

1.1 A bill for an act

1.2 relating to natural resources; requiring environmental review of certain use of  
 1.3 certain motorized recreational vehicles on state land; modifying the disposition  
 1.4 of certain fees; providing for enforcement; eliminating gas tax revenue for  
 1.5 motorized recreation; appropriating money; amending Minnesota Statutes 2006,  
 1.6 sections 84.794, subdivisions 1, 2; 84.795, subdivision 1; 84.803, subdivisions 1,  
 1.7 2; 84.83, subdivisions 2, 3; 84.87, subdivision 1; 84.915; 84.927, subdivision 1;  
 1.8 86B.706, subdivision 3; Minnesota Statutes 2007 Supplement, sections 84.777,  
 1.9 by adding a subdivision; 84.927, subdivision 2; 84.928, subdivision 1; 86B.706,  
 1.10 subdivision 2; repealing Minnesota Statutes 2006, section 296A.18, subdivisions  
 1.11 2, 3, 4, 5, 6.

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

1.13 Section 1. Minnesota Statutes 2007 Supplement, section 84.777, is amended by adding  
 1.14 a subdivision to read:

1.15 Subd. 5. **Environmental review.** Before developing a trail, use area, or other route  
 1.16 to be designated for use by off-highway vehicles or snowmobiles or before designating  
 1.17 an existing trail or other route for use by off-highway vehicles or snowmobiles, the  
 1.18 commissioner of natural resources shall complete an environmental assessment worksheet  
 1.19 and, when necessary, an environmental impact statement according to section 116D.04.  
 1.20 The commissioner shall designate a work group to complete the environmental review.

1.21 Sec. 2. Minnesota Statutes 2006, section 84.794, subdivision 1, is amended to read:

1.22 Subdivision 1. **Registration revenue.** Fees from the registration of off-highway  
 1.23 motorcycles ~~and the unrefunded gasoline tax attributable to off-highway motorcycle~~  
 1.24 ~~use under section 296A.18~~ must be deposited in the state treasury and credited to the  
 1.25 off-highway motorcycle account in the natural resources fund.

2.1 Sec. 3. Minnesota Statutes 2006, section 84.794, subdivision 2, is amended to read:

2.2 Subd. 2. **Purposes.** (a) ~~Subject to appropriation by the legislature,~~ Money in the  
2.3 off-highway motorcycle account is appropriated to the commissioner and may only be  
2.4 spent for the following purposes, listed in order of priority:

2.5 (1) ~~administration, enforcement, and implementation of~~ to enforce sections 84.787  
2.6 to 84.796, including, but not limited to, increasing the number of conservation officers  
2.7 available for enforcement and increasing funding to programs and divisions that are  
2.8 financially unable to fulfill statutory and rule enforcement requirements;

2.9 (2) ~~acquisition, maintenance, and development of~~ to monitor ongoing impacts of  
2.10 off-highway motorcycle use;

2.11 (3) to make reparations for personal injuries or public or private property damage  
2.12 resulting from the use of off-highway motorcycles;

2.13 (4) to conduct environmental assessment worksheets and environmental impact  
2.14 statements under section 84.777, subdivision 5;

2.15 (5) to maintain designated state off-highway motorcycle trails and use areas; and

2.16 ~~(3) grants-in-aid~~ (6) to fund state safety and environmental programs for off-highway  
2.17 motorcycle use; and

2.18 (7) for grants to counties and municipalities to construct and maintain off-highway  
2.19 motorcycle trails and use areas; to fund grant-in-aid oversight programs that monitor  
2.20 compliance with rules and statutes.

2.21 (b) The distribution of funds made available for grants-in-aid must be guided by the  
2.22 statewide comprehensive outdoor recreation plan.

2.23 (c) Money remaining in the account after fulfilling the priorities of paragraph (a) may  
2.24 be appropriated by the legislature for acquisition and development of trails designated for  
2.25 use by off-highway motorcycles. Notwithstanding any law to the contrary, development  
2.26 of a trail with money appropriated under this paragraph is subject to environmental review  
2.27 according to section 84.777, subdivision 5.

