

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1237**

March 2, 2009

Authored by Eken

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

A bill for an act

1.1 relating to natural resources; modifying state park permit requirements;
1.2 modifying authority to operate state monuments and establish secondary
1.3 units; eliminating liquor service at John A. Latsch State Park; providing for
1.4 establishment of boater waysides; modifying watercraft operation requirements;
1.5 providing for appeals and enforcement of certain civil penalties; providing for
1.6 taking wild animals to protect public safety; providing for notice of changes to
1.7 public waters inventory; modifying critical habitat plate eligibility; amending
1.8 Minnesota Statutes 2008, sections 85.053, subdivision 3; 85.054, by adding
1.9 subdivisions; 85.21; 86A.05, by adding a subdivision; 86A.08, subdivision 1;
1.10 86A.09, subdivision 1; 86B.311, by adding a subdivision; 97A.321; 103G.201;
1.11 168.1296, subdivision 1; proposing coding for new law in Minnesota Statutes,
1.12 chapter 97B; repealing Minnesota Statutes 2008, section 85.0505, subdivision 2.
1.13

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

1.15 Section 1. Minnesota Statutes 2008, section 85.053, subdivision 3, is amended to read:

1.16 Subd. 3. ~~Second-vehicle~~ **Multiple-vehicle permits.** The commissioner shall
1.17 prescribe and issue ~~second-vehicle~~ multiple-vehicle state park permits for persons who
1.18 own more than one motor vehicle and who request ~~a second~~ the permit for ~~the second~~
1.19 ~~vehicle~~ additional vehicles on a form prescribed by the commissioner. ~~The commissioner~~
1.20 ~~may issue an applicant only one second vehicle permit.~~

1.21 Sec. 2. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
1.22 to read:

1.23 Subd. 15. **John A. Latsch State Park.** A state park permit is not required and a fee
1.24 may not be charged for motor vehicle entry or parking at the parking lot located adjacent
1.25 to John Latsch Road and Trunk Highway 61 at John A. Latsch State Park.

2.1 Sec. 3. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 16. **Greenleaf Lake State Recreation Area.** A state park permit is not
2.4 required and a fee may not be charged for motor vehicle entry or parking at Greenleaf
2.5 Lake State Recreation Area.

2.6 Sec. 4. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
2.7 to read:

2.8 Subd. 17. **School-sanctioned activities.** A state park permit is not required and a
2.9 fee may not be charged for vehicles transporting K-12 students engaged in school district
2.10 sanctioned activities at state parks.

2.11 Sec. 5. Minnesota Statutes 2008, section 85.21, is amended to read:

2.12 **85.21 STATE OPERATION OF PARK, ~~MONUMENT,~~ RECREATION AREA**
2.13 **AND WAYSIDE FACILITIES; LICENSE NOT REQUIRED.**

2.14 The state, in its operation of state park, ~~state monument,~~ state recreation area, and
2.15 state wayside facilities, shall not be required to obtain or pay for permits or licenses
2.16 required by statute or by ordinance of governmental subdivisions of private operators in
2.17 conducting or maintaining similar business or facilities.

2.18 Sec. 6. Minnesota Statutes 2008, section 86A.05, is amended by adding a subdivision
2.19 to read:

2.20 Subd. 15. **State boater wayside.** (a) Boater waysides may be established to provide
2.21 for public use.

2.22 (b) No unit shall be authorized as a state boater wayside unless its proposed location
2.23 substantially satisfies the following criteria:

2.24 (1) contains resources that are desirable for use by boaters;

2.25 (2) is accessible by persons traveling by boat, canoe, or kayak; and

2.26 (3) may be near, associated with, or located within a unit of the outdoor recreation
2.27 system under this section.

2.28 (c) State boater waysides shall be administered by the commissioner of natural
2.29 resources in a manner that is consistent with the purpose of this subdivision. Facilities
2.30 for sanitation, picnicking, overnight mooring, camping, fishing, and swimming may be
2.31 provided when the commissioner determines that these activities are justifiable and
2.32 compatible with the resources and the natural environment.

