



**Viking Valley  
Hunt Club**



*Les Bensch*

March 23, 2005

To: Rep. Tom Hackbarth  
Senator Satveer Chaudhary

36200 County Hwy. 126  
A V 56309  
w .gvalleyhuntclub.com

218-747-2121  
Fax 218-747-2987  
email: viking@prtcl.com

From: Supporters of Shooting Range Protection Act

Re: HF 2006 / SF 1908 – Shooting Range Protection Act

Dear Rep. Hackbarth and Senator Chaudhary:

On behalf of our respective organizations, the undersigned persons would like to thank you for authoring the 2005 Shooting Range Protection Act as found in HF 2006 and SF 1908. This legislation reflects several years of work and is the result of significant negotiations between shooting range operators and their patrons on one side, and local units of government on the other, to resolve the points of contention that prevented this legislation from being adopted in prior legislative sessions. The result of these negotiations is a bill that both sides believe provides necessary protection for shooting ranges against the ever increasing risk of encroaching development while not imposing undue hardships and liability exposures for counties, cities, and townships. By virtue of this letter, the undersigned represent that they and their respective organizations support HF 2006 / SF 1908 as introduced and encourage the adoption of this legislation. All parties hereby agree that any attempt to amend this legislation without prior agreement of the interested parties may result in any or all of the individuals or groups withdrawing their support for the bill and in fact may result in those individuals and organizations having to actively oppose the legislation. In the sincere hope that this legislation can pass both chambers and be enacted as law, none of the undersigned or their respective organizations intend to offer any unilaterally supported amendments to HF 2006 / SF 1908.

In addition to the undersigned, Professor Joseph Olson has previously submitted a letter documenting both his personal support for this legislation, and that of the Gun Owners' Civil Rights Alliance. Further, a number of individual shooting range operators testified in support of this legislation at the March 22, 2005 hearing in the House Environment and Natural Resources Committee. Unfortunately, it was not possible to secure the signatures of each individual for this letter.

Sincerely,

Les Bensch  
Viking Valley Hunt Club

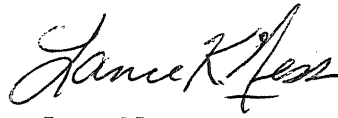
*INSC + MGBSPA*

Craig Johnson  
League of Minnesota Cities

Kent Sulem  
Minnesota Association of  
Townships



Annalee Garletz  
Association of  
Minnesota Counties



Lance Ness  
Fish and Wildlife  
Legislative Alliance



Gordie Meyer  
Minnesota Conservation  
Federation



Thomas Keliher  
Deer Hunters' Association



John Schroers  
MOHA



David M. Gross  
Gun Owners' Civil Rights  
Alliance; Gopher Rifle &  
Revolver Club; Faribault  
Rifle & Pistol Club



Senators Chaudhary and Bakk introduced--

S.F. No. 1896: Referred to the Committee on Agriculture, Veterans and Gaming.

1 A bill for an act

2 relating to aquaculture; imposing certain  
3 requirements; amending Minnesota Statutes 2004,  
4 section 17.4984, subdivision 1.

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

6 Section 1. Minnesota Statutes 2004, section 17.4984,  
7 subdivision 1, is amended to read:

8 Subdivision 1. [LICENSE REQUIRED.] (a) A person or entity  
9 may not operate an aquatic farm without first obtaining an  
10 aquatic farm license from the commissioner.

11 (b) Applications for an aquatic farm license must be made  
12 on forms provided by the commissioner.

13 (c) The person or entity requesting the license for an  
14 aquatic farm in waters of the state must submit for each body of  
15 water a management plan that is designed to ensure that the  
16 ecological value for that water for waterfowl and other native  
17 aquatic wildlife will be maintained or restored.

18 (d) If a water body has more than one shoreline owner, the  
19 person or entity requesting the license must fully disclose in  
20 writing plans for the body of water to each shoreline owner,  
21 obtain written permission from each owner, and submit a copy of  
22 each permission to the commissioner.

23 (e) Before issuing a license, the commissioner must receive  
24 any written permissions and determine that the implementation of  
25 the management plan will ensure that the ecological value of the

1 water will be maintained or restored.

2 (f) Licenses are valid for five years and are transferable  
3 upon notification to the commissioner.

4 (g) A license based on a management plan cannot be renewed  
5 until the commissioner determines that the ecological value of a  
6 licensed water body has been maintained or restored.

7 (d) (h) The commissioner shall issue an aquatic farm  
8 license on payment of the required license fee under section  
9 17.4988 and compliance with this section.

10 (e) (i) A license issued by the commissioner is not a  
11 ~~determination of private property rights, but is only based on a~~  
12 ~~determination that the licensee does not have a significant~~  
13 ~~detrimental impact on the public resource.~~



# OAKDALE GUN CLUB

10386 10<sup>TH</sup> St. N. Lake Elmo, MN 55042

[www. OakdaleGunClub.org](http://www.OakdaleGunClub.org)

1964 ~ 40<sup>th</sup> Anniversary ~ 2004

Richard Eue - President - [reue@comcast.net](mailto:reue@comcast.net) - 651-260-2131

Oakdale Gun Club is a member owned non-profit organization dedicated to providing a safe and controlled place for firearm practice and training for members and the public at large. We have an ongoing program of facility development including noise abatement, safety, and lead recovery. Our training facility is used by youth groups such as the DNR firearms safety program and the Boy Scouts of America. In addition to youth we provide training facilities for police, county sheriffs and the state BCA.