2.28 (d) In determining the amount of money to be allocated for enforcement purposes  
2.29 under paragraph (a), clause (1), the commissioner shall consider:

2.30 (1) the number of off-highway motorcycles using state lands, by enforcement region;

2.31 (2) the number of off-highway motorcycles using a particular outdoor recreation unit  
2.32 in relation to the size of the unit and the type, speed, and size of off-highway motorcycles  
2.33 used;

2.34 (3) the acreage of state land within each enforcement region;

2.35 (4) the extent to which violations are cited in each enforcement region;

2.36 (5) the overall performance of each enforcement region;

- 3.1 (6) special considerations, such as volume of transient, nonresident, or rental  
 3.2 off-highway motorcycles or extremely large outdoor recreation units;  
 3.3 (7) the conservation value and ecological fragility of the land and the vulnerability  
 3.4 of the natural resource; and  
 3.5 (8) any other factor as determined by the commissioner.

3.6 Sec. 4. Minnesota Statutes 2006, section 84.795, subdivision 1, is amended to read:

3.7 Subdivision 1. **Operation on public road rights-of-way.** (a) A person may not  
 3.8 operate an off-highway motorcycle ~~within the right-of-way of a town road or a trunk,~~  
 3.9 ~~county state-aid, or county highway in this state unless the right-of-way encompasses:~~

3.10 ~~(1) a trail administered by the commissioner and designated for off-highway~~  
 3.11 ~~motorcycle use or multiple use; or~~

3.12 ~~(2) a corridor access trail designated under paragraph (b) off-road within a public~~  
 3.13 ~~road right-of-way in this state except on a trail designated by the commissioner and~~  
 3.14 ~~approved by the unit of government having jurisdiction over the right-of-way.~~

3.15 ~~(b) A road authority, as defined in section 160.02, subdivision 25, may designate,~~  
 3.16 ~~with the approval of the commissioner, corridor access trails on public road rights-of-way~~  
 3.17 ~~for gaining access to established off-highway motorcycle trails.~~

3.18 ~~(e)~~ (b) A person may not operate an off-highway motorcycle upon a trunk, county  
 3.19 state-aid, or county highway in this state unless the vehicle is equipped with at least  
 3.20 one headlight and one taillight, each of minimum candlepower as prescribed by rule of  
 3.21 the commissioner, and with brakes conforming to standards prescribed by rule of the  
 3.22 commissioner, all of which are subject to the approval of the commissioner of public safety.

3.23 ~~(d)~~ (c) A person may not operate an off-highway motorcycle at any time within the  
 3.24 right-of-way of an interstate highway or freeway within this state.

3.25 Sec. 5. Minnesota Statutes 2006, section 84.803, subdivision 1, is amended to read:

3.26 Subdivision 1. **Registration revenue.** Fees from the registration of off-road vehicles  
 3.27 ~~and unrefunded gasoline tax attributable to off-road vehicle use under section 296A.18~~  
 3.28 must be deposited in the state treasury and credited to the off-road vehicle account in  
 3.29 the natural resources fund.

3.30 Sec. 6. Minnesota Statutes 2006, section 84.803, subdivision 2, is amended to read:

3.31 Subd. 2. **Purposes.** ~~Subject to appropriation by the legislature,~~ (a) Money in the  
 3.32 off-road vehicle account is appropriated to the commissioner and may only be spent for  
 3.33 the following purposes, listed in order of priority:

4.1 (1) ~~administration, enforcement, and implementation of~~ to enforce sections 84.773  
 4.2 to 84.805, including, but not limited to, increasing the number of conservation officers  
 4.3 available for enforcement and increasing funding to programs and divisions that are  
 4.4 financially unable to fulfill statutory and rule enforcement requirements;

4.5 (2) ~~acquisition, maintenance, and development of~~ to monitor ongoing impacts of  
 4.6 off-road vehicle use;

