

ARTICLE XI  
APPROPRIATIONS AND FINANCES

**Sec. 15. Outdoor heritage, clean water, parks and trails, and arts and cultural heritage; sales tax dedicated funds.**

Beginning July 1, 2009, until June 30, 2034, the sales and use tax rate shall be increased by three-eighths of one percent on sales and uses taxable under the general state sales and use tax law. Receipts from the increase, plus penalties and interest and reduced by any refunds, are dedicated, for the benefit of Minnesotans, to the following funds: 33 percent of the receipts shall be deposited in the outdoor heritage fund and may be spent only to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife; 33 percent of the receipts shall be deposited in the clean water fund and may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation, and at least five percent of the clean water fund must be spent only to protect drinking water sources; 14.25 percent of the receipts shall be deposited in the parks and trails fund and may be spent only to support parks and trails of regional or statewide significance; and 19.75 percent shall be deposited in the arts and cultural heritage fund and may be spent only for arts, arts education, and arts access and to preserve Minnesota's history and cultural heritage. An outdoor heritage fund; a parks and trails fund; a clean water fund and a sustainable drinking water account; and an arts and cultural heritage fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute. Land acquired by fee with money deposited in the outdoor heritage fund under this section must be open to the public taking of fish and game during the open season unless otherwise provided by law. If the base of the sales and use tax is changed, the sales and use tax rate in this section may be proportionally adjusted by law to within one-thousandth of one percent in order to provide as close to the same amount of revenue as practicable for each fund as existed before the change to the sales and use tax.

[Adopted, November 4, 2008]

*Agenda #7*

**97A.137 HUNTING, FISHING, AND TRESPASSING IN WILDLIFE MANAGEMENT AREAS.**

Subdivision 1. **Hunting and fishing.** Wildlife management areas are open to hunting and fishing unless closed by rule of the commissioner or by posting under subdivision 2.

Subd. 2. **Commissioner may restrict entry to designated areas.** The commissioner may, by posting in accordance with section 97B.001, subdivision 4, designate areas within wildlife management areas that are closed to entry for the purpose of providing areas where disturbance of wildlife can be minimized. A person may not enter an area posted under this subdivision except as authorized by rule or a permit issued by the commissioner.

Subd. 3. **Use of motorized vehicles by disabled hunters.** The commissioner may issue a special permit, without a fee, authorizing a hunter with a permanent physical disability to use a snowmobile or all-terrain vehicle in wildlife management areas. To qualify for a permit under this subdivision, the disabled person must possess:

- (1) the required hunting licenses; and
- (2) a permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.

Subd. 4. **Exemption from certain local ordinances.** (a) Wildlife management areas that are established according to section 86A.05, subdivision 8; designated under section 97A.133 or 97A.145; and 160 contiguous acres or larger are exempt from local ordinances that limit the taking of game and fish or vegetation management in the unit as authorized by state law.

(b) Wildlife management areas that are established according to section 86A.05, subdivision 8; designated under section 97A.133 or 97A.145; and at least 40 contiguous acres and less than 160 contiguous acres are exempt from local ordinances that:

- (1) restrict trapping;
- (2) restrict the discharge of archery equipment;
- (3) restrict the discharge of shotguns with shot sizes of F or .22 inch diameter or smaller shot;
- (4) restrict noise;
- (5) require dogs on a leash; or
- (6) would in any manner restrict the management of vegetation in the unit as authorized by state law.

Subd. 5. **Portable stands.** Prior to the Saturday on or nearest September 16, a portable stand may be left overnight in a wildlife management area by a person with a valid bear license who is hunting within 100 yards of a bear bait site that is legally tagged and registered as prescribed under section 97B.425. Any person leaving a portable stand overnight under this subdivision must affix the person's name and address to the stand in such a manner that it can be read from the ground.

**History:** 1991 c 259 s 18; 1993 c 231 s 15; 2000 c 265 s 1; 2009 c 176 art 2 s 15,16

**97A.091 HUNTING ON GAME REFUGES.**

Subdivision 1. **Hunting and possession of firearms.** Except as provided in subdivision 2, a person may not take a wild animal, except fish, within a state game refuge. A person may not carry within a refuge:

- (1) a firearm unless the firearm is unloaded and contained in a case, or unloaded and broken down; or
- (2) an uncased bow.