- No member or general public firearms related accidents in 40 years of operation.
- Served over 8000 members of the public in 2004.
- Trained 750 youth in firearms safety in 2004.
- Provided a training facility for 10 local police departments in 2004. (13 planned in 2005)
- Provides a training facility for Minnesota biathlon team.
- Host for numerous Local, State, Regional, National and International competitions. International events included the World Airgun competition with participants from 18 countries and the Olympic Festival competition.
- Provides a controlled, safe place for the public to shoot.
- Caretaker on premises 24/7.

---

Prepared by: Michael B Gerster, 651-426-3416, Cell 612-804-7915, [mbgerster@earthlink.net](mailto:mbgerster@earthlink.net)

For a range tour call Michael Gerster at 651-426-3416 or Richard Eue at 651-260-2131

02/07/2005 16:22 2102534309

RL CO ATTY

PAGE 02

### RESOLUTION

Whereas, the counties of Red Lake and Pennington have a shared interest and concern regarding drainage issues in their counties, and

Whereas, discussion has been ongoing between Red Lake and Pennington counties regarding Red Lake County Ditch 13, in particular, and

Whereas, a proposed act has been drafted which would allow an outlet fee to be charged for use of an established drainage system in Red Lake County as an outlet for drainage originating in Pennington County, and

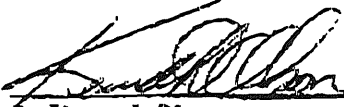
Whereas, it appears that this proposed act will be the best and most appropriate way to resolve the drainage issues involving Red Lake County Ditch 13,

Therefore, be it resolved that Pennington County, in cooperation with Red Lake County, now requests Senator LeRoy Stumpf and Representatives Bernie Lieder and Maxine Penas to assist in the process of adoption of this proposed act.

Dated: February 8, 2005



By Charles Naplin  
Chairman of the County Board of Commissioners



By Kenneth Olson  
Auditor of Pennington County



## Department of Natural Resources Fact Sheet



### ELECTRONIC LICENSING SYSTEM (ELS) REVISION HF 1677/SF 1626

#### **Summary**

This proposal addresses two issues with ELS;

- 1) ELS agents currently retain a \$1.00 issuing fee on duplicate off-highway motorcycle safety certificate, duplicate snowmobile safety certificate, duplicate all-terrain vehicle safety certificate, duplicate firearms safety certificate, and duplicate hunter and trapper education certificate. Statutory language changes will authorize the current practice of allowing agents to retain these issuing fees.
- 2) A commission on all ELS sales (cross country ski, 85.43, subd. 7; and game and fish and permit privileges, 97A.485, subd. 15) is not currently covering the costs of operating ELS. Also, under the current system, the revenue sources do not equitably pay for the costs of ELS. This proposal would allow the commissioner to establish, by commissioner's written order, an appropriate per transaction amount for all ELS sales of applications, licenses, stickers, stamps, permits, passes, duplicate certificates, registrations, or transfers to pay the cost of the ELS system. The proposed order would better connect the source of revenue with the ELS service cost. The order shall neither over-recover nor under-recover the cost of ELS.

The proposal will not add any additional cost to the purchaser, as issuing fees above and the commission will continue to be taken from existing fees.

#### **It is needed because:**

Currently, the department allow license agents to retain a \$1.00 issuing fee for the issuance of duplicate certificates. The changes to statute codify current process.

The costs associated with Electronic Licensing System include costs associated to programming, supplies, equipment, and the support for transactions.

Currently, 4.7 percent of the ELS sales are retained by the DNR to cover the cost associated. The current revenue sources do not equitably pay for the costs of ELS.

#### **Financial implications (if appropriate):**

- 1) There are no associated fiscal implications to updated statutes to current process.
- 2) The ELS commission will distribute ELS costs appropriately and ultimately allow the DNR to access additional funds to fully fund ELS. It is estimated that the increases would be ninety-four thousand dollars from the Game and Fish Fund and thirty-five thousand from the natural resources fund. These amounts not increase user fees, but rather be taken from the existing fee revenue.

#### **For further information contact:**

Peter Skwira  
Administrative Section Chief  
Division of Fish and Wildlife  
(651) 297-2944  
Peter.Skwira@dnr.state.mn.us

April 1, 2005

Senator Saxhaug introduced--

S.F. No. 1626: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to natural resources; providing for  
3 establishment and disposition of certain issuing fees  
4 and an electronic licensing system commission;  
5 creating an account; modifying issuance of snowmobile  
6 state trail stickers by agents; appropriating money;  
7 amending Minnesota Statutes 2004, sections 84.027,  
8 subdivision 15; 84.791, subdivision 2; 84.8205,  
9 subdivisions 3, 4, 6; 84.86, subdivision 1; 84.925,  
10 subdivision 1; 85.055, subdivision 2; 85.43; 88.6435,  
11 subdivision 4; 97A.485, subdivision 7; 97B.015,  
12 subdivision 7; 97B.025.

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

14 Section 1. Minnesota Statutes 2004, section 84.027,  
15 subdivision 15, is amended to read:

16 Subd. 15. [ELECTRONIC TRANSACTIONS.] (a) The commissioner  
17 may receive an application for, sell, and issue any license,  
18 stamp, permit, pass, sticker, duplicate safety training  
19 certification, registration, or transfer under the jurisdiction  
20 of the commissioner by electronic means, including by telephone.  
21 Notwithstanding section 97A.472, electronic and telephone  
22 transactions may be made outside of the state. The commissioner  
23 may:

24 (1) provide for the electronic transfer of funds generated  
25 by electronic transactions, including by telephone;

26 (2) assign a license identification number to an applicant  
27 who purchases a hunting or fishing license by electronic means,  
28 to serve as temporary authorization to engage in the licensed  
29 activity until the license is received or expires;