4.7 (3) to make reparations for personal injuries or public or private property damage  
 4.8 resulting from the use of off-road vehicles;

4.9 (4) to conduct environmental assessment worksheets and environmental impact  
 4.10 statements under section 84.777, subdivision 5;

4.11 (5) to maintain designated state off-road vehicle trails and use areas;

4.12 ~~(3) grant-in-aid programs~~ (6) for grants to counties and municipalities to construct  
 4.13 and maintain off-road vehicle trails and use areas to fund grant-in-aid oversight programs  
 4.14 that monitor compliance with statutes and rules; and

4.15 ~~(4) grants-in-aid to local safety programs; and~~

4.16 ~~(5)~~ (7) enforcement and public education grants to local law enforcement agencies.

4.17 (b) Money remaining in the account after fulfilling the priorities of paragraph (a)  
 4.18 may be appropriated by the legislature for acquisition and development of trails designated  
 4.19 for use by off-road vehicles. Notwithstanding any law to the contrary, development of a  
 4.20 trail with money appropriated under this paragraph is subject to environmental review  
 4.21 according to section 84.777, subdivision 5.

4.22 (c) In determining the amount of money to be allocated for enforcement purposes  
 4.23 under paragraph (a), clause (1), the commissioner shall consider:

4.24 (1) the number of off-road vehicles using state lands, by enforcement region;

4.25 (2) the number of off-road vehicles using a particular outdoor recreation unit in  
 4.26 relation to the size of the unit and the type, speed, and size of off-road vehicles used;

4.27 (3) the acreage of state land within each enforcement region;

4.28 (4) the extent to which violations are cited in each enforcement region;

4.29 (5) the overall performance of each enforcement region;

4.30 (6) special considerations, such as volume of transient, nonresident, or rental  
 4.31 off-road vehicles or extremely large outdoor recreation units; and

4.32 (7) any other factor as determined by the commissioner.

4.33 Sec. 7. Minnesota Statutes 2006, section 84.83, subdivision 2, is amended to read:

4.34 Subd. 2. **Money deposited in the account.** Fees from the registration of  
 4.35 snowmobiles ~~and the unrefunded gasoline tax attributable to snowmobile use pursuant to~~

5.1 ~~section 296A.18~~ shall be deposited in the state treasury and credited to the snowmobile  
5.2 trails and enforcement account.

5.3 Sec. 8. Minnesota Statutes 2006, section 84.83, subdivision 3, is amended to read:

5.4 Subd. 3. **Purposes for the account.** (a) The money deposited in the account and  
5.5 interest earned on that money may be expended only as are appropriated by law to the  
5.6 commissioner and may be spent only for the following purposes, listed in order of priority:

5.7 ~~(1) for a grant-in-aid program to counties and municipalities for construction and~~  
5.8 ~~maintenance of snowmobile trails, including maintenance of trails on lands and waters of~~  
5.9 ~~Voyageurs National Park, on Lake of the Woods, on Rainy Lake, and on the following~~  
5.10 ~~lakes in St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and~~  
5.11 ~~Vermilion;~~

5.12 ~~(2) for acquisition, development, and maintenance of state recreational snowmobile~~  
5.13 ~~trails;~~

5.14 ~~(3) for snowmobile safety programs; and~~

5.15 ~~(4) for the administration and enforcement of~~ to enforce sections 84.81 to 84.91  
5.16 ~~and appropriated grants to local law enforcement agencies, including, but not limited to,~~  
5.17 increasing the number of conservation officers available for enforcement and increasing  
5.18 funding to programs and divisions that are financially unable to fulfill statutory and rule  
5.19 enforcement requirements;

5.20 (2) to monitor ongoing impacts of snowmobile use;

5.21 (3) to make reparations for personal injuries or public or private property damage  
5.22 resulting from the use of snowmobiles;

5.23 (4) to conduct environmental assessment worksheets and environmental impact  
5.24 statements under section 84.777, subdivision 5;

5.25 (5) to maintain designated state snowmobile trails and use areas; and

5.26 (6) for grants to counties and municipalities to fund grant-in-aid oversight programs  
5.27 that monitor compliance with statutes and rules.