3.1 Sec. 7. Minnesota Statutes 2008, section 86A.08, subdivision 1, is amended to read:

3.2 Subdivision 1. **Secondary authorization; when permitted.** A unit of the outdoor
3.3 recreation system may be authorized wholly or partially within the boundaries of another
3.4 unit only when the authorization is consistent with the purposes and objectives of the
3.5 respective units, ~~and only in the instances permitted below:~~

3.6 ~~(a) The following units may be authorized wholly or partially within a state park:
3.7 historic site, scientific and natural area, wilderness area, wild, scenic, and recreational
3.8 river, trail, rest area, aquatic management area, and water access site.~~

3.9 ~~(b) The following units may be authorized wholly or partially within a state
3.10 recreation area: historic site, scientific and natural area, wild, scenic, and recreational river,
3.11 trail, rest area, aquatic management area, wildlife management area, and water access site.~~

3.12 ~~(c) The following units may be authorized wholly or partially within a state forest:
3.13 state park, state recreation area, historic site, wildlife management area, scientific and
3.14 natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic
3.15 management area, and water access site.~~

3.16 ~~(d) The following units may be authorized wholly or partially within a state historic
3.17 site: wild, scenic, and recreational river, trail, rest area, aquatic management area, and
3.18 water access site.~~

3.19 ~~(e) The following units may be authorized wholly or partially within a state wildlife
3.20 management area: state water access site and aquatic management area.~~

3.21 ~~(f) The following units may be authorized wholly or partially within a state wild,
3.22 scenic, or recreational river: state park, historic site, scientific and natural area, wilderness
3.23 area, trail, rest area, aquatic management area, and water access site.~~

3.24 ~~(g) The following units may be authorized wholly or partially within a state rest
3.25 area: historic site, trail, wild, scenic, and recreational river, aquatic management area,
3.26 and water access site.~~

3.27 ~~(h) The following units may be authorized wholly or partially within an aquatic
3.28 management area: historic site, scientific and natural area, wild, scenic, and recreational
3.29 river, and water access site.~~

3.30 Sec. 8. Minnesota Statutes 2008, section 86A.09, subdivision 1, is amended to read:

3.31 Subdivision 1. **Master plan required.** No construction of new facilities or other
3.32 development of an authorized unit, other than repairs and maintenance, shall commence
3.33 until the managing agency has prepared and submitted to the commissioner of natural
3.34 resources and the commissioner has reviewed, pursuant to this section, a master plan for
3.35 administration of the unit in conformity with this section. No master plan is required for

4.1 wildlife management areas that do not have resident managers, for water access sites, for
4.2 aquatic management areas, ~~or~~ for rest areas, or for boater waysides.

4.3 Sec. 9. Minnesota Statutes 2008, section 86B.311, is amended by adding a subdivision
4.4 to read:

4.5 Subd. 6. **Law enforcement watercraft displaying emergency lights.** When
4.6 approaching and passing a law enforcement watercraft with its emergency lights
4.7 activated, the operator of a watercraft must safely move the watercraft away from the law
4.8 enforcement watercraft and maintain a slow-no wake speed while within 150 feet of
4.9 the law enforcement watercraft.

4.10 Sec. 10. Minnesota Statutes 2008, section 97A.321, is amended to read:

4.11 **97A.321 DOGS PURSUING OR KILLING BIG GAME.**

4.12 Subdivision 1. **Owner responsibility; penalty amount.** The owner of a dog that
4.13 pursues but does not kill a big game animal is subject to a civil penalty of \$100 for each
4.14 violation. The owner of a dog that kills a big game animal is subject to a civil penalty of
4.15 \$500 for each violation.

4.16 Subd. 2. **Appeals.** Civil penalties under this section may be appealed according to
4.17 procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying
4.18 the commissioner in writing within 15 days after receipt of the citation. If a hearing
4.19 is not requested within the 15-day period, the civil penalty becomes a final order not
4.20 subject to further review.

4.21 Subd. 3. **Enforcement.** Civil penalties under this section may be enforced according
4.22 to section 116.072, subdivisions 9 and 10.

4.23 Subd. 4. **Payment of penalty.** Penalty amounts shall be remitted to the
4.24 commissioner within 30 days of issuance of the penalty notice and shall be deposited in
4.25 the game and fish fund.

4.26 Sec. 11. **[97B.657] TAKING WILD ANIMALS TO PROTECT PUBLIC SAFETY.**

4.27 A licensed peace officer may, at any time, take a protected wild animal that is posing
4.28 an immediate threat to public safety. A peace officer who destroys a protected wild animal
4.29 under this section must report the taking to a conservation officer as soon as practicable,
4.30 but no later than 48 hours after the animal is destroyed.

4.31 Sec. 12. Minnesota Statutes 2008, section 103G.201, is amended to read:

4.32 **103G.201 PUBLIC WATERS INVENTORY.**

5.1 (a) The commissioner shall ~~prepare~~ maintain a public waters inventory map of each
5.2 county that shows the waters of this state that are designated as public waters under the
5.3 public waters inventory and classification procedures prescribed under Laws 1979, chapter
5.4 199, and shall provide access to a copy of the maps and lists. ~~The~~ As county public waters
5.5 inventory map for each county must be filed with maps and lists are revised according to
5.6 this section, the commissioner shall send a notification or a copy of the maps and lists
5.7 to the auditor of the each affected county.