Subd. 2. **When hunting allowed.** (a) The commissioner may allow hunting of a protected wild animal species within any portion of a state game refuge, including a state park. Hunting may be allowed under this paragraph only if the commissioner finds:

- (1) the population of the species exceeds the refuge's carrying capacity;
- (2) the species is causing substantial damage to agricultural or forest crops in the vicinity;
- (3) the species or other protected wild animals are threatened by the species population; or
- (4) a harvestable surplus of the species exists.

- (b) The commissioner may allow hunting of unprotected wild animals in a game refuge.
- (c) The commissioner may prescribe rules for any hunting allowed within a refuge.

(d) In any selection process for permits to take deer within a game refuge, the commissioner may designate a certain number of permits that are available only to applicants who are age 70 or over or are qualified for a special permit under section 97B.055, subdivision 3, or 97B.106.

Subd. 3. **Trap or target shooting.** The commissioner may issue special permits, without fee, to the owner or lessee of privately owned land within the boundaries of a state game refuge for trap or target shooting.

**History:** 1986 c 386 art 1 s 17; 1993 c 231 s 8,9; 1994 c 561 s 13

**97A.093 HUNTING, TRAPPING, AND FISHING IN SCIENTIFIC AND NATURAL AREAS.**

Except as otherwise provided by law, scientific and natural areas are closed to hunting, trapping, and fishing unless:

- (1) the designating document allows hunting, trapping, or fishing; or
- (2) the commissioner allows hunting, trapping, or fishing in accordance with the procedure in section 86A.05, subdivision 5, paragraph (d).

**History:** *1991 c 259 s 17; 1992 c 462 s 12; 2005 c 161 s 2*

accomplishment plan. Land removed from this program shall transfer to the state.

**(f) Bluffland Prairie Protection Initiative**

\$500,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with the Minnesota Land Trust or successor to acquire permanent easements protecting critical prairie and grassland habitats in the blufflands in southeastern Minnesota. A list of proposed fee title and permanent easement acquisitions must be provided as part of the required accomplishment plan.

**(g) Rum River – Cedar Creek Initiative**

\$1,900,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Anoka County to acquire land at the confluence of the Rum River and Cedar Creek in Anoka County. Acquired land must remain open to hunting and fishing, consistent with the capacity of the land, during the open season, as determined by the commissioner of natural resources. This is the first of two planned appropriations for this acquisition.

**Subd. 3. Forests**

18,000,000

18,000,000

\$18,000,000 in fiscal year 2010 and \$18,000,000 in fiscal year 2011 are to the commissioner of natural resources to acquire land or permanent working forest easements on private forests in areas identified through the Minnesota forests for the future program under Minnesota Statutes, section 84.66. Priority must be given to acquiring land or interests in private lands within existing Minnesota state forest boundaries. Any easements acquired must have a forest management plan as defined in Minnesota Statutes, section 290C.02, subdivision 7. A list of proposed fee title and easement acquisitions must be provided as part of the required accomplishment plan. The fiscal year 2011 appropriation is available only for acquisitions that, by August 15, 2009, are:

at, poison, wound, kill, capture, trap, collect, molest or disturb; "transport" includes also ship, convey, carry, or transport by any means whatever, and deliver or receive or cause to be delivered or received for such shipment, conveyance, carriage, or transportation.

(June 8, 1940, ch. 278, §4, 54 Stat. 251; Pub. L. 92-535, §4, Oct. 23, 1972, 86 Stat. 1065.)

AMENDMENTS

1972—Pub. L. 92-535 substituted "poison, wound, kill, capture, trap, collect, molest" for "wound, kill, capture, trap, collect, or otherwise willfully molest".

**§ 668d. Availability of appropriations for Migratory Bird Treaty Act**

Moneys now or hereafter available to the Secretary of the Interior for the administration and enforcement of the Migratory Bird Treaty Act of July 3, 1918 [16 U.S.C. 703 et seq.], shall be equally available for the administration and enforcement of this subchapter.