5.28 (b) Money remaining in the account after fulfilling the priorities of paragraph (a)  
5.29 may be appropriated by the legislature for acquisition and development of trails designated  
5.30 for use by snowmobiles. Notwithstanding any law to the contrary, development of a  
5.31 trail with money appropriated under this paragraph is subject to environmental review  
5.32 according to section 84.777, subdivision 5.

5.33 (c) In determining the amount of money to be allocated for enforcement purposes  
5.34 under paragraph (a), clause (1), the commissioner shall consider:

5.35 (1) the number of snowmobiles using state lands, by enforcement region;

- 6.1 (2) the number of snowmobiles using a particular outdoor recreation unit in relation  
 6.2 to the size of the unit and the type, speed, and size of snowmobiles used;  
 6.3 (3) the acreage of state land within each enforcement region;  
 6.4 (4) the extent to which violations are cited in each enforcement region;  
 6.5 (5) the overall performance of each enforcement region;  
 6.6 (6) special considerations, such as volume of transient, nonresident, or rental  
 6.7 snowmobiles or extremely large outdoor recreation units; and  
 6.8 (7) any other factor as determined by the commissioner.

6.9 Sec. 9. Minnesota Statutes 2006, section 84.87, subdivision 1, is amended to read:

6.10 Subdivision 1. **Operation on streets and highways.** (a) No person shall operate  
 6.11 a snowmobile upon the roadway, ~~shoulder, or inside bank or slope~~ of any trunk, county  
 6.12 state-aid, or county highway in this state ~~and, in the case of a divided trunk or county~~  
 6.13 ~~highway, on the right-of-way between the opposing lanes of traffic,~~ except as provided  
 6.14 in sections 84.81 to 84.90. No person shall operate a snowmobile off-road within a  
 6.15 public road right-of-way in this state except on a trail designated by the commissioner  
 6.16 and approved by the unit of government having jurisdiction over the right-of-way. No  
 6.17 person shall operate a snowmobile within the right-of-way of any trunk, county state-aid,  
 6.18 or county highway between the hours of one-half hour after sunset to one-half hour before  
 6.19 sunrise, except on the right-hand side of such right-of-way and in the same direction as  
 6.20 the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile  
 6.21 shall be operated at any time within the right-of-way of any interstate highway or freeway  
 6.22 within this state.

6.23 ~~(b) Notwithstanding any provision of paragraph (a) to the contrary:~~

6.24 ~~(1) under conditions prescribed by the commissioner of transportation, the~~  
 6.25 ~~commissioner of transportation may allow two-way operation of snowmobiles on~~  
 6.26 ~~either side of the trunk highway right-of-way where the commissioner of transportation~~  
 6.27 ~~determines that two-way operation will not endanger users of the trunk highway or riders~~  
 6.28 ~~of the snowmobiles using the trail;~~

6.29 ~~(2) under conditions prescribed by a local road authority as defined in section~~  
 6.30 ~~160.02, subdivision 25, the road authority may allow two-way operation of snowmobiles~~  
 6.31 ~~on either side of the right-of-way of a street or highway under the road authority's~~  
 6.32 ~~jurisdiction, where the road authority determines that two-way operation will not endanger~~  
 6.33 ~~users of the street or highway or riders of the snowmobiles using the trail;~~

6.34 ~~(3) the commissioner of transportation under clause (1) and the local road authority~~  
 6.35 ~~under clause (2) shall notify the commissioner of natural resources and the local law~~

7.1 ~~enforcement agencies responsible for the streets or highways of the locations of two-way~~  
7.2 ~~snowmobile trails authorized under this paragraph, and~~