1 (3) charge and permit agents to charge a fee of individuals  
 2 who make electronic transactions and transactions by  
 3 telephone or Internet, including the issuing fee-under-section  
 4 97A-4857-subdivision-67 fees and an additional transaction fee  
 5 not to exceed \$3.50;

6 (4) ~~collect-issuing-or-filing-fees-as-provided-under~~  
 7 ~~sections-84-7887-subdivision-37-paragraph-(e)7-84-7987~~  
 8 ~~subdivision-37-paragraph-(b)7-84-827-subdivision-27-paragraph~~  
 9 ~~(d)7-84-82057-subdivisions-5-and-67-84-9227-subdivision-27~~  
 10 ~~paragraph-(e)7-85-417-subdivision-57-86B-4157-subdivision-87-and~~  
 11 ~~97A-4857-subdivision-67-and-collect~~ establish, by written order,  
 12 an electronic licensing system commission on to be paid by  
 13 revenues generated from all sales of licenses-as-provided-under  
 14 sections-85-437-paragraph-(b)7-and-97A-4857-subdivision-7 made  
 15 through the electronic licensing system. The commissioner shall  
 16 establish the commission in a manner that neither significantly  
 17 overrecovers nor underrecovers costs involved in providing the  
 18 electronic licensing system; and

19 (5) adopt rules to administer the provisions of this  
 20 subdivision.

21 (b) ~~Establishment-of The transaction-fee fees established~~  
 22 under paragraph (a), clause (3), and the commission established  
 23 under paragraph (a), clause (4), is are not subject to the  
 24 rulemaking procedures of chapter 14 and section 14.386 does not  
 25 apply.

26 (c) Money received from fees and commissions collected  
 27 under this subdivision, including interest earned, is annually  
 28 appropriated from the game and fish fund and the natural  
 29 resources fund to the commissioner for the cost of electronic  
 30 licensing.

31 Sec. 2. Minnesota Statutes 2004, section 84.791,  
 32 subdivision 2, is amended to read:

33 Subd. 2. [FEES.] For the purposes of administering the  
 34 program and to defray a portion of the expenses of training and  
 35 certifying vehicle operators, the commissioner shall collect a  
 36 fee not to exceed \$5 from each person who receives the training.

1 The commissioner shall collect a fee for issuing a duplicate  
 2 off-highway motorcycle safety certificate. The commissioner  
 3 shall establish the fee for a duplicate off-highway motorcycle  
 4 safety certificate, to include a \$1 issuing fee for licensing  
 5 agents, that neither significantly overrecovers nor  
 6 underrecovers costs, including overhead costs, involved in  
 7 providing the service. The fees must, except for the issuing  
 8 fee for licensing agents under this subdivision, shall be  
 9 deposited in the state treasury and credited to the off-highway  
 10 motorcycle account in the natural resources fund.

11 Sec. 3. Minnesota Statutes 2004, section 84.8205,  
 12 subdivision 3, is amended to read:

13 Subd. 3. [LICENSE AGENTS.] ~~County-auditors-are-appointed~~  
 14 ~~agents-of-the-commissioner-for-the-sale-of-snowmobile-state~~  
 15 ~~trail-stickers.~~ The commissioner may appoint other-state  
 16 ~~agencies-as~~ agents for-the-sale-of-the to issue and sell state  
 17 trail stickers. ~~A-county-auditor-may-appoint-subagents-within~~  
 18 ~~the-county-or-within-adjacent-counties-to-sell-stickers.--Upon~~  
 19 ~~appointment-of-a-subagent,~~ the-auditor-shall-notify-the  
 20 commissioner-of-the-name-and-address-of-the-subagent.--The  
 21 auditor-may-revoke-the-appointment-of-a-subagent, and The  
 22 commissioner may revoke the appointment of a-state-agency an  
 23 agent at any time. ~~The-commissioner-may-require-an-auditor-to~~  
 24 ~~revoke-a-subagent's-appointment.--The-auditor-shall-furnish~~  
 25 ~~stickers-on-consignment-to-any-subagent-who-furnishes-a-surety~~  
 26 ~~bond-in-favor-of-the-county-in-an-amount-at-least-equal-to-the~~  
 27 ~~value-of-the-stickers-to-be-consigned-to-that-subagent.--A~~  
 28 ~~surety-bond-is-not-required-for-a-state-agency-appointed-by-the~~  
 29 ~~commissioner.--The-county-auditor-shall-be-responsible-for-all~~  
 30 ~~stickers-issued-to-and-user-fees-received-by-agents-except-in-a~~  
 31 ~~county-where-the-county-auditor-does-not-retain-fees-paid-for~~  
 32 ~~license-purposes.--In-these-counties,~~ the-responsibilities  
 33 imposed-by-this-section-upon-the-county-auditor-are-imposed-upon  
 34 the-county. The commissioner may promulgate adopt additional  
 35 rules governing-the-accounting-and-procedures-for-handling-state  
 36 trail-stickers as provided in section 97A.485, subdivision 11.

1 ~~Any resident desiring to sell snowmobile state trail~~  
2 ~~stickers may either purchase for cash or obtain on consignment~~  
3 ~~stickers from a county auditor in groups of not less than ten~~  
4 ~~individual stickers. In selling stickers, the resident shall be~~  
5 ~~deemed a subagent of the county auditor and the commissioner,~~  
6 and An agent shall observe all rules promulgated adopted by the  
7 commissioner for accounting and handling of licenses and  
8 stickers pursuant to section 97A.485, subdivision 11.

