

PUBLIC DOMAIN; CONSERVATION

CHAPTER 84

DEPARTMENT OF CONSERVATION

NOTE: Laws 1925, Chapter 426, Article 4, created a department of conservation under the supervision of a commission, consisting of the commissioner of forestry and fire prevention, the commissioner of game and fish, (appointed by the governor) and the state auditor as ex officio commissioner of lands and timber. Laws 1931, Chapter 186, provided for a commission of five appointed by the governor, with power to employ a conservation commissioner, the department to be organized with four divisions. To the duties taken over from the former department were added those of the commissioner of drainage and waters and the duties of the state auditor relating to public lands, timber, waters, and minerals of the state. Laws 1943, Chapter 60, reorganized the department and placed it under a commissioner appointed by the governor; and it was given increased jurisdiction, powers and duties. It was organized into six divisions: forestry, water resources and engineering, game and fish, lands and minerals, state parks, tourist bureau. Laws 1947, Chapter 587, Section 17, transferred the tourist bureau to the business research and development bureau.

NOTE: Digests of special laws relating to the protection of game and fish in various counties may be found as footnotes to GS 1878, c 20 s 34, and GS 1894 s 2192. State-wide protection was afforded to deer, elk, grouse, and prairie chicken by Laws 1858, Chapter 19; Laws 1861, Chapter 55; Laws 1864, Chapter 60; GS 1866, Chapter 20; Laws 1871, Chapter 33; Laws 1872, Chapter 92; Laws 1873, Chapter 22; Laws 1874, Chapters 38-41; Laws 1875, Chapter 126; Laws 1877, Chapter 57; Laws 1878, Chapter 40; Laws 1879, Chapter 23. Mink, muskrat, otter, and beaver were protected under Laws 1875, Chapter 134; and game generally under Laws 1881, Chapter 143; Laws 1887, Chapter 122; Laws 1889, Chapters 205, 206, 207; Laws 1891, Chapter 9; Laws 1893, Chapter 124. Laws 1874, Chapter 38, as amended and codified in GS 1878, Chapter 20, is a complete code for the protection of game. Laws 1875, Chapter 152, amended by Laws 1878, Chapter 42, provided for a commission of three, to be appointed by the governor, whose duties were to distribute the fish and spawn quota received from the U. S. Commissioner of Fisheries. These sections were amended by Laws 1889, Chapters 205, 206, 207. All game and fish laws were codified and a board of game and fish commissioners created by Laws 1891, Chapter 9, superseded by Laws 1893, Chapter 124, and codified in GS 1894, Chapter 20. These laws were rewritten, Laws 1903, Chapter 336, and Laws 1905, Chapter 344, and are found in RL 1905, Chapter 32, and GS 1913 s 4756 to 4910, 8805. The laws relating to wild animals were completely revised, codified, and rearranged by Laws 1919, Chapter 300, and are found in Mason's Statutes 1927, Chapter 32. A department of conservation was created by Laws 1925, Chapter 426. It consisted of the commissioners of forestry, game and fish, and lands and timber. Laws 1931, Chapter 186, created a conservation commission of five. Laws 1937, Chapter 310, abolished this commission and imposed its duties on a commissioner. The laws relating to game and fish were completely revised by Laws 1945, Chapter 248.

84.01 Repealed, 1943 c 60 s 12.

84.02 Repealed, 1943 c 60 s 12.

84.025 CREATION AND ORGANIZATION

HISTORY. 1925 c 426 art 4 s 1; 1931 c 186 s 1; 1937 c 310 s 1; 1939 c 441 s 40; 1943 c 60 s 1; 1947 c 609 s 25; 1949 c 467 s 1; 1949 c 739 s 7, sbd 1; 1951 c 713 s 10.

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A deputy's commission runs only while the principal's term lasts. If the principal is re-elected or reappointed, the deputy must be appointed anew. Consequently, in the department of conservation, upon the reappointment of the commissioner, the deputies and the division directors should be reappointed by the commissioner and should file new bonds. OAG March 8, 1949 (983-L).