7.3 ~~(4) two-way snowmobile trails authorized under this paragraph shall be posted for~~  
7.4 ~~two-way operation at the authorized locations.~~

7.5 ~~(c)~~ (b) A snowmobile may make a direct crossing of a street or highway at any  
7.6 hour of the day provided:

7.7 (1) the crossing is made at an angle of approximately 90 degrees to the direction of  
7.8 the highway and at a place where no obstruction prevents a quick and safe crossing; and

7.9 (2) the snowmobile is brought to a complete stop before crossing the shoulder or  
7.10 main traveled way of the highway; and

7.11 (3) the driver yields the right-of-way to all oncoming traffic which constitutes an  
7.12 immediate hazard; and

7.13 (4) in crossing a divided highway, the crossing is made only at an intersection of  
7.14 such highway with another public street or highway; and

7.15 (5) if the crossing is made between the hours of one-half hour after sunset to  
7.16 one-half hour before sunrise or in conditions of reduced visibility, only if both front and  
7.17 rear lights are on; and

7.18 (6) a snowmobile may be operated upon a bridge, other than a bridge that is part  
7.19 of the main traveled lanes of an interstate highway, when required for the purpose of  
7.20 avoiding obstructions to travel when no other method of avoidance is possible; provided  
7.21 the snowmobile is operated in the extreme right-hand lane, the entrance to the roadway is  
7.22 made within 100 feet of the bridge and the crossing is made without undue delay.

7.23 ~~(d)~~ (c) No snowmobile shall be operated upon a public street or highway unless it is  
7.24 equipped with at least one headlamp, one tail lamp, each of minimum candlepower as  
7.25 prescribed by rules of the commissioner, reflector material of a minimum area of 16  
7.26 square inches mounted on each side forward of the handle bars, and with brakes each of  
7.27 which shall conform to standards prescribed by rule of the commissioner pursuant to the  
7.28 authority vested in the commissioner by section 84.86, and each of which shall be subject  
7.29 to approval of the commissioner of public safety.

7.30 ~~(e)~~ (d) A snowmobile may be operated upon a public street or highway other than  
7.31 as provided by paragraph ~~(e)~~ (b) in an emergency during the period of time when and at  
7.32 locations where snow upon the roadway renders travel by automobile impractical.

7.33 ~~(f)~~ (e) All provisions of chapters 169 and 169A shall apply to the operation of  
7.34 snowmobiles upon streets and highways, except for those relating to required equipment,  
7.35 and except those which by their nature have no application. Section 169.09 applies to the

8.1 operation of snowmobiles anywhere in the state or on the ice of any boundary water of  
8.2 the state.

8.3 ~~(g)~~ (f) Any sled, trailer, or other device being towed by a snowmobile must be  
8.4 equipped with reflective materials as required by rule of the commissioner.

8.5 Sec. 10. Minnesota Statutes 2006, section 84.915, is amended to read:

8.6 **84.915 LAND USE FOR CERTAIN VEHICLES RESTRICTED.**

8.7 After June 1, 1993, the commissioner may not allow the use of state lands or acquire  
8.8 private lands for development or operation of a motor sports area for use by all-terrain  
8.9 vehicles, ~~motorcycles, or four-wheel drive trucks~~ off-highway motorcycles, or off-road  
8.10 vehicles without legislative approval. ~~This restriction does not apply to recreational trails.~~  
8.11 Notwithstanding any law to the contrary, development of a motor sports area is subject to  
8.12 environmental review under section 84.777, subdivision 5.

8.13 Sec. 11. Minnesota Statutes 2006, section 84.927, subdivision 1, is amended to read:

8.14 Subdivision 1. **Registration revenue.** Fees from the registration of all-terrain  
8.15 vehicles and ~~the unrefunded gasoline tax attributable to all-terrain vehicle use under~~  
8.16 ~~section 296A.18, as well as~~ the net proceeds from the sale of all-terrain vehicles forfeited  
8.17 pursuant to section 169A.63, shall be deposited in the state treasury and credited to the  
8.18 all-terrain vehicle account in the natural resources fund.