9 ~~The county auditor~~ An agent shall promptly deposit and  
10 remit all money received from the sale of the stickers with the  
11 ~~county treasurer and shall promptly transmit any reports~~  
12 ~~required by the commissioner, plus 96 percent of the price paid~~  
13 ~~by each stickerholder, exclusive of the issuing fee, for each~~  
14 ~~sticker sold or consigned by the auditor and subsequently sold~~  
15 ~~to a stickerholder during the accounting period. The county~~  
16 ~~auditor shall retain as a commission four percent of all sticker~~  
17 ~~fees, excluding the issuing fee for stickers consigned to~~  
18 ~~subagents and the issuing fee on stickers sold by the auditor to~~  
19 ~~stickerholders~~ to the commissioner.

20 ~~Unsold stickers in the hands of any subagent shall be~~  
21 ~~redeemed by the commissioner if presented for redemption within~~  
22 ~~the time prescribed by the commissioner. Any stickers not~~  
23 ~~presented for redemption within the period prescribed shall be~~  
24 ~~conclusively presumed to have been sold, and the subagent~~  
25 ~~possessing the same or to whom they are charged shall be~~  
26 ~~accountable.~~

27 Sec. 4. Minnesota Statutes 2004, section 84.8205,  
28 subdivision 4, is amended to read:

29 Subd. 4. [~~DISTRIBUTION~~ ISSUANCE OF STICKERS.] The  
30 commissioner and agents shall provide issue and sell snowmobile  
31 state trail stickers to all agents authorized to issue stickers  
32 by the commissioner.

33 Sec. 5. Minnesota Statutes 2004, section 84.8205,  
34 subdivision 6, is amended to read:

35 Subd. 6. [DUPLICATE STATE TRAIL STICKERS.] The  
36 commissioner and agents shall issue a duplicate sticker to

1 persons whose sticker is lost or destroyed using the process  
2 established under section 97A.405, subdivision 3, and rules  
3 promulgated thereunder. The fee for a duplicate state trail  
4 sticker is \$2, with an issuing fee of 50 cents.

5 Sec. 6. Minnesota Statutes 2004, section 84.86,  
6 subdivision 1, is amended to read:

7 Subdivision 1. [REQUIRED RULES.] With a view of achieving  
8 maximum use of snowmobiles consistent with protection of the  
9 environment the commissioner of natural resources shall adopt  
10 rules in the manner provided by chapter 14, for the following  
11 purposes:

12 (1) Registration of snowmobiles and display of registration  
13 numbers.

14 (2) Use of snowmobiles insofar as game and fish resources  
15 are affected.

16 (3) Use of snowmobiles on public lands and waters, or on  
17 grant-in-aid trails.

18 (4) Uniform signs to be used by the state, counties, and  
19 cities, which are necessary or desirable to control, direct, or  
20 regulate the operation and use of snowmobiles.

21 (5) Specifications relating to snowmobile mufflers.

22 (6) A comprehensive snowmobile information and safety  
23 education and training program, including but not limited to the  
24 preparation and dissemination of snowmobile information and  
25 safety advice to the public, the training of snowmobile  
26 operators, and the issuance of snowmobile safety certificates to  
27 snowmobile operators who successfully complete the snowmobile  
28 safety education and training course. For the purpose of  
29 administering such program and to defray expenses of training  
30 and certifying snowmobile operators, the commissioner shall  
31 collect a fee from each person who receives the youth or adult  
32 training. The commissioner shall collect a fee, to include a \$1  
33 issuing fee for licensing agents, for issuing a duplicate  
34 snowmobile safety certificate. The commissioner shall establish  
35 both fees in a manner that neither significantly overrecovers  
36 nor underrecovers costs, including overhead costs, involved in

1 providing the services. The fees are not subject to the  
2 rulemaking provisions of chapter 14 and section 14.386 does not  
3 apply. The fees may be established by the commissioner  
4 notwithstanding section 16A.1283. The fees must, except for the  
5 issuing fee for licensing agents under this subdivision, shall  
6 be deposited in the snowmobile trails and enforcement account in  
7 the natural resources fund and the amount thereof, except for  
8 the electronic licensing system commission established by the  
9 commissioner under section 84.027, subdivision 15, and issuing  
10 fees collected by the commissioner, is appropriated annually to  
11 the Enforcement Division of the Department of Natural Resources  
12 for the administration of such programs. In addition to the fee  
13 established by the commissioner, instructors may charge each  
14 person up to the established fee amount for class materials and  
15 expenses. The commissioner shall cooperate with private  
16 organizations and associations, private and public corporations,  
17 and local governmental units in furtherance of the program  
18 established under this clause. School districts may cooperate  
19 with the commissioner and volunteer instructors to provide space  
20 for the classroom portion of the training. The commissioner  
21 shall consult with the commissioner of public safety in regard  
22 to training program subject matter and performance testing that  
23 leads to the certification of snowmobile operators.

24 (7) The operator of any snowmobile involved in an accident  
25 resulting in injury requiring medical attention or  
26 hospitalization to or death of any person or total damage to an  
27 extent of \$500 or more, shall forward a written report of the  
28 accident to the commissioner on such form as the commissioner  
29 shall prescribe. If the operator is killed or is unable to file  
30 a report due to incapacitation, any peace officer investigating  
31 the accident shall file the accident report within ten business  
32 days.

33 Sec. 7. Minnesota Statutes 2004, section 84.925,  
34 subdivision 1, is amended to read:

35 Subdivision 1. [PROGRAM ESTABLISHED.] (a) The commissioner  
36 shall establish a comprehensive all-terrain vehicle

1 environmental and safety education and training program,  
2 including the preparation and dissemination of vehicle  
3 information and safety advice to the public, the training of  
4 all-terrain vehicle operators, and the issuance of all-terrain  
5 vehicle safety certificates to vehicle operators over the age of  
6 12 years who successfully complete the all-terrain vehicle  
7 environmental and safety education and training course.

