey stamp funding and  
6.33 excluding review of the amounts available under section 97A.075, subdivision 1,  
6.34 paragraphs (b) and (c);

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

7.3 (4) an Ecological ~~Services Operations~~ Resources Subcommittee to review ecological  
7.4 services funding;

7.5 (5) a subcommittee to review game and fish fund funding of enforcement, ~~support~~  
7.6 ~~services, and Department of Natural Resources administration and operations support~~;

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

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

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

7.13 (9) a subcommittee to review the report on the turkey stamp and address funding  
7.14 issues related to wild turkeys.

7.15 (c) The chairs of each of the subcommittees shall form a Budgetary Oversight  
7.16 Committee to coordinate the integration of the subcommittee reports into an annual  
7.17 report to the legislature; recommend changes on a broad level in policies, activities, and  
7.18 revenue enhancements or reductions; provide a forum to address issues that transcend the  
7.19 subcommittees; and submit a report for any subcommittee that fails to submit its report  
7.20 in a timely manner.

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

7.26 (e) Each subcommittee shall choose its own chair, except that the chair of the  
7.27 Budgetary Oversight Committee shall be appointed by the commissioner and may not  
7.28 be the chair of any of the subcommittees.

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

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

7.34 Sec. 11. Minnesota Statutes 2006, section 97A.141, subdivision 1, is amended to read:

8.1           Subdivision 1. **Acquisition; generally.** The commissioner shall acquire access sites  
8.2 adjacent to public waters and easements and rights-of-way necessary to connect the access  
8.3 sites with public highways. The land may be acquired by gift, lease, or purchase, or by  
8.4 condemnation with approval of the Executive Council. ~~An access site may not exceed~~  
8.5 ~~seven acres and may only be acquired where access is inadequate.~~

8.6           Sec. 12. **REPEALER.**

8.7           Minnesota Statutes 2006, sections 84.961, subdivision 4; 85.013, subdivision 21b;  
8.8 and 97A.141, subdivision 2, and Laws 1989, chapter 335, article 1, section 21, subdivision  
8.9 8, as amended by Laws 2002, chapter 323, section 19, are repealed.