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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1881**

March 18, 2009

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

1.1 A bill for an act
1.2 relating to game and fish; establishing hunters', anglers', and trappers' bill of
1.3 rights; proposing amendments to the Minnesota Constitution, articles I and XIII
1.4 to protect the right to arms and the right to wear fur and display game; requiring
1.5 the commissioner of natural resources to ensure hunting and fishing access;
1.6 establishing a program to allow public walk-in access on private property;
1.7 appropriating money; amending Minnesota Statutes 2008, sections 97A.045, by
1.8 adding a subdivision; 97A.083; 97B.001, subdivision 7; proposing coding for
1.9 new law in Minnesota Statutes, chapter 86A.

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

1.11 ARTICLE 1
1.12 FINDINGS AND PURPOSE

1.13 Section 1. **LEGISLATIVE FINDINGS AND PURPOSE.**

1.14 This act shall be cited as the "Hunters', Anglers', and Trappers' Bill of Rights." The
1.15 purpose of this act is to maximize opportunities for citizens to exercise their rights under
1.16 article XIII, section 12, of the Minnesota Constitution.

1.17 The legislature finds that enabling citizens to exercise their right to hunt, fish, and
1.18 take game are directly linked to:

- 1.19 (1) the right to keep and bear arms;
- 1.20 (2) healthy and abundant populations of fish and wildlife;
- 1.21 (3) freedom to consume or display legally taken fish and game;
- 1.22 (4) hunting, angling, and trapping traditions that are passed down from generation to
1.23 generation and exposure to these traditions at a young age;
- 1.24 (5) regulations that are easily understood, that are enforced by state agencies with
1.25 the support of citizens and sportsmen groups, and that result in ethical hunting, angling
1.26 and trapping practices; and

2.1 (6) access to public land for the people, not from the people, to enjoy hunting,
2.2 angling, trapping, and other outdoor activities.

2.3 **ARTICLE 2**

2.4 **RIGHT TO ARMS CONSTITUTIONAL AMENDMENT**

2.5 Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

2.6 An amendment to the Minnesota Constitution is proposed to the people. If the
2.7 amendment is adopted, a section shall be added to article I, to read:

2.8 Sec. 18. The right of a citizen to keep, bear, and use arms for the defense and security
2.9 of the person, family, or home, or for lawful hunting, recreation, or marksmanship training
2.10 is fundamental and shall not be infringed.

2.11 Sec. 2. **SUBMISSION TO VOTERS.**

2.12 The proposed amendment must be submitted to the people at the 2010 general
2.13 election. The question submitted must be:

2.14 "Shall the Minnesota Constitution be amended to provide that the right of a citizen
2.15 to keep, bear, and use arms for the defense and security of the person, family, or home,
2.16 or for lawful hunting, recreation, or marksmanship training is fundamental and shall not
2.17 be infringed?

2.18 Yes
2.19 No"

2.20 **ARTICLE 3**

2.21 **RIGHT TO WEAR FUR AND DISPLAY TROPHY ANIMALS**

2.22 Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

2.23 An amendment to the Minnesota Constitution is proposed to the people. If the
2.24 amendment is adopted, a section shall be added to article XIII, to read:

2.25 Sec. 13. The right of a citizen to wear fur, pelts, skins, or hides from legally taken
2.26 animals, including farm-raised animals, and the right of a citizen to display legally taken
2.27 trophy animals on premises owned, leased, or otherwise legally occupied by the citizen
2.28 shall not be infringed.

2.29 Sec. 2. **SUBMISSION TO VOTERS.**

2.30 The proposed amendment must be submitted to the people at the 2010 general
2.31 election. The question submitted must be:

3.1 "Shall the Minnesota Constitution be amended to provide that the right of a citizen
 3.2 to wear fur, pelts, skins, or hides from legally taken animals, including farm-raised
 3.3 animals, and the right to display legally taken trophy animals on premises owned, leased,
 3.4 or otherwise legally occupied by the citizen shall not be infringed?"

3.5 Yes
 3.6 No"

3.7 **ARTICLE 4**
 3.8 **HUNTING AND FISHING**

3.9 Section 1. Minnesota Statutes 2008, section 97A.045, is amended by adding a
 3.10 subdivision to read:

3.11 Subd. 14. **Duty to ensure hunting and fishing access.** The commissioner shall
 3.12 ensure that state lands, subject to applicable state laws and limitations for public safety
 3.13 and homeland security, are open to access and use for recreational hunting and access to
 3.14 fishing. The commissioner shall manage lands in a manner to support, promote, and
 3.15 enhance recreational hunting and fishing opportunities to the extent authorized by law. To
 3.16 the greatest practicable extent, the commissioner's land management decisions and actions
 3.17 may not result in a net loss of acreage available for hunting and fishing opportunities that
 3.18 existed on July 1, 2009.

3.19 Sec. 2. Minnesota Statutes 2008, section 97A.083, is amended to read:

3.20 **97A.083 HUNTING AND FISHING ON STATE LAND.**

3.21 The commissioner shall allow or prohibit hunting and fishing on state land as
 3.22 provided under the game and fish laws. The commissioner shall publish information on
 3.23 hunting and fishing on state land, including areas where taking wild animals is allowed
 3.24 or prohibited. The commissioner shall ensure hunting and fishing access according to
 3.25 section 97A.045, subdivision 14.

3.26 **ARTICLE 5.**
 3.27 **PUBLIC ACCESS TO HABITAT**

3.28 Section 1. **[86A.50] PUBLIC ACCESS TO HABITAT.**

3.29 Subdivision 1. **Definitions.** For purposes of this section, the following terms have
 3.30 the meanings given:

3.31 (1) "board" means the Board of Water and Soil Resources;

4.1 (2) "outdoor recreation" has the meaning given under section 97B.001, subdivision
4.2 1a; and

4.3 (3) "program" means the public access to habitat program established under this
4.4 section.