84.027 POWERS AND DUTIES

HISTORY. 1925 c 426 art 4 s 5; 1931 c 186 s 2; 1937 c 310 s 2; 1943 c 60 s 2; 1953 c 382 s 1.

Federal government; state governments; natural resources. 37 MLR 569.

Under section 84.027, subdivision 6 it becomes the power and duty of the commissioner of conservation to execute conveyances of land sold pursuant to sections 282.15 to 282.21; and this includes land within the Mahnomon County conservation area. OAG Feb. 13, 1948 (24-B).

The commissioner of conservation is without power to amend an extension agreement or an original mining lease agreement. OAG May 17, 1950 (311-D).

A town cannot use a state-owned water main. The commissioner of conservation is without power to permit such use. OAG April 17, 1950 (624-D-9).

84.032 LOW WATERMARK, STIPULATIONS

HISTORY. 1951 c 599 s 1.

84.04-84.08 Repealed, 1943 c 60 s 12.

84.081 DIVISIONS OF DEPARTMENT

HISTORY. 1925 c 426 art 4 s 2, 3; 1931 c 186 s 4; 1937 c 310 s 3; 1937 c 382 s 6B; 1941 c 138; 1943 c 60 s 3; 1943 c 601 s 1; 1947 c 587 s 17; 1949 c 356 s 1; 1949 c 739 s 7; 1951 c 713 s 11.

84.083 ASSIGNMENT AND DELEGATION OF DUTIES

HISTORY. 1931 c 186 s 4, 5; 1937 c 310 s 4; 1943 c 60 s 5; 1949 c 356 s 2.

An action by the state commission to condemn the land owned by a resident in another state is not removable to the federal court on the ground that it involves a suit between "citizens" of another state. The commission, a constitutional department of the state exercising a part of the state's sovereign power and the action was, in effect, brought by the state which is not a "citizen." *Arkansas Commission v Wrape*, 76 F. Supp. 323.

84.11 Repealed, 1947 c 424 s 6.

84.111 HARVESTING WILD RICE

HISTORY. 1949 c 506 s 3, 4.

84.12 Repealed, 1947 c 424 s 6.

84.13 Repealed, 1947 c 424 s 6.

84.14 DIRECTOR OF WILD RICE HARVEST

HISTORY. 1939 c 231 s 11; 1941 c 217 s 8; 1951 c 671 s 1.

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84.15 COMMISSIONER MAY RESTRICT HARVEST

HISTORY. 1939 c 231; 1949 c 628 s 1.

84.155 CONSERVATION PROJECTS, BELTRAMI ISLAND, PINE ISLAND

NOTE: The areas embraced within the Beltrami Island project constitutes almost all of the area in the Red Lake Game Preserve, created by section 84A.01, and supersedes the provisions of the game preserve when inconsistent therewith.

NOTE: See Section 162.01 relating to tax levies for the road and bridge fund.

84.16 Renumbered 84A.01.

84.17 Renumbered 84A.02.

84.18 Renumbered 84A.03.

84.19 Renumbered 84A.04.

84.20 Renumbered 84A.05.

84.21 Renumbered 84A.06.

84.22 Renumbered 84A.07.

84.23 Renumbered 84A.08.

84.24 Renumbered 84A.09.

84.25 Renumbered 84A.10.

84.26 Renumbered 84A.11.

84.27 Renumbered 282.221, Subdivision 1.

84.28 Renumbered 282.221, Subdivision 2.

84.29 Renumbered 282.222, Subdivision 1.

84.30 Renumbered 282.222, Subdivision 2.

84.31 Renumbered 282.222, Subdivision 3.

84.32 Renumbered 282.222, Subdivision 4.

84.33 Renumbered 282.223.

84.34 Renumbered 282.224.

84.35 Renumbered 282.225.

84.36 Renumbered 282.226.

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84.415 LEASES, EASEMENTS

HISTORY. 1941 c 145 s 1; 1943 c 540 s 1; 1947 c 568 s 1; 1951 c 356 s 1, 2.

