

Recreation

CHAPTER 86

RECREATION AND NATURAL RESOURCES

<p>Sec. NATURAL RESOURCES AND RECREATION ACT OF 1963; PURPOSES</p> <p>86.01 Citation</p> <p>86.02 Purpose</p> <p>86.03 Funds</p> <p>MINNESOTA OUTDOOR RECREATION RE- SOURCES COMMISSION, ADVISORY COUN- CIL; POWERS AND DUTIES</p> <p>86.06 Definitions</p> <p>86.07 Commission</p> <p>86.08 Personnel</p> <p>86.09 Advisory council</p> <p>86.10 Resources and opportunities</p> <p>86.11 Duties</p> <p>86.12 Coordination of multiple uses</p> <p>CONSERVATION WORK PROJECTS</p> <p>86.31 Conservation work projects</p>	<p>Sec.</p> <p>86.32 Employment of needy persons</p> <p>86.33 Approval of project by governor</p> <p>86.34 Purpose</p> <p>86.35 Eligibility for employment</p> <p style="text-align: center;">ACQUISITION OF LAND</p> <p>86.41 Land acquisitions</p> <p>86.42 Appropriations</p> <p style="text-align: center;">LETTING OF CONTRACTS</p> <p>86.51 Contracts, manner of letting</p> <p>86.52 Administration</p> <p>86.53 Employees</p> <p style="text-align: center;">LIMITATIONS ON EXPENDITURES</p> <p>86.61 Expenditures</p> <p style="text-align: center;">FEDERAL FUNDS</p> <p>86.71 Federal land and water fund; acceptance of funds; distribution</p>
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NATURAL RESOURCES AND RECREATION ACT OF 1963; PURPOSES

86.01 CITATION. Laws 1963, Chapter 790, may be cited as the Omnibus Natural Resources and Recreation Act of 1963.

[1963 c 790 art 1 s 1]

86.02 PURPOSE. The purpose of the legislature in this enactment is to lay the basis for establishing a long term, comprehensive program to preserve, develop and maintain the natural resources of this state so as to assure present and future generations of residents and nonresidents such quality and quantity of outdoor recreation resources as may be necessary and desirable. Such resources include, but without limitation, forests, parks, historic sites, wildlife areas, access to and improvement of lakes, rivers, streams, scenic areas, and camping grounds. It is the purpose to provide for the essential planning, basic topographic mapping, hydrologic studies, and both ground and surface water research necessary for such recreational and conservation purposes, and to provide an inventory of presently available outdoor recreation resources, state owned public lands, lands held in trust for the taxing districts, all other publicly owned lands devoted to recreational purposes, as well as the privately owned and commercially operated recreational facilities and opportunities. It is the intention of this legislature to study and examine anticipated future needs and the extent to which private and commercial facilities will need supplementation of publicly subsidized and operated facilities and opportunities.

[1963 c 790 art 1 s 2]

86.03 FUNDS. This legislature anticipates the tax hereinafter provided will be adequate to insure funds for carrying out the program herein contemplated for the period of years necessary for its accomplishment.

[1963 c 790 art 1 s 3]

MINNESOTA OUTDOOR RECREATION RESOURCES COMMISSION, ADVISORY COUNCIL; POWERS AND DUTIES

86.06 DEFINITIONS. For the purposes of Laws 1963, Chapter 790, the following definitions obtain:

(1) "Commission" shall mean the Minnesota Outdoor Recreation Resources Commission;

(2) "Outdoor recreation resources" shall mean the land and water areas in the state of Minnesota which provide or may in the future provide opportunities for outdoor recreation irrespective of the private or public character of such lands.

[1963 c 790 art 2 s 1]

86.07 COMMISSION. Subdivision 1. **Creation, membership, vacancies.** The commission hereby created shall consist of 14 members appointed as follows:

(1) Seven members of the senate to be appointed by the committee on committees to be chosen before the close of each regular session of the legislature and to serve until their successors are appointed;

(2) Seven members of the house to be appointed by the speaker to be chosen before the close of each regular session of the legislature and to serve until their successors are appointed;

(3) Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out the functions thereof, and such vacancies shall be filled in the same manner as the original positions.

Subd. 2. **Expenses.** Commission members shall be entitled to reimbursement for actual expenses not exceeding \$25 per day plus travel expenses incurred in the services of the commission.