8.19 Sec. 12. Minnesota Statutes 2007 Supplement, section 84.927, subdivision 2, is  
8.20 amended to read:

8.21 Subd. 2. **Purposes.** ~~Subject to appropriation by the legislature,~~ (a) Money in the  
8.22 all-terrain vehicle account is appropriated to the commissioner and may only be spent for  
8.23 the following purposes, listed in order of priority:

- 8.24 (1) ~~the education and training program under section 84.925;~~  
8.25 ~~(2) administration, enforcement, and implementation of~~ to enforce sections 84.773  
8.26 to 84.929, including, but not limited to, increasing the number of conservation officers  
8.27 available for enforcement and increasing funding to programs and divisions that are  
8.28 financially unable to fulfill statutory and rule enforcement requirements;  
8.29 (2) to monitor ongoing impacts of all-terrain vehicle use;  
8.30 (3) to make reparations for personal injuries or public or private property damage  
8.31 resulting from the use of all-terrain vehicles;  
8.32 (4) to conduct environmental assessment worksheets and environmental impact  
8.33 statements under section 84.777, subdivision 5;

9.1 ~~(3) acquisition, maintenance, and development of (5) to maintain designated state~~  
 9.2 ~~all-terrain vehicle trails and use areas; and~~

9.3 ~~(4) grant-in-aid programs (6) for grants to counties and municipalities to construct~~  
 9.4 ~~and maintain all-terrain vehicle trails and use areas; to fund grant-in-aid oversight~~  
 9.5 ~~programs that monitor compliance with statutes and rules.~~

9.6 ~~(5) grants-in-aid to local safety programs;~~

9.7 ~~(6) enforcement and public education grants to local law enforcement agencies; and~~

9.8 ~~(7) maintenance of minimum-maintenance forest roads designated under section~~  
 9.9 ~~89.71, subdivision 5, and county forest roads that are part of a designated trail system~~  
 9.10 ~~within state forest boundaries as established under section 89.021.~~

9.11 (b) The distribution of funds made available through grant-in-aid programs must be  
 9.12 guided by the statewide comprehensive outdoor recreation plan.

9.13 (c) Money remaining in the account after fulfilling the priorities of paragraph (a)  
 9.14 may be appropriated by the legislature for acquisition and development of trails designated  
 9.15 for use by all-terrain vehicles. Notwithstanding any law to the contrary, development of a  
 9.16 trail with money appropriated under this paragraph is subject to environmental review  
 9.17 according to section 84.777, subdivision 5.

9.18 (d) In determining the amount of money to be allocated for enforcement purposes  
 9.19 under paragraph (a), clause (1), the commissioner shall consider:

9.20 (1) the number of all-terrain vehicles using state lands, by enforcement region;

9.21 (2) the number of all-terrain vehicles using a particular outdoor recreation unit in  
 9.22 relation to the size of the unit and the type, speed, and size of all-terrain vehicles used;

9.23 (3) the acreage of state land within each enforcement region;

9.24 (4) the extent to which violations are cited in each enforcement region;

9.25 (5) the overall performance of each enforcement region;

9.26 (6) special considerations, such as volume of transient, nonresident, or rental  
 9.27 all-terrain vehicles or extremely large outdoor recreation units; and

9.28 (7) any other factor as determined by the commissioner.

9.29 Sec. 13. Minnesota Statutes 2007 Supplement, section 84.928, subdivision 1, is  
 9.30 amended to read:

9.31 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise  
 9.32 allowed in sections 84.92 to 84.929, a person shall not operate an all-terrain vehicle ~~in~~  
 9.33 ~~this state along or on the roadway, shoulder, or inside bank or slope of a public road~~  
 9.34 ~~right-of-way of a trunk, county state-aid, or county highway. A person shall not operate~~  
 9.35 an all-terrain vehicle off-road within a public road right-of-way in this state except on a

10.1 trail designated by the commissioner and approved by the unit of government having  
 10.2 jurisdiction over the right-of-way.