(June 8, 1940, ch. 278, §5, 54 Stat. 251.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II (§703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

SUBCHAPTER III—ENDANGERED SPECIES  
OF FISH AND WILDLIFE

**§§ 668aa to 668cc-6. Repealed. Pub. L. 93-205, § 14, Dec. 28, 1973, 87 Stat. 903**

The provisions of sections 668aa to 668cc-6, which, pursuant to section 12(d) of Pub. L. 91-135, Dec. 5, 1969, 83 Stat. 283, were known as the "Endangered Species Conservation Act of 1969", are covered by section 1531 et seq. of this title.

Section 668aa, Pub. L. 89-669, §1, Oct. 15, 1966, 80 Stat. 926; Pub. L. 91-135, §12(a), (e), Dec. 5, 1969, 83 Stat. 282, 283, set out the Congressional findings, declaration of policy, and statement of purposes in seeking the protection of endangered species of fish and wildlife.

Section 668bb, Pub. L. 89-669, §2, Oct. 15, 1966, 80 Stat. 926; Pub. L. 91-135, §12(b), (c), Dec. 5, 1969, 83 Stat. 282, set out the powers and duties of the Secretary of the Interior in carrying out the mandate of the Endangered Species Conservation Act of 1969.

Section 668cc, Pub. L. 89-669, §3, Oct. 15, 1966, 80 Stat. 927, covered the Secretary's duty to cooperate with the States, area administration, management agreements, and disposition of revenues.

Section 668cc-1, Pub. L. 91-135, §1, Dec. 5, 1969, 83 Stat. 275, defined "Secretary", "fish or wildlife", "United States", and "person".

Section 668cc-2, Pub. L. 91-135, §2, Dec. 5, 1969, 83 Stat. 275, covered importation of endangered species and set out civil and criminal penalties by reference to provisions of section 668cc-4 of this title.

Section 668cc-3, Pub. L. 91-135, §3, Dec. 5, 1969, 83 Stat. 275, provided for determination by the Secretary of the species threatened with extinction, methods to be used and factors determinative of Secretary's determination, and rule making procedures to be used.

Section 668cc-4, Pub. L. 91-135, §4, Dec. 5, 1969, 83 Stat. 276, set out penalties for violation of sections 668cc-2 and 668cc-3 of this title and provisions for their enforcement.

Section 668cc-5, Pub. L. 91-135, §5, Dec. 5, 1969, 83 Stat. 278, covered international agreements for fish and wildlife preservation.

Section 668cc-6, Pub. L. 91-135, §6, Dec. 5, 1969, 83 Stat. 278, called for coordination of administration of provisions relating to endangered species of fish and wildlife with animal quarantine and tariff laws, and provided for non-impairment of functions of Secretaries of Agriculture and Treasury under agriculture and tariff laws, including imports.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as an Effective Date note under section 1531 of this title.

**§ 668dd. National Wildlife Refuge System**

**(a) Designation; administration; continuance of resources-management-programs for refuge lands in Alaska; disposal of acquired lands; proceeds**

(1) For the purpose of consolidating the authorities relating to the various categories of areas that are administered by the Secretary for the conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas are hereby designated as the "National Wildlife Refuge System" (referred to herein as the "System"), which shall be subject to the provisions of this section, and shall be administered by the Secretary through the United States Fish and Wildlife Service. With respect to refuge lands in the State of Alaska, those programs relating to the management of resources for which any other agency of the Federal Government exercises administrative responsibility through cooperative agreement shall remain in effect, subject to the direct supervision of the United States Fish and Wildlife Service, as long as such agency agrees to exercise such responsibility.

(2) The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

(3) With respect to the System, it is the policy of the United States that—

(A) each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established;

(B) compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System, directly related to the mission of the System and the purposes of many refuges, and which generally fosters refuge management and through which the American public can develop an appreciation for fish and wildlife;

(C) compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management; and

(D) when the Secretary determines that a proposed wildlife-dependent recreational use is