8 (b) For the purpose of administering the program and to  
9 defray a portion of the expenses of training and certifying  
10 vehicle operators, the commissioner shall collect a fee of \$15  
11 from each person who receives the training. The commissioner  
12 shall collect a fee, to include a \$1 issuing fee for licensing  
13 agents, for issuing a duplicate all-terrain vehicle safety  
14 certificate. The commissioner shall establish the fee for a  
15 duplicate all-terrain vehicle safety certificate that neither  
16 significantly overrecovers nor underrecovers costs, including  
17 overhead costs, involved in providing the service. Fee  
18 proceeds, except for the issuing fee for licensing agents under  
19 this subdivision, shall be deposited in the all-terrain vehicle  
20 account in the natural resources fund.

21 (c) The commissioner shall cooperate with private  
22 organizations and associations, private and public corporations,  
23 and local governmental units in furtherance of the program  
24 established under this section. School districts may cooperate  
25 with the commissioner and volunteer instructors to provide space  
26 for the classroom portion of the training. The commissioner  
27 shall consult with the commissioner of public safety in regard  
28 to training program subject matter and performance testing that  
29 leads to the certification of vehicle operators. By June 30,  
30 2003, the commissioner shall incorporate a riding component in  
31 the safety education and training program.

32 Sec. 8. Minnesota Statutes 2004, section 85.055,  
33 subdivision 2, is amended to read:

34 Subd. 2. [FEE DEPOSIT AND APPROPRIATION.] The fees  
35 collected under this section shall be deposited in the natural  
36 resources fund and credited to a the state parks account. Money

1 in the account, except for the electronic licensing system  
 2 commission established by the commissioner under section 84.027,  
 3 subdivision 15, is annually appropriated to the commissioner to  
 4 operate and maintain the state park system.

5 Sec. 9. Minnesota Statutes 2004, section 85.43, is amended  
 6 to read:

7 85.43 [DISPOSITION OF RECEIPTS; PURPOSE.]

8 (a) Fees from cross-country ski passes shall be deposited  
 9 in the state treasury and credited to a cross-country ski  
 10 account in the natural resources fund and, ~~except as provided in~~  
 11 paragraph-(b) for the electronic licensing system commission  
 12 established by the commissioner under section 84.027,  
 13 subdivision 15, are appropriated to the commissioner of natural  
 14 resources for:

15 (1) grants-in-aid for cross-country ski trails sponsored by  
 16 local units of government and special park districts as provided  
 17 in section 85.44; and

18 (2) maintenance, winter grooming, and associated  
 19 administrative costs for cross-country ski trails under the  
 20 jurisdiction of the commissioner.

21 ~~(b)-The-commissioner-shall-retain-for-the-operation-of-the~~  
 22 ~~electronic-licensing-system-a-commission-of-4.7-percent-of-all~~  
 23 ~~cross-country-ski-pass-fees-collected.~~

24 Sec. 10. Minnesota Statutes 2004, section 88.6435,  
 25 subdivision 4, is amended to read:

26 Subd. 4. [FOREST BOUGH ACCOUNT; DISPOSITION OF PERMIT FEES  
 27 AND-PENALTIES.] (a) The forest bough account is established in  
 28 the state treasury within the natural resources fund.

29 (b) Fees for permits issued under this section shall be  
 30 deposited in the state treasury and credited to the ~~special~~  
 31 ~~revenue-fund~~ forest bough account and, except for the electronic  
 32 licensing system commission established by the commissioner  
 33 under section 84.027, subdivision 15, are annually appropriated  
 34 to the commissioner of natural resources for costs associated  
 35 with balsam bough educational programs for harvesters and buyers.

36 Sec. 11. Minnesota Statutes 2004, section 97A.485,

1 subdivision 7, is amended to read:

2 Subd. 7. [ELECTRONIC LICENSING SYSTEM COMMISSION.] The  
3 commissioner shall retain for the operation of the electronic  
4 licensing system ~~a-commission-of-4.7-percent-of~~ the commission  
5 established under section 84.027, subdivision 15, and issuing  
6 fees collected by the commissioner on all license fees  
7 collected, excluding:

8 (1) the small game surcharge; and

9 (2) ~~all-issuing-fees,~~ and

10 ~~{3}~~ \$2.50 of the license fee for the licenses in section  
11 97A.475, subdivisions 6, clauses (1), (2), and (4), 7, 8, 12,  
12 and 13.

13 Sec. 12. Minnesota Statutes 2004, section 97B.015,  
14 subdivision 7, is amended to read:

15 Subd. 7. [FEE FOR DUPLICATE CERTIFICATE.] The commissioner  
16 shall collect a fee, to include a \$1 issuing fee for licensing  
17 agents, for issuing a duplicate firearms safety certificate.  
18 The commissioner shall establish a fee that neither  
19 significantly overrecovers nor underrecovers costs, including  
20 overhead costs, involved in providing the service. The fee is  
21 not subject to the rulemaking provisions of chapter 14 and  
22 section 14.386 does not apply. The commissioner may establish  
23 the fee notwithstanding section 16A.1283. The duplicate  
24 certificate fees, except for the issuing fee for licensing  
25 agents under this subdivision, shall be deposited in the game  
26 and fish fund and, except for the electronic licensing system  
27 commission established by the commissioner under section 84.027,  
28 subdivision 15, and issuing fees collected by the commissioner,  
29 are appropriated annually to the Enforcement Division of the  
30 Department of Natural Resources for the administration of the  
31 firearm safety course program.