4.5 Subd. 2. **Contracts; eligibility.** (a) The board may contract for public walk-in
4.6 access easements using appropriations from the outdoor heritage fund or nonstate revenue
4.7 made available from local sporting organizations. By entering into a contract to enroll
4.8 property in the program, a landowner grants permission to the public to access the
4.9 property by foot for outdoor recreation.

4.10 (b) Land enrolled in the program may also be enrolled in or is otherwise eligible
4.11 to be enrolled in one or more of the following programs:

4.12 (1) the federal conservation reserve program (CRP);

4.13 (2) the reinvest in Minnesota programs under section 84.95, 103F.515, 103F.516,
4.14 or 103F.518; or

4.15 (3) the Minnesota forests for the future program under section 84.66.

4.16 (c) The board may negotiate contract payments. Payment amounts include all or
4.17 any portion of the landowner's property tax liability for the contract year. The board shall
4.18 prioritize land parcels and use a flexible payment system to:

4.19 (1) encourage the use of land enrolled in other conservation easement programs,
4.20 including but not limited to those listed in paragraph (b), to also be enrolled in the program;

4.21 (2) encourage enrollment of large blocks of land suitable for and managed for fish,
4.22 game, and wildlife habitat;

4.23 (3) encourage multiyear contract lengths with landowners;

4.24 (4) secure access to an otherwise inaccessible but highly desirable fish, game, or
4.25 wildlife habitat parcel;

4.26 (5) encourage private landowners to manage lands for specific wildlife species; and

4.27 (6) mitigate forest fragmentation and loss of existing game, fish, and wildlife habitat.

4.28 Subd. 3. **Consultation with other agencies.** The board may consult with the
4.29 commissioners of natural resources and agriculture for:

4.30 (1) technical support and expertise in identifying land suitable for the program and
4.31 in wildlife habitat best management practices;

4.32 (2) designing signage for identification of property enrolled in the program and
4.33 providing adequate signage for landowners who have property enrolled in the program; and

4.34 (3) atlases, maps, or online guides to help the public find property enrolled in the
4.35 program.

5.1 Subd. 4. **Public access.** (a) Notwithstanding section 97B.001, subdivisions 2 and 3,
5.2 a person may enter land enrolled in the program by foot for outdoor recreation without
5.3 permission from the owner.

5.4 (b) A person who enters property enrolled in the program may not:

5.5 (1) wound or kill another person's domestic animal;

5.6 (2) destroy, cut, or tear down another person's fence, building, grain, crops, live
5.7 tree, or sign erected under subdivision 5; or

5.8 (3) pass through another person's closed gate without returning the gate to its
5.9 original position.

5.10 Subd. 5. **Signage.** Land enrolled in the program must be marked with signage that is
5.11 provided by the board and that is posted:

5.12 (1) at intervals of 1,000 feet or less along the boundary of the property or, in a
5.13 wooded area where boundary lines are not clear, at intervals of 500 feet or less; or

5.14 (2) to mark the primary corners of a parcel of land and access roads and trails at
5.15 the point of entrance to the parcel of land, except that corners only accessible through
5.16 agricultural land need not be posted.

5.17 Subd. 6. **Annual report.** By February 1 of each year, the board shall report to
5.18 the Lessard Outdoor Heritage Council and to the house of representatives and senate
5.19 committees with primary jurisdiction over environment and natural resources finance
5.20 and policy on the outcomes of appropriations used for the program. Outcomes may be
5.21 measured by acres of land added to conservation easement rolls; acres of land preserved
5.22 for fish, game, and wildlife habitat; game, fish, or wildlife species population counts; or
5.23 acres of land managed for a specific species.

5.24 Subd. 7. **Civil liability.** For purposes of sections 604A.20 to 604A.27, land enrolled
5.25 in the program is deemed to be land that an owner has made available for recreational
5.26 purposes without charge, despite any payments that may be made to the owner by the state
5.27 for enrollment of the land in the program.

5.28 Sec. 2. Minnesota Statutes 2008, section 97B.001, subdivision 7, is amended to read:

5.29 Subd. 7. **Taking with firearms in certain areas.** (a) A person may not take a wild
5.30 animal with a firearm within 500 feet of a building occupied by a human or livestock
5.31 without the written permission of the owner, occupant, or lessee:

5.32 (1) on another person's private land, including land enrolled in the public access to
5.33 habitat program under section 86A.50; or

5.34 (2) on a public right-of-way.

6.1 (b) A person may not take a wild animal with a firearm without the permission of the
6.2 owner, occupant, or lessee, within 500 feet of a stockade or corral containing livestock.

6.3 (c) A person may not take a wild animal on any land where the person is prohibited
6.4 from entering by this section.

6.5 **Sec. 3. PUBLIC ACCESS TO HABITAT APPROPRIATION.**

6.6 \$10,000,000 in fiscal year 2010 and \$10,000,000 in fiscal year 2011 are appropriated
6.7 from the outdoor heritage fund to the Board of Water and Soil Resources for contract
6.8 payments to landowners who enroll property to allow public walk-in access under
6.9 Minnesota Statutes, section 86A.50. Money appropriated the first year is available the
6.10 second year. In accordance with Minnesota Statutes, section 97A.056, subdivision 1, no
6.11 more than \$200,000 of this appropriation may be spent for the biennium on new staff
6.12 salaries or administration of the program.