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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1562

02/25/2021 Authored by Hansen, R., The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to natural resources; establishing account to invest financial assurance
1.3 money from permits to mine; modifying certain submission deadline; modifying
1.4 provisions for state park permits; prohibiting shooting at decoys from motor
1.5 vehicles; establishing blaze orange or blaze pink requirements for ground blinds;
1.6 modifying restrictions on motorized decoys; modifying provisions for taking
1.7 turtles; appropriating money; amending Minnesota Statutes 2020, sections 84.946,
1.8 subdivision 4; 85.054, subdivision 1; 97B.055, subdivision 2; 97B.071; 97B.811,
1.9 subdivision 4a; 97C.605, subdivision 3; 97C.611; proposing coding for new law
1.10 in Minnesota Statutes, chapter 11A.

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

1.12 Section 1. 11A.236 ACCOUNT TO INVEST FINANCIAL ASSURANCE MONEY
1.13 FROM PERMITS TO MINE.

1.14 Subdivision 1. Establishment; appropriation. (a) The State Board of Investment, when
1.15 requested by the commissioner of natural resources, may invest money collected by the
1.16 commissioner as part of financial assurance provided under a permit to mine issued under
1.17 chapter 93. The State Board of Investment may establish one or more accounts into which
1.18 money may be deposited for the purposes of this section, subject to the policies and
1.19 procedures of the State Board of Investment. Use of any money in the account is restricted
1.20 to the financial assurance purposes identified in sections 93.46 to 93.51 and rules adopted
1.21 thereunder and as authorized under any trust fund agreements or other conditions established
1.22 under a permit to mine.

1.23 (b) Money in an account established under paragraph (a) is appropriated to the
1.24 commissioner for the purposes for which the account is established under this section.

2.1 Subd. 2. **Account maintenance and investment.** The commissioner of natural resources  
 2.2 may deposit money in the appropriate account and may withdraw money from the appropriate  
 2.3 account for the financial assurance purposes identified in sections 93.46 to 93.51 and rules  
 2.4 adopted thereunder and as authorized under any trust fund agreements or other conditions  
 2.5 established under the permit to mine for which the financial assurance is provided, subject  
 2.6 to the policies and procedures of the State Board of Investment. Investment strategies related  
 2.7 to an account established under this section must be determined jointly by the commissioner  
 2.8 of natural resources and the executive director of the State Board of Investment. The  
 2.9 authorized investments for an account are the investments authorized under section 11A.24  
 2.10 that are made available for investment by the State Board of Investment. Investment  
 2.11 transactions must be at a time and in a manner determined by the executive director of the  
 2.12 State Board of Investment. Decisions to withdraw money from the account must be  
 2.13 determined by the commissioner of natural resources, subject to the policies and procedures  
 2.14 of the State Board of Investment. Investment earnings must be credited to the appropriate  
 2.15 account for financial assurance under the identified permit to mine. An account may be  
 2.16 terminated by the commissioner of natural resources at any time, so long as the termination  
 2.17 is in accordance with applicable statutes, rules, trust fund agreements, or other conditions  
 2.18 established under the permit to mine, subject to the policies and procedures of the State  
 2.19 Board of Investment.

2.20 Sec. 2. Minnesota Statutes 2020, section 84.946, subdivision 4, is amended to read:

2.21 **Subd. 4. **Priorities; report.**** The commissioner of natural resources must establish  
 2.22 priorities for natural resource asset preservation and replacement projects. By ~~January 15~~  
 2.23 March 1 each year, the commissioner must submit to the commissioner of management and  
 2.24 budget a list of the projects that have been paid for with money from a natural resource  
 2.25 asset preservation and replacement appropriation during the preceding calendar year.

2.26 Sec. 3. Minnesota Statutes 2020, section 85.054, subdivision 1, is amended to read:

2.27 **Subdivision 1. **State Park Open House Days.**** (a) A state park permit is not required  
 2.28 for a motor vehicle to enter a state park, state monument, state recreation area, or state  
 2.29 wayside, on four days each calendar year at each park, which the commissioner shall  
 2.30 designate as State Park Open House Days. The commissioner may designate two consecutive  
 2.31 days as State Park Open House Days, if the open house is held in conjunction with a special  
 2.32 pageant described in section 85.052, subdivision 2.

3.1 (b) The commissioner shall announce the date of each State Park Open House Day at  
3.2 least 30 days in advance of the date it occurs.

3.3 (c) The purpose of State Park Open House Days is to acquaint the public with state  
3.4 parks, recreation areas, and waysides.

3.5 (d) On State Park Open House Days, registered overnight guests in state parks and state  
3.6 recreation areas are exempt from the requirements for a state park permit under section  
3.7 85.053 until after the camping or lodging check-out time of the following day in the park  
3.8 where the overnight stay occurred.

3.9 Sec. 4. Minnesota Statutes 2020, section 97B.055, subdivision 2, is amended to read:

3.10 Subd. 2. **Restrictions related to motor vehicles.** (a) A person may not take a wild  
3.11 animal with a firearm or by archery from a motor vehicle except as permitted in this section.

3.12 (b) A person may not shoot at a decoy of a wild animal that is placed by a licensed peace  
3.13 officer by:

3.14 (1) discharging a firearm from a motor vehicle; or

3.15 (2) discharging an arrow from a bow from a motor vehicle.

3.16 (c) Notwithstanding section 97B.091, a person may transport a bow uncased while in a  
3.17 motorized watercraft and may take rough fish while in the boat as provided in section  
3.18 97C.376, subdivision 3.