10.3 ~~(b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside~~  
 10.4 ~~bank or slope of a trunk, county state-aid, or county highway unless prohibited under~~  
 10.5 ~~paragraph (d) or (f).~~

10.6 ~~(e) A person may operate a class 2 all-terrain vehicle within the public road~~  
 10.7 ~~right-of-way of a county state-aid or county highway on the extreme right-hand side of the~~  
 10.8 ~~road and left turns may be made from any part of the road if it is safe to do so under the~~  
 10.9 ~~prevailing conditions, unless prohibited under paragraph (d) (c) or (f) (e). A person may~~  
 10.10 ~~operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way on a~~  
 10.11 ~~designated class 2 all-terrain vehicle trail.~~

10.12 ~~(d) (c)~~ A road authority as defined under section 160.02, subdivision 25, may after  
 10.13 a public hearing restrict the use of all-terrain vehicles in the public road right-of-way  
 10.14 under its jurisdiction.

10.15 ~~(e) (d)~~ The restrictions in paragraphs (a), ~~(d) (c)~~, ~~(h) (g)~~, ~~(i) (h)~~, and ~~(j) (i)~~ do not  
 10.16 apply to the operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch,  
 10.17 or outside bank or slope of a trunk, interstate, county state-aid, or county highway when  
 10.18 the all-terrain vehicle is:

10.19 (1) owned by or operated under contract with a publicly or privately owned utility  
 10.20 or pipeline company; and

10.21 (2) used for work on utilities or pipelines.

10.22 ~~(f) (e)~~ The commissioner may limit the use of a right-of-way for a period of time if  
 10.23 the commissioner determines that use of the right-of-way causes:

10.24 (1) degradation of vegetation on adjacent public property;

10.25 (2) siltation of waters of the state;

10.26 (3) impairment or enhancement to the act of taking game; or

10.27 (4) a threat to safety of the right-of-way users or to individuals on adjacent public  
 10.28 property.

10.29 The commissioner must notify the road authority as soon as it is known that a closure  
 10.30 will be ordered. The notice must state the reasons and duration of the closure.

10.31 ~~(g) (f)~~ A person may operate an all-terrain vehicle registered for private use and used  
 10.32 for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or  
 10.33 county highway in this state if the all-terrain vehicle is operated on the extreme right-hand  
 10.34 side of the road, and left turns may be made from any part of the road if it is safe to do so  
 10.35 under the prevailing conditions.

11.1 ~~(h)~~ (g) A person shall not operate an all-terrain vehicle within the public road  
 11.2 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in  
 11.3 the agricultural zone unless the vehicle is being used exclusively as transportation to and  
 11.4 from work on agricultural lands. This paragraph does not apply to an agent or employee  
 11.5 of a road authority, as defined in section 160.02, subdivision 25, or the Department of  
 11.6 Natural Resources when performing or exercising official duties or powers.

11.7 ~~(i)~~ (h) A person shall not operate an all-terrain vehicle within the public road  
 11.8 right-of-way of a trunk, county state-aid, or county highway between the hours of one-half  
 11.9 hour after sunset to one-half hour before sunrise, except on the right-hand side of the  
 11.10 right-of-way and in the same direction as the highway traffic on the nearest lane of the  
 11.11 adjacent roadway.

11.12 ~~(j)~~ (i) A person shall not operate an all-terrain vehicle at any time within the  
 11.13 right-of-way of an interstate highway or freeway within this state.