32 Sec. 13. Minnesota Statutes 2004, section 97B.025, is  
33 amended to read:

34 97B.025 [HUNTER AND TRAPPER EDUCATION.]

35 (a) The commissioner may establish education courses for  
36 hunters and trappers. The commissioner shall collect a fee from



1 each person attending a course. A fee, to include a \$1 issuing  
2 fee for licensing agents, shall be collected for issuing a  
3 duplicate certificate. The commissioner shall establish the  
4 fees in a manner that neither significantly overrecovers nor  
5 underrecovers costs, including overhead costs, involved in  
6 providing the services. The fees are not subject to the  
7 rulemaking provisions of chapter 14 and section 14.386 does not  
8 apply. The commissioner may establish the fees notwithstanding  
9 section 16A.1283. The fees, except for the issuing fee for  
10 licensing agents under this subdivision, shall be deposited in  
11 the game and fish fund and the amount thereof, except for the  
12 electronic licensing system commission established by the  
13 commissioner under section 84.027, subdivision 15, is  
14 appropriated annually to the Enforcement Division of the  
15 Department of Natural Resources for the administration of the  
16 program. In addition to the fee established by the commissioner  
17 for each course, instructors may charge each person up to the  
18 established fee amount for class materials and expenses. School  
19 districts may cooperate with the commissioner and volunteer  
20 instructors to provide space for the classroom portion of the  
21 training.

22 (b) The commissioner shall enter into an agreement with a  
23 statewide nonprofit trappers association to conduct a trapper  
24 education program. At a minimum, the program must include at  
25 least six hours of classroom and in the field training. The  
26 program must include a review of state trapping laws and  
27 regulations, trapping ethics, the setting and tending of traps  
28 and snares, tagging and registration requirements, and the  
29 preparation of pelts. The association shall be responsible for  
30 all costs of conducting the education program, and shall not  
31 charge any fee for attending the course.

Senator Stumpf introduced--

S.F. No. 1364: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to drainage; allowing an outlet fee to be  
3 charged for use of an established drainage system in  
4 Red Lake County as an outlet for drainage originating  
5 in Pennington County.

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

7 Section 1. [OUTLET FEE FOR USE OF DRAINAGE SYSTEM IN RED  
8 LAKE COUNTY AS OUTLET FOR DRAINAGE FROM PENNINGTON COUNTY.]

9 Subdivision 1. [GENERAL.] Red Lake County may charge an  
10 outlet fee for use of county ditch number 13 as an outlet for  
11 drainage originating in Pennington County, as provided in this  
12 section. The outlet fee must be established by a joint board  
13 established under subdivision 2.

14 Subd. 2. [JOINT BOARD.] The Boards of Commissioners of Red  
15 Lake and Pennington Counties shall appoint from their members a  
16 joint board consisting of an equal number of members from each  
17 board.

18 Subd. 3. [HEARING.] The joint board shall set a time and  
19 location for a hearing and shall give notice of the hearing by  
20 publication, as defined in Minnesota Statutes, section 103E.005,  
21 subdivision 24, and by mail to the Red Lake and Pennington  
22 County Boards and the property owners and political subdivisions  
23 likely to be affected by the outlet fee. At the hearing, the  
24 joint board shall provide an opportunity for all interested  
25 persons to be heard.

1        Subd. 4. [ORDER.] After the hearing, the joint board  
2 shall, by order, set the amount to be paid as an outlet fee.  
3 The order must describe the property benefited by the outlet  
4 drainage system and state the amount of benefits to the property  
5 for the outlet drainage system. The property benefited is  
6 subject to assessments levied after that time in the outlet  
7 drainage system, on the basis of the benefits as if the benefits  
8 had been determined in the order establishing the outlet  
9 drainage system.

10       Subd. 5. [PAYMENT.] The outlet fee must be paid by  
11 assessment against the benefited property in Pennington County,  
12 under Minnesota Statutes, section 103E.601, and credited to the  
13 established drainage system account for county ditch number 13.

14       Subd. 6. [APPEAL.] A person whose property is subject to  
15 assessments under subdivision 5 may appeal the order under  
16 Minnesota Statutes, section 103E.091.

17       Sec 2. [EFFECTIVE DATE.]

18       Under Minnesota Statutes, section 645.023, subdivision 1,  
19 paragraph (a), this section takes effect, without local  
20 approval, the day following final enactment.

Senators Anderson, Pappas, Cohen and Moua introduced--

S.F. No. 1252: Referred to the Committee on Environment and Natural Resources.

1                   A bill for an act  
2           relating to water; providing for the consumptive use  
3           of groundwater.  
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
5           Section 1. [CONSUMPTIVE USE OF GROUNDWATER.]  
6           Pursuant to Minnesota Statutes, section 103G.265,  
7           subdivision 3, the legislature approves the consumptive use of  
8           groundwater under a permit of more than 2,000,000 gallons per  
9           day average in a 30-day period in the St. Paul Regional Water  
10           Services service area in connection with a municipal water  
11           supply system operated by the St. Paul Board of Water  
12           Commissioners, subject to a determination by the commissioner of  
13           natural resources that the water remaining in the basin of  
14           origin will be adequate to meet the basin's need for water and  
15           subject to subsequent approval by the commissioner.  
16           [EFFECTIVE DATE.] This section is effective the day  
17           following final enactment.

Senators Chaudhary, Dille, Bachmann, Bakk and Vickerman introduced--  
S.F. No. 1908: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to natural resources; establishing the  
3 Shooting Range Protection Act; requiring expedited  
4 rulemaking; proposing coding for new law as Minnesota  
5 Statutes, chapter 87A.

