

1.1 ..... moves to amend H.F. No. 2791 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2022, section 84.777, is amended to read:

1.4 **84.777 OFF-HIGHWAY VEHICLES AND SNOWMOBILES; USE OF STATE**  
1.5 **PUBLIC LANDS RESTRICTED.**

1.6 Subdivision 1. **Designated trails.** (a) ~~Except as otherwise allowed by law or rules adopted~~  
1.7 ~~by the commissioner, effective June 1, 2003,~~ Notwithstanding sections 84.787 to 84.804  
1.8 and 84.92 to 84.928, the use of off-highway vehicles is prohibited on state land administered  
1.9 by the commissioner of natural resources; and on county-administered forest land within  
1.10 the boundaries of a state forest, except on roads and trails specifically designated and posted  
1.11 by the commissioner for use by off-highway vehicles. The commissioner may limit the use  
1.12 of off-highway vehicles under this subdivision to specific purposes or seasons but must  
1.13 include these limitations in the designation and posting under this subdivision.

1.14 (b) Paragraph (a) does not apply to ~~county-administered~~ county- or township-administered  
1.15 land within a state forest if the county or township board adopts a resolution that modifies  
1.16 restrictions on the use of off-highway vehicles on ~~county-administered~~ county- or  
1.17 township-administered land within the forest.

1.18 (c) An off-highway vehicle trail or designated off-highway vehicle route that is on a  
1.19 state forest road or trail, township road or trail, county road or trail, or other state road or  
1.20 trail must not include:

1.21 (1) Tribal lands or Ceded Territory unless the appropriate Tribal government approves  
1.22 inclusion in the trail or route;

1.23 (2) an unpaved trail that crosses over waters designated as outstanding resource value  
1.24 waters or as exceptional habitat waters under Minnesota Rules, chapter 7050;

2.1 (3) land designated by the commissioner of agriculture or a county as containing  
2.2 prohibited noxious weeds, restricted noxious weeds, or county noxious weeds under sections  
2.3 18.76 to 18.91;

2.4 (4) an unpaved trail that is less than 200 feet from a public water that supports aquatic  
2.5 life; or

2.6 (5) an unpaved trail that is less than 150 feet from a public water that does not support  
2.7 aquatic life.

2.8 (d) Paragraph (c) must not be construed to affect roads or trails constructed or authorized  
2.9 before the effective date of that paragraph.

2.10 (e) For the purposes of this subdivision, "unpaved trail" does not include a trail, road,  
2.11 or route where motor vehicles, as defined under section 168.002, subdivision 18, are  
2.12 permitted.

2.13 Subd. 2. **Seasonal restrictions.** (a) Except for designated forest roads, a person must  
2.14 not operate an off-highway vehicle or snowmobile on state forest lands during the firearms  
2.15 deer-hunting season in areas of the state where deer may be taken by rifle. This paragraph  
2.16 does not apply to a person in possession of a valid deer-hunting license operating an  
2.17 off-highway vehicle or snowmobile before or after legal shooting hours or from 11:00 a.m.  
2.18 to 2:00 p.m.

2.19 (b) The commissioner may designate and post winter trails on state forest lands for use  
2.20 by off-highway vehicles.

2.21 (c) For the purposes of this subdivision, "state forest lands" means forest lands under  
2.22 the authority of the commissioner as defined in section 89.001, subdivision 13, and lands  
2.23 managed by the commissioner under section 282.011.

2.24 Subd. 3. **Mapped trails.** (a) Except as provided in sections 84.926 and 84.928, after  
2.25 completion of official department off-highway vehicle maps for the area, a person must not  
2.26 operate an off-highway vehicle on state land that is not mapped for the type of off-highway  
2.27 vehicle. ~~This paragraph does not apply to state forest land north of U.S. Highway 2 until~~  
2.28 ~~after June 30, 2009.~~

2.29 ~~(b) This subdivision does not apply to a forest access route in a managed forest north of~~  
2.30 ~~U.S. Highway 2 that the commissioner has not designated as a road or trail. Forest access~~  
2.31 ~~routes will not be signed or maintained and will not be included on published user maps of~~  
2.32 ~~the forest. Off-highway vehicle operation on forest access routes is subject to the prohibitions~~  
2.33 ~~on causing erosion, rutting, damage to trees or crops, and construction of unauthorized trails~~

3.1 contained in Minnesota Rules. Damaged routes are subject to closure to off-highway vehicle  
3.2 use.