11.14 Sec. 14. Minnesota Statutes 2007 Supplement, section 86B.706, subdivision 2, is  
 11.15 amended to read:

11.16 Subd. 2. **Money deposited in account.** The following shall be deposited in the state  
 11.17 treasury and credited to the water recreation account:

11.18 (1) fees from titling and licensing of watercraft under this chapter;

11.19 (2) fines, installment payments, and forfeited bail according to section 86B.705,  
 11.20 subdivision 2;

11.21 (3) mooring fees and receipts from the sale of marine gas at state-operated or  
 11.22 state-assisted small craft harbors and mooring facilities according to section 86A.21; and

11.23 ~~(4) the unrefunded gasoline tax attributable to watercraft use under section 296A.18;~~  
 11.24 **and**

11.25 ~~(5)~~ fees for permits issued to control or harvest aquatic plants other than wild rice  
 11.26 under section 103G.615, subdivision 2.

11.27 Sec. 15. Minnesota Statutes 2006, section 86B.706, subdivision 3, is amended to read:

11.28 Subd. 3. **Purposes.** The money in the account may be expended only as  
 11.29 appropriated by law for the following purposes:

11.30 ~~(1) as directed under section 296A.18, subdivision 2,~~ for acquisition, development,  
 11.31 maintenance, and rehabilitation of public water access and boating facilities on public  
 11.32 waters; lake and river improvements; and boat and water safety;

11.33 (2) from the fees collected at state-operated or state-assisted small craft harbors  
 11.34 and mooring facilities from daily and seasonal moorings and the sale of marine gas, for

12.1 maintenance, operation, replacement, and expansion of these facilities and for the debt  
12.2 service on state bonds sold to finance these facilities;

12.3 (3) for administration and enforcement of this chapter as it pertains to titling  
12.4 and licensing of watercraft and use and safe operation of watercraft; grants for  
12.5 county-sponsored and administered boat and water safety programs; and state boat and  
12.6 water safety efforts;

12.7 (4) for management of aquatic invasive species and the implementation of chapter  
12.8 84D as it pertains to aquatic invasive species, including control, public awareness, law  
12.9 enforcement, assessment and monitoring, management planning, and research; and

12.10 (5) for management of aquatic plants and the implementation of section 103G.615 as  
12.11 it pertains to aquatic plants, including plant removal permitting, control, public awareness,  
12.12 law enforcement, assessment and monitoring, management planning, and research.

12.13 Sec. 16. **REPEALER.**

12.14 Minnesota Statutes 2006, section 296A.18, subdivisions 2, 3, 4, 5, and 6, are  
12.15 repealed.

**296A.18 APPORTIONMENT OF TAX; DEPOSIT OF PROCEEDS.**

Subd. 2. **Motorboat.** Approximately 1-1/2 percent of all gasoline received in this state and 1-1/2 percent of all gasoline produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of motorboats on the waters of this state and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, 1-1/2 percent of the revenue is the amount of tax on fuel used in motorboats operated on the waters of this state. The amount of unrefunded tax paid on gasoline used for motor boat purposes as computed in this chapter shall be paid into the state treasury and credited to a water recreation account in the special revenue fund for acquisition, development, maintenance, and rehabilitation of sites for public access and boating facilities on public waters; lake and river improvement; and boat and water safety.

Subd. 3. **Snowmobile.** Approximately one percent of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, one percent of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.

Subd. 4. **All-terrain vehicle.** Approximately 0.15 of one percent of all gasoline received in or produced or brought into this state, except gasoline used for aviation purposes, is being used for the operation of all-terrain vehicles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax, 0.15 of one percent is the amount of tax on fuel used in all-terrain vehicles operated in this state.

Subd. 5. **Off-highway motorcycles.** Approximately 0.046 of one percent of all gasoline received or produced in or brought into this state, except gasoline used for aviation purposes, is being used for the operation of off-highway motorcycles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, 0.046 of one percent is the amount of tax on fuel used in off-highway motorcycles operated in this state.

Subd. 6. **Off-road vehicle.** Approximately 0.164 of one percent of all gasoline received or produced in or brought into this state, except gasoline used for aviation purposes, is being used for the off-road operation of off-road vehicles, as defined in section 84.797, in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than aviation purposes, 0.164 of one percent is the amount of tax on fuel used for off-road operation of off-road vehicles in this state.