Subd. 3. **Organization.** The commission shall convene as soon as practicable following appointment of its members, to implement the purposes and objectives of Laws 1963, Chapter 790.

[1963 c 790 art 2 s 2; 1965 c 810 s 1, 2]

86.08 PERSONNEL. Subdivision 1. **Staff.** The commission is authorized, without regard to the civil service laws and regulations, to appoint and fix the compensation of such additional legal and other personnel and consultants as may be necessary to enable it to carry out its functions, or to contract for services to supply necessary data, including the full or part-time services of a recreation and planning coordinator, except that any state employees subject to the civil service laws and regulations who may be assigned to the commission shall retain civil service status without interruption or loss of status or privilege.

Subd. 2. **Liaison officers.** The commission shall request each department or head of all state agencies with a direct interest and responsibility in any phase of outdoor recreation to appoint, and the latter shall appoint for his agency, a liaison officer who shall work closely with the commission and its staff.

[1963 c 790 art 2 s 3; 1965 c 810 s 3]

86.09 ADVISORY COUNCIL. Subdivision 1. **Membership.** The liaison officers designated as above shall constitute a fact finding group hereby designated as an advisory council and shall include a representative from each of the following state agencies: game and fish, parks, waters, forestry, public health, agriculture, highways, and any other agency which in the opinion of the commission should provide such a liaison officer. The advisory council shall also include a member designated by the mayor of each city of the first class from among the professional park and recreation staff of such city, a designee by the regional director of the United States fish and wildlife service, a designee of the federal forest service, national park service, bureau of outdoor recreation, corps of army engineers, and the University of Minnesota.

Subd. 2. **Function.** The sole and exclusive function of the advisory council shall be to advise and counsel the commission in the development of ways, means, and procedures whereby maximum cooperation may be obtained from all agencies and groups whose assistance in accomplishing the purposes of Laws 1963, Chapter 790, may be required in arriving at sound methods and criteria for evaluating outdoor recreation resources data assembled and otherwise to advise and assist the commission in carrying out the purposes of Laws 1963, Chapter 790. The advisory council shall not have policy making powers.

Subd. 3. **Compensation and expenses.** Members of the advisory council shall serve without additional compensation except that each shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the advisory council called by the chairman of the commission or such other person designated in accordance with subdivision 4, or incurred in carrying out duties assigned by the chairman of the commission except as otherwise so reimbursed by the public agency in which he is regularly employed.

Subd. 4. **Organization, presiding officer.** The chairman of the commission shall call an initial organization meeting of the advisory council. The chairman of the commission or such other person designated by the commission shall be chairman of the advisory council and shall preside over all meetings of the advisory council.

[1963 c 790 art 2 s 4]

86.10 RESOURCES AND OPPORTUNITIES. Subdivision 1. **Appraisal and evaluation.** The commission shall proceed as soon as practicable to inventory and evaluate the state's outdoor recreation resources and opportunities, including presently inaccessible lake and stream lands in the public trust funds, and tax-forfeited lands, whether or not reserved from sale. It shall appraise and inventory outdoor recreation facilities offered to the public by private or commercial operators and the extent to which such facilities now need or may be expected to need supplementation in the future. The commission shall obtain and appraise all information available through private organizations and groups, utilizing to the fullest extent possible studies, data and reports previously prepared or currently in progress by public agencies, private organizations, groups, and others. The commission shall compile such data and in the light of data so compiled and of information available concerning trends in population, leisure, transportation, and all other pertinent factors shall determine the amount, kind, quality, and location of such outdoor recreation resources and opportunities as will be required by the year 2000, and shall recommend what policies should best be adopted and what programs be initiated at each level of government and by private organizations, citizens groups and interests as will meet such future requirements.

Subd. 2. **Data from state agencies, availability.** The commission may request information from any state officer or agency in order to assist in carrying out the terms of Laws 1963, Chapter 790, and such officer or agency is authorized and directed to promptly furnish any data required.

Subd. 3. **Department of conservation, consultation.** The department of conservation shall consult with the commission on all statewide recreational plans and amendments thereto, as required by the land and water conservation fund act, before same are submitted to the federal government. The opinion of the commission shall be advisory only.