3.3 Subd. 4. **Rulemaking exemption.** Determinations of the commissioner under this section  
3.4 may be by written order published in the State Register and are exempt from the rulemaking  
3.5 provisions of chapter 14. Section 14.386 does not apply.

3.6 Subd. 5. **Exception by permit.** Notwithstanding subdivisions 1 to 4 and section 84.773,  
3.7 subdivision 1, on a case-by-case basis, the commissioner may issue a permit authorizing a  
3.8 person to operate an off-highway vehicle on individual public trails under the commissioner's  
3.9 jurisdiction during specified times and for specified purposes.

3.10 **EFFECTIVE DATE.** Subdivision 1, paragraph (c), clause (1), is effective the day  
3.11 following final enactment. The remainder of this section is effective August 1, 2024.

3.12 Sec. 2. **[84.7775] STATE AND GRANT-IN-AID TRAIL PLANNING.**

3.13 Subdivision 1. **Planning requirements.** At the beginning of the planning process for a  
3.14 state or grant-in-aid off-highway vehicle trail or route, the commissioner or local unit of  
3.15 government must provide written notice to any city, county, township, or road authority  
3.16 where the trail or route may be located. Prior to designation of a state or grant-in-aid trail  
3.17 or route, the commissioner of natural resources or local unit of government, must consult  
3.18 with and include as part of the planning process, any city, county, township, or road authority  
3.19 where the trail or route is located.

3.20 Subd. 2. **Local approval; mediation.** (a) No portion of a state or grant-in-aid off-highway  
3.21 vehicle trail or route may be constructed, reconstructed, or improved without the prior  
3.22 approval of the plan by the governing body of the city, county, or township where the trail  
3.23 or route is located. Approval under this subdivision must be in the manner and form required  
3.24 by the commissioner.

3.25 (b) If a city, county, or township has failed to approve an off-highway vehicle trail or  
3.26 route under this subdivision, the commissioner or local government unit may request  
3.27 mediation services from an impartial mediator. The parties must agree on the mediator. The  
3.28 fees and expenses for the mediator's services must be paid equally by the parties.

3.29 Subd. 3. **Request for consultation.** (a) A city, county, township, or road authority that  
3.30 has a demonstrated objection to an off-highway vehicle trail or route designated by the  
3.31 commissioner of natural resources or a county board, may request in writing a meeting with  
3.32 the commissioner of natural resources. The commissioner of natural resources must meet  
3.33 with the requester to consider the objections and options for mitigating those objections.

4.1 (b) For the purposes of this section, a demonstrated objection is a resolution passed by  
4.2 the governing body of the local unit of government requesting the consultation.

4.3 **EFFECTIVE DATE.** This section is effective August 1, 2024.

4.4 Sec. 3. **CONFORMING CHANGES TO RULE; FOREST CLASSIFICATIONS.**

4.5 The commissioner of natural resources must amend Minnesota Rules, part 6100.1950,  
4.6 to provide that in accordance with Minnesota Statutes, section 84.777, subdivision 1, use  
4.7 of off-highway vehicles is prohibited on state land administered by the commissioner of  
4.8 natural resources and on county-administered forest land within the boundaries of a state  
4.9 forest, except as provided in Minnesota Statutes, section 84.777.

4.10 Sec. 4. **MANDATORY ENVIRONMENTAL ASSESSMENT WORKSHEET**  
4.11 **PREPARATION FOR OFF-HIGHWAY VEHICLE TRAILS.**

4.12 The Environmental Quality Board must amend Minnesota Rules, part 4410.4300, subpart  
4.13 37, to make preparation of an environmental assessment worksheet mandatory, effective  
4.14 August 1, 2025, for any off-highway vehicle trail construction or expansion, except for  
4.15 rerouting one mile or less of an existing off-highway vehicle trail.

4.16 Sec. 5. **APPROPRIATION.**

4.17 \$..... in fiscal year 2025 is appropriated from the all-terrain vehicle account in the natural  
4.18 resources fund to the commissioner of natural resources to implement the requirements of  
4.19 this act. This is a onetime appropriation.

4.20 Sec. 6. **REPEALER.**

4.21 (a) Minnesota Statutes 2022, section 84.926, subdivision 1, is repealed.

4.22 (b) Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended by Laws  
4.23 2005, First Special Session chapter 1, article 2, section 152, Laws 2007, chapter 57, article  
4.24 1, section 155, is repealed.

4.25 (c) Minnesota Rules, part 6100.0500, subpart 8d, is repealed.

4.26 **EFFECTIVE DATE.** This section is effective August 1, 2024."

4.27 Amend the title accordingly