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

7 Section 1. [87A.01] [DEFINITIONS.]

8 Subdivision 1. [APPLICABILITY.] The definitions in this  
9 section apply to sections 87A.01 to 87A.09.

10 Subd. 2. [PERSON.] "Person" means an individual,  
11 association, proprietorship, partnership, corporation, club,  
12 political subdivision, or other legal entity.

13 Subd. 3. [SHOOTING RANGE OR RANGE.] "Shooting range" or  
14 "range" means an area or facility designated or operated  
15 primarily for the use of firearms, as defined in section  
16 97A.015, subdivision 19, or archery, and includes shooting  
17 preserves as described in section 97A.115 or any other Minnesota  
18 law.

19 Subd. 4. [SHOOTING RANGE PERFORMANCE STANDARDS.] "Shooting  
20 range performance standards" means those rules adopted by the  
21 commissioner of natural resources under section 87A.02 for the  
22 safe operation of shooting ranges.

23 Subd. 5. [LOCAL UNIT OF GOVERNMENT.] "Local unit of  
24 government" means a home rule charter or statutory city, county,  
25 town, or other political subdivision.

1 Sec. 2. [87A.02] [SHOOTING RANGE PERFORMANCE STANDARDS.]

2 Subdivision 1. [ADOPTION OF STANDARDS; REVIEW.] (a) The  
3 commissioner of natural resources must develop and adopt  
4 shooting range performance standards, according to the expedited  
5 rulemaking process under section 14.389. The shooting range  
6 performance standards must provide for compliance with  
7 applicable noise standards under section 87A.05 and for the safe  
8 use of shooting ranges within their boundaries, including the  
9 containment of projectiles.

10 (b) The shooting range performance standards must provide  
11 for the operation of shooting preserves within the boundaries of  
12 such a preserve, including an exemption from any discharge  
13 distance limitations generally applicable to hunting on other  
14 land, when the shooting preserve is in compliance with all other  
15 applicable laws and is in operation on or before the effective  
16 date of the performance standards adopted under this section or  
17 prior to the development of any structure that would cause the  
18 preserve to be out of compliance with the discharge distance.

19 (c) The commissioner must review the shooting range  
20 performance standards at least once every five years and revise  
21 them if necessary for the safe operation of shooting ranges.

22 (d) In the adoption of any amendments to the shooting range  
23 performance standards adopted under paragraph (a), the  
24 commissioner shall follow all notice and public hearing  
25 requirements for the regular rule adoption process under  
26 sections 14.001 to 14.28.

27 Subd. 2. [INTERIM STANDARDS.] Until the commissioner of  
28 natural resources adopts the shooting range performance  
29 standards under subdivision 1, paragraph (a), the November 1999  
30 revised edition of the National Rifle Association's Range Source  
31 Book: A Guide to Planning and Construction shall serve as the  
32 interim shooting range performance standards, having the full  
33 effect of the shooting range performance standards for purposes  
34 of this chapter. The interim shooting range performance  
35 standards sunset and have no further effect under this chapter  
36 upon the effective date of the shooting range performance

1 standards adopted under subdivision 1, paragraph (a).

2 Sec. 3. [87A.03] [COMPLIANT RANGES; AUTHORIZED  
3 ACTIVITIES.]

4 Subdivision 1. [AUTHORIZED ACTIVITIES.] A shooting range  
5 that operates in compliance with the shooting range performance  
6 standards must be permitted to do all of the following within  
7 its geographic boundaries, under the same or different ownership  
8 or occupancy, if done in accordance with shooting range  
9 performance standards:

10 (1) operate the range and conduct activities involving the  
11 discharge of firearms;

12 (2) expand or increase its membership or opportunities for  
13 public participation related to the primary activity as a  
14 shooting range;

15 (3) make those repairs or improvements desirable to meet or  
16 exceed requirements of shooting range performance standards;

17 (4) increase events and activities related to the primary  
18 activity as a shooting range;

19 (5) conduct shooting activities and discharge firearms  
20 daily between 7:00 a.m. and 10:00 p.m. A local unit of  
21 government with zoning jurisdiction over a shooting range may  
22 extend the hours of operation by the issuance of a special or  
23 conditional use permit; and

24 (6) acquire additional lands to be used for buffer zones or  
25 noise mitigation efforts or to otherwise comply with this  
26 chapter.

27 Subd. 2. [NONCONFORMING USE.] A shooting range that is a  
28 nonconforming use shall be allowed to conduct additional  
29 shooting activities within the range's lawful property  
30 boundaries as of the date the range became a nonconforming use,  
31 provided the shooting range remains in compliance with noise and  
32 shooting range performance standards under this chapter.

33 Subd. 3. [COMPLIANCE WITH OTHER LAW.] Nothing in this  
34 section exempts any newly constructed or remodeled building on a  
35 shooting range from compliance with fire safety, handicapped  
36 accessibility, elevator safety, bleacher safety, or other

1 provisions of the State Building Code that have mandatory  
2 statewide application.

3 Sec. 4. [87A.04] [MITIGATION AREA.]

4 (a) Except for those uses, developments, and structures in  
5 existence or for which approval has been granted by October 1,  
6 2005, no change in use, new development, or construction of a  
7 structure shall be approved for any portion of property within  
8 750 feet of the perimeter property line of an outdoor shooting  
9 range if the change in use, development, or construction would  
10 cause a preexisting outdoor shooting range in compliance with  
11 this chapter to become out of compliance.

