

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 1146  
**Version:** As introduced

**DATE:** February 26, 2010

**Authors:** Hackbarth and others

**Subject:** Public Access to Habitat Program

**Analyst:** Janelle Taylor

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd](http://www.house.mn/hrd).

### Overview

This bill would permit the Board of Water and Soil Resources (BWSR) to establish a program to purchase easements allowing public walk-in access to private property for purposes of outdoor recreation and provides funding from the outdoor heritage fund for the program.

#### Section

#### **1 Public access to habitat.** Adds § 86A.50.

**Subd. 1. Definitions.** Defines terms for purposes of the program, including “outdoor recreation” which is defined as any voluntary activity, including hunting, fishing, trapping, boating, hiking, camping, and engaging in winter sports, which is conducted primarily for the purposes of pleasure, rest, or relaxation and is dependent upon or derives its principal benefit from natural surroundings.

**Subd. 2. Contracts; eligibility.** Permits BWSR to contract for public walk-in access easements using funds from the outdoor heritage fund or nonstate sources from local sporting organizations. States that landowners entering into contracts are granting permission to the public to access property for outdoor recreation. Permits land enrolled in the program to also be enrolled in the federal Conservation Reserve Program (CRP), reinvest in Minnesota programs, and the forest for the future program. Permits BWSR to negotiate payment rates. Requires BWSR to prioritize parcels and use a flexible payment system in order to: encourage various activities, including the use of lands enrolled in conservation easement programs, enrollment of large blocks of suitable habitat, multiyear contracts, and management of lands for habitat by private landowners; gain access to inaccessible habitat; and mitigate forest fragmentation.

**Subd. 3. Consultation with other agencies.** Permits BWSR to consult with the commissioners of natural resources and agriculture for technical support, signage

designs, maps and online guides for the program.

**Subd. 4. Public access.** Provides an exception to certain state trespass laws (which prohibit a person from entering agricultural land without permission and require a person to leave any lands if asked to do so) for a person entering land enrolled in the program on foot. Prohibits a person entering enrolled lands from wounding or killing another person's domestic animal, destroying property, crops or trees, or leaving a gate passed through open if it was closed.

**Subd. 5. Signage.** Requires land enrolled in the program to be posted with signs provided by the board.

**Subd. 6. Annual report.** Requires the board to submit an annual report to the Lessard-Sams Outdoor Heritage Council and the legislature on the outcomes of appropriations used for the program.

**Subd. 7. Civil liability.** States that land enrolled in the program is deemed to be land made available for recreational purposes without charge (despite any payments made by the state for enrollment in the program) which makes the landowners eligible for the liability protections available in sections 604A.20 to 604A.27 which provides duty and liability exemptions for those making their lands available for recreational purposes without charge in order to encourage landowners to do so.

- 2 **Taking with firearms in certain areas.** Amends § 97B.001, subdivision 7. Clarifies that the prohibition from taking a wild animal within 500 feet of a building occupied by a human or animal on private lands without permission still applies to lands enrolled in the public access to habitat program.
- 3 **Public access to habitat appropriation.** Appropriates \$10,000,000 in fiscal years 2010 and 2011 from the outdoor heritage fund to BWSR for the public access to habitat program and limits new staff funding out of the appropriation to \$200,000.