3.19 Sec. 5. Minnesota Statutes 2020, section 97B.071, is amended to read:

3.20 **97B.071 CLOTHING AND GROUND BLIND REQUIREMENTS; BLAZE**  
3.21 **ORANGE OR BLAZE PINK.**

3.22 (a) Except as provided in rules adopted under paragraph ~~(e)~~ (d), a person may not hunt  
3.23 or trap during the open season where deer may be taken by firearms under applicable laws  
3.24 and ordinances, unless the visible portion of the person's cap and outer clothing above the  
3.25 waist, excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze  
3.26 pink includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within  
3.27 each foot square. This section does not apply to migratory-waterfowl hunters on waters of  
3.28 this state or in a stationary shooting location or to trappers on waters of this state.

3.29 (b) Except as provided in rules adopted under paragraph (d) and in addition to the  
3.30 requirements under paragraph (a), during the open season where deer may be taken by

4.1 firearms under applicable laws and ordinances, a person in a fabric or synthetic ground  
 4.2 blind on public land must have:

4.3 (1) a blaze orange or blaze pink safety covering on the top of the blind visible for 360  
 4.4 degrees around the blind; or

4.5 (2) at least 144 square inches of blaze orange or blaze pink material on each side of the  
 4.6 blind.

4.7 ~~(b)~~ (c) Except as provided in rules adopted under paragraph ~~(e)~~ (d), and in addition to  
 4.8 the ~~requirement~~ requirements in ~~paragraph~~ paragraphs (a) and (b), a person may not take  
 4.9 small game other than turkey, migratory birds, raccoons, and predators, except while trapping,  
 4.10 unless a visible portion of at least one article of the person's clothing above the waist is  
 4.11 blaze orange or blaze pink. This paragraph does not apply to a person when in a stationary  
 4.12 location while hunting deer by archery or when hunting small game by falconry.

4.13 ~~(e)~~ (d) The commissioner may, by rule, prescribe an alternative color in cases where  
 4.14 ~~paragraph (a) or (b)~~ paragraphs (a) to (c) would violate the Religious Freedom Restoration  
 4.15 Act of 1993, Public Law 103-141.

4.16 ~~(d)~~ (e) A violation of paragraph ~~(b)~~ (c) ~~shall~~ does not result in a penalty, but is punishable  
 4.17 only by a safety warning.

4.18 Sec. 6. Minnesota Statutes 2020, section 97B.811, subdivision 4a, is amended to read:

4.19 Subd. 4a. **Restrictions on certain motorized decoys.** ~~From the opening day of the duck~~  
 4.20 ~~season through the Saturday nearest October 8, a person may not use a motorized decoy,~~  
 4.21 ~~or other motorized device designed to attract migratory waterfowl. During the remainder~~  
 4.22 ~~of the duck season, the commissioner may, by rule, designate all or any portion of a wetland~~  
 4.23 ~~or lake closed to the use of motorized decoys or motorized devices designed to attract~~  
 4.24 ~~migratory waterfowl. On water bodies and lands fully contained within wildlife management~~  
 4.25 ~~area boundaries, a person may not use motorized decoys or motorized devices designed to~~  
 4.26 ~~attract migratory waterfowl at any time during the duck season.~~

4.27 Sec. 7. Minnesota Statutes 2020, section 97C.605, subdivision 3, is amended to read:

4.28 Subd. 3. **Taking; methods prohibited.** (a) A person may not take turtles ~~in any manner,~~  
 4.29 ~~except by the use of~~ using:

4.30 (1) explosives, drugs, poisons, lime, and other harmful substances;

4.31 (2) traps, except as provided in paragraph (b) and rules adopted under this section;

- 5.1 (3) nets other than anglers' fish landing nets; or
- 5.2 (4) commercial equipment, except as provided in rules adopted under this section;
- 5.3 (5) firearms and ammunition;
- 5.4 (6) bow and arrow or crossbow; or
- 5.5 (7) spears, harpoons, or any other implements that impale turtles.

5.6 (b) Until new rules are adopted under this section, a person with a turtle seller's license  
5.7 may take turtles with a floating turtle trap that:

- 5.8 (1) has one or more openings above the water surface that measure at least ten inches  
5.9 by four inches; and
- 5.10 (2) has a mesh size of not less than one-half inch, bar measure.

5.11 Sec. 8. Minnesota Statutes 2020, section 97C.611, is amended to read:

5.12 **97C.611 ~~SNAPPING TURTLES~~ TURTLE SPECIES; LIMITS.**

5.13 Subdivision 1. **Snapping turtles.** A person may not possess more than three snapping  
5.14 turtles of the species *Chelydra serpentina* without a turtle seller's license. Until new rules  
5.15 are adopted under section 97C.605, a person may not take snapping turtles of a size less  
5.16 than ten inches wide including curvature, measured from side to side across the shell at  
5.17 midpoint. After new rules are adopted under section 97C.605, a person may only take  
5.18 snapping turtles of a size specified in the adopted rules.

5.19 Subd. 2. **Western painted turtles.** (a) A person may not possess more than three Western  
5.20 painted turtles of the species *Chrysemys picta* without a turtle seller's license. Western  
5.21 painted turtles must be between 4 and 5-1/2 inches in shell length.

5.22 (b) This subdivision does not apply to persons acting under section 97C.605, subdivision  
5.23 2c, clause (4).

5.24 Subd. 3. **Spiny softshell.** A person may not possess spiny softshell turtles of the species  
5.25 *Apalone spinifera* after December 1, 2021, without an aquatic farm or private fish hatchery  
5.26 license with a turtle endorsement.

5.27 Subd. 4. **Other species.** A person may not possess any other species of turtle without  
5.28 an aquatic farm or private fish hatchery license with a turtle endorsement or as specified  
5.29 under section 97C.605, subdivision 2c.