12 (b) A change in use, new development, or construction of a  
13 structure may be approved under this section if the person  
14 seeking approval agrees to provide any mitigation required to  
15 keep the range in compliance with this chapter. The approving  
16 authority, instead of the person requesting the change in use,  
17 new development, or construction of a structure may provide any  
18 mitigation required under this section. The person requesting  
19 approval under this section is responsible for providing  
20 documentation if no mitigation is required under this section.  
21 Failure to provide such documentation or any mitigation required  
22 under this section exempts the range from being out of  
23 compliance with the shooting range performance and noise  
24 standards of this chapter with regard to the property  
25 responsible for the mitigation. Any action brought by the owner  
26 of such property against the range is subject to section  
27 87A.06. With the permission of the range operator, any  
28 mitigation required under this section may be provided on the  
29 range property.

30 Sec. 5. [87A.05] [NOISE STANDARDS.]

31 Allowable noise levels for the operation of a shooting  
32 range are the levels determined by replacing the steady state  
33 noise L10 and L50 state standards for each period of time within  
34 each noise area's classification with a single Leq(h) standard  
35 for impulsive noise that is two dBA lower than that of the L10  
36 level for steady state noise. The noise level shall be measured



1 outside of the range property at the location of the receiver's  
2 activity according to Minnesota Rules, parts 7030.0010 to  
3 7030.0080. For purposes of this section, "Leq(h)" means the  
4 energy level that is equivalent to a steady state level that  
5 contains the same amount of sound energy as the time varying  
6 sound level for a 60-minute time period.

7 Sec. 6. [87A.06] [NUISANCE ACTIONS; COMPLIANCE WITH  
8 SHOOTING RANGE PERFORMANCE STANDARDS.]

9 A person who owns, operates, or uses a shooting range in  
10 this state that is in compliance with shooting range performance  
11 standards is not subject to any nuisance action based on noise  
12 or other matters regulated by the shooting range performance  
13 standards. This section does not prohibit an action that seeks  
14 damages for personal physical injury or tangible damage to  
15 property caused by acts or omissions involving the operation of  
16 the range or by a person using the range.

17 Sec. 7. [87A.07] [CLOSURE OF SHOOTING RANGES.]

18 Subdivision 1. [CLOSURE.] Except as otherwise provided in  
19 sections 87A.01 to 87A.09, a shooting range that is in  
20 compliance with shooting range performance standards and the  
21 requirements of sections 87A.01 to 87A.09 shall not be forced to  
22 permanently close or permanently cease any activity related to  
23 the primary use of the shooting range unless the range or  
24 activity is found to be a clear and immediate safety hazard. In  
25 any action brought to compel the permanent closure of any range  
26 in compliance with shooting range performance standards and this  
27 chapter, or to permanently cease any activity related to the  
28 primary use of such a shooting range, there is a rebuttable  
29 presumption that the range or activity is not a clear and  
30 immediate safety hazard. If the shooting range provides  
31 evidence that the cause of a proven safety hazard can be  
32 mitigated so as to eliminate the safety hazard, the court shall  
33 not order the permanent closure of the range, or permanent  
34 ceasing of the activity found to be a clear and immediate safety  
5 hazard, unless the range operator fails to implement the  
36 necessary mitigation to remove the safety hazard by such date as

1 determined reasonable by the court.

2 Subd. 2. [PRELIMINARY INJUNCTIONS.] Nothing in this  
3 section prohibits a court from granting a preliminary injunction  
4 against any activity determined to be a probable clear and  
5 immediate safety hazard, or against any individual determined to  
6 be the probable cause of an alleged clear and immediate safety  
7 hazard, pending the final determination of the existence of such  
8 a safety hazard.

9 Subd. 3. [PERMANENT INJUNCTIONS.] A court may grant a  
10 permanent injunction only against a particular activity or  
11 person instead of permanently closing the range unless the court  
12 finds that the remaining operations also pose a safety hazard  
13 under this section.

14 Sec. 8. [87A.08] [APPLICABILITY OF OTHER LAWS.]

15 Subdivision 1. [PUBLIC SAFETY LAWS; ZONING.] (a) Nothing  
16 in this chapter prohibits enforcement of any federal law. To  
17 the extent consistent with this chapter, other state laws  
18 regarding the health, safety, and welfare of the public may be  
19 enforced. To the extent consistent with this chapter, a local  
20 unit of government with zoning authority jurisdiction over a  
21 shooting range may enforce its applicable ordinances and permits.

22 (b) If the operator of the shooting range shows evidence  
23 that the range can be brought into compliance with the  
24 applicable state law, local ordinance, or permit, the range may  
25 not be permanently closed unless the range operator fails to  
26 bring the range into compliance with the applicable law,  
27 ordinance, or permit under this section by such date as the  
28 court determines reasonable. Nothing in this section prohibits  
29 a court from granting a preliminary injunction against any  
30 activity determined to be a violation of a law, ordinance, or  
31 permit under this section or against any individual determined  
32 to be causing an alleged violation, pending the final  
33 determination of the existence of such a violation.

34 Subd. 2. [PERMANENT INJUNCTIONS.] A court may grant a  
35 permanent injunction only against a particular activity or  
36 person instead of permanently closing the range unless the court

1 finds that the remaining operations also create a violation  
2 under this section.

3       Sec. 9. [87A.09] [ACCESS TO PUBLICLY FUNDED SHOOTING  
4 RANGES.]

5       Shooting ranges maintained or operated by the state or a  
6 local unit of government must be reasonably available for public  
7 use. The state or local unit of government may impose a fee not  
8 to exceed the direct additional costs incurred because of the  
9 public use. A shooting range under this section may be closed  
10 to the public when in use by law enforcement for training and  
11 practice purposes, when closure is necessary for public safety,  
12 or when closure is required for compliance with federal or state  
13 issued security requirements.

14       Sec. 10. [EFFECTIVE DATE.]

15       Sections 1 to 9 are effective the day following final  
16 enactment.