5.8 (b) The commissioner is authorized to revise the list of public waters established
5.9 under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously
5.10 identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as
5.11 wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify
5.12 public waters wetlands as public waters if:

5.13 (1) they are assigned a shoreland management classification by the commissioner
5.14 under sections 103F.201 to 103F.221;

5.15 (2) they are classified as lacustrine wetlands or deepwater habitats according to
5.16 Classification of Wetlands and Deepwater Habitats of the United States (Cowardin,
5.17 et al., 1979 edition); or

5.18 (3) the state or federal government has become titleholder to any of the beds or
5.19 shores of the public waters wetlands, subsequent to the preparation of the public waters
5.20 inventory map filed with the auditor of the county, pursuant to paragraph (a), and the
5.21 responsible state or federal agency declares that the water is necessary for the purposes
5.22 of the public ownership.

5.23 (c) The commissioner must provide notice of the reclassification to the local
5.24 government unit, the county board, the watershed district, if one exists for the area, and
5.25 the soil and water conservation district. Within 60 days of receiving notice from the
5.26 commissioner, a party required to receive the notice may provide a resolution stating
5.27 objections to the reclassification. If the commissioner receives an objection from a party
5.28 required to receive the notice, the reclassification is not effective. If the commissioner does
5.29 not receive an objection from a party required to receive the notice, the reclassification
5.30 of a wetland under paragraph (b) is effective 60 days after the notice is received by all
5.31 of the parties.

5.32 (d) The commissioner shall give priority to the reclassification of public waters
5.33 wetlands that are or have the potential to be affected by public works projects.

5.34 (e) The commissioner may revise the public waters inventory map and list of each
5.35 county:

5.36 (1) to reflect the changes authorized in paragraph (b); and

6.1 (2) as needed, to:

6.2 (i) correct errors in the original inventory;

6.3 (ii) add or subtract trout stream tributaries within sections that contain a designated
6.4 trout stream following written notice to the landowner;

6.5 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds
6.6 50 acres and the shoreland has been zoned for residential development; and

6.7 (iv) add or subtract public waters that have been created or eliminated as a
6.8 requirement of a permit authorized by the commissioner under section 103G.245.

6.9 Sec. 13. Minnesota Statutes 2008, section 168.1296, subdivision 1, is amended to read:

6.10 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall
6.11 issue critical habitat plates to an applicant who:

6.12 (1) is a registered owner of a passenger automobile, one-ton pickup truck or
6.13 recreational vehicle;

6.14 (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

6.15 (3) pays the registration tax required under section 168.013;

6.16 (4) pays the fees required under this chapter;

6.17 (5) contributes a minimum of \$30 annually to the Minnesota critical habitat private
6.18 sector matching account established in section 84.943; and

6.19 (6) complies with this chapter and rules governing registration of motor vehicles
6.20 and licensing of drivers.

6.21 (b) The critical habitat plate application must indicate that the annual contribution
6.22 specified under paragraph (a), clause (5), is a minimum contribution to receive the plate
6.23 and that the applicant may make an additional contribution to the account.

6.24 (c) Owners of one-ton pickup trucks or recreational vehicles under paragraph (a),
6.25 clause (1), ~~are~~ may be eligible only for special critical habitat license plates ~~for which the~~
6.26 ~~designs are selected under subdivision 2;~~ on or after January 1, ~~2006~~ 2012.

6.27 (d) Special critical habitat license plates, ~~the designs for which are selected under~~
6.28 ~~subdivision 2, on or after January 1, 2006;~~ may be personalized according to section
6.29 168.12, subdivision 2a on or after January 1, 2012.

6.30 Sec. 14. **REPEALER.**

6.31 Minnesota Statutes 2008, section 85.0505, subdivision 2, is repealed.

APPENDIX

Repealed Minnesota Statutes: 09-2479

85.0505 FOOD AND BEVERAGE SERVICE IN STATE PARKS.

Subd. 2. **John A. Latsch State Park.** (a) Liquor may be sold and consumed by the drink at the restaurant in John A. Latsch State Park, subject to other laws relating to the sale of intoxicating liquor, and provided that the restaurant is operated by a private entity as provided in paragraph (b).

(b) The commissioner of natural resources may contract with a private person, firm, or corporation to operate the restaurant in John A. Latsch State Park.