Laws 1943, Chapter 540, authorizes the commissioner of conservation on certain conditions and with certain limitations to permit the passage of telephone, telegraph and electrical power or light lines over state property under his jurisdiction. 31 MLR 44.

An application by an electric power line for an easement to extend the line over certain tax-forfeited lands may be made either to the commissioner of conservation under section 84.415, or to the county auditor under the provisions of section 282.04. OAG July 26, 1950 (700-A-3).

84.42 VIOLATIONS; PENALTIES

NOTE: Subdivision 3 is deleted, as it is covered by the last paragraph of section 84A.11.

WILDERNESS AREA

84.43 DEFINITIONS

HISTORY. 1949 c 630 s 1.

84.44 DECLARATION OF POLICY

HISTORY. 1949 c 630 s 2.

84.45 COMMISSIONER OF CONSERVATION, POWERS AND DUTIES

HISTORY. 1949 c 630 s 3.

84.46 COMMISSIONER OF AERONAUTICS

HISTORY. 1949 c 630 s 4.

84.47 PERMITS TO PRIVATE PROPERTY OWNERS

HISTORY. 1949 c 630 s 5.

The issuance of a permit to an aircraft owner or operator to fly into a wilderness area is dependent upon the applicant having the insurance required by section 84.47 plus compliance with Rule 28.14 of the commissioner of aeronautics. OAG June 2, 1950 (234-A).

84.48 TWO-WAY RADIO SYSTEM

HISTORY. 1949 c 630 s 6.

84.49 WATERCRAFT, LIMITATION OF OPERATION

HISTORY. 1949 c 630 s 7.

84.50 VIOLATIONS AND PENALTIES

HISTORY. 1949 c 630 s 8.

84.51 INSPECTION

HISTORY. 1949 c 630 s 9.

84.52 NOT TO CONFLICT WITH CERTAIN ZONING REGULATIONS

HISTORY. 1949 c 630 s 10.

84.53 TOPOGRAPHIC SURVEY; COMMISSIONER OF CONSERVATION

HISTORY. 1949 c 669 s 1.

84.54 STATE MAPPING ADVISORY BOARD

HISTORY. 1949 c 669 s 2.

**84.55 COUNTY BOARD OR GOVERNING BODY OF ANY MUNICIPALITY
MAY COOPERATE**

HISTORY. 1949 c 669 s 3.

84.56 APPROPRIATION

HISTORY. 1949 c 669 s 4.

UNDERGROUND WATERS; DISPLACEMENT

**84.57 UNDERGROUND WATERS, DISPLACEMENT BY UNDERGROUND
STORAGE OF GAS OR LIQUIDS UNDER PRESSURE**

HISTORY. 1953 c 512 s 1.

84.58 PERMIT FOR UNDERGROUND STORAGE

HISTORY. 1953 c 512 s 2-7.

**84.59 APPEALS TO DISTRICT COURT FROM DETERMINATION OF
COMMISSIONER**

HISTORY. 1953 c 512 s 8.

84.60 ORDER GRANTING PERMIT; FINDINGS; RESTRICTIONS

HISTORY. 1953 c 512 s 9.

84.61 DAMAGES, PAYMENT

HISTORY. 1953 c 512 s 10.

84.62 CERTIFICATE OF USE

HISTORY. 1953 c 512 s 1.

CHAPTER 84A

LANDS DEDICATED FOR CONSERVATION PURPOSES

84A.01 RED LAKE GAME PRESERVE

Consent of the commissioner of conservation is a condition precedent to the repair of a drainage system affecting state lands if the lands assessed at the time of the establishment of the drainage system are within any game preserve area or project. No benefits may be assessed against such lands unless the commissioner has joined in a petition for repair. OAG Oct. 29, 1951 (602-J).