[1963 c 790 art 2 s 5; 1965 c 810 s 4]

86.11 DUTIES. Subdivision 1. **Public access, use, fees, etc., study of problem.** The commission shall study the state policy relating to public access, shall study the system of user fees and permits and concession awards with a view toward making provision for adequate maintenance and improvement of facilities to be afforded, shall study use permits and license fees imposed in the other parts of the United States for similar outdoor recreational facilities and compile data upon the fees and charges made by private enterprise for affording similar outdoor recreational facilities to the public.

Subd. 2. **Control of algae and scum, study of problem.** The commission shall study the problem of noxious aquatic vegetation, control of algae and scum conditions on public waters, methods of combating and controlling the same, and shall recommend methods and agencies for control and an equitable method for apportioning the costs thereof and levying assessments therefor.

Subd. 3. [Repealed, 1965 c 810 s 22]

Subd. 4. **Cooperation with Historical Society.** The commission shall study in cooperation with the Minnesota State Historical Society the establishment and maintenance of historic sites.

Subd. 5. **Reports and recommendations.** The commission shall present not later than December 1, 1964 and on December 1 of each even numbered year thereafter a report as of that time of its review, a compilation of its data, and its recommendations to the governor, legislature, counties and municipalities for the long-range program of development and encouragement herein designated. In addition the commission shall report to the legislature from time to time setting forth its findings as a result of its investigations and studies, and shall make such recommendations as it deems proper to assist the legislature in formulating legislation.

Subd. 6. **Hearings.** The commission is authorized to conduct public hearings and otherwise to secure data and expressions of opinion.

Subd. 7. **Land exchange study.** The commission shall study the desirability and advisability of further land exchanges between the state and the federal government, particularly with respect to lands in the Chippewa and Superior National Forests. It shall consider the overlapping of activities of federal, state, and county agencies concerned, and methods of coordination. It shall consider

the programs of federal agencies for acquiring further lands within the state and the desirability of state consent to such acquisition. It shall consider the desirability and worth of federal policies in the Boundary Waters Canoe Area, and shall review the subject of federal control and ownership as contrasted with the worth of state development and control. It shall report its findings and conclusions to the 1967 session of the legislature.

Subd. 8. Timber cutting policies study. The commission shall make a study of timber cutting "natural area" policies in Itasca and other Minnesota state parks.

Subd. 9. Historical and archaeological sites study. The commission shall make a special study of joint management problems concerning historical and archaeological sites in state parks and make recommendations for legislation with reference to the proper management thereof.

[1963 c 790 art 2 s 6; 1965 c 810 s 5, 6, 7]

86.12 COORDINATION OF MULTIPLE USES. The commission in its inquiries, findings and recommendations shall recognize that wherever feasible outdoor recreational facilities may be provided by private enterprise, and that the responsibility of government is to supplement such facilities and opportunities rather than to compete therewith. The commission shall recognize that lands, waters, forests, wetlands, wildlife and such other natural resources which serve economic purposes also serve to varying degrees and for varying uses outdoor recreation purposes, and that sound planning of resource utilization for the full future welfare of this state must include coordination and integration of all such multiple uses.

[1963 c 790 art 2 s 7]

CONSERVATION WORK PROJECTS

86.31 CONSERVATION WORK PROJECTS. To the extent of funds provided herein the commissioner of conservation is authorized to engage in work projects authorized by law for the conservation of the natural resources and property of the state not otherwise undertaken by him by reason of the unavailability of appropriated funds.

[1963 c 790 art 7 s 1]

NOTE: Laws 1963, Chapter 790, Article 8, Section 5 reads:

"Sec. 5. There is appropriated to the commissioner of conservation from the general revenue fund in the state treasury the sum of \$500,000 to be immediately available for the purposes of Article VII of this act. Such moneys shall not cancel and shall be available until expended. Such moneys shall be repaid to the general revenue fund from the natural resources fund periodically and as funds are available."

86.32 EMPLOYMENT OF NEEDY PERSONS. For these purposes the commissioner of conservation shall employ only needy persons from areas of economic distress except such skilled and supervisory personnel as may be needed.

[1963 c 790 art 7 s 2]

86.33 APPROVAL OF PROJECT BY GOVERNOR. All such projects shall be first approved by the governor upon the recommendation of the commissioner of conservation and after consultation with the legislative advisory committee in the same manner as he consults with such committee in making expenditures from the general contingent fund as provided by section 3.30.

[1963 c 790 art 7 s 3]

86.34 PURPOSE. It is the purpose of sections 86.31 to 86.35 to promote the conservation of natural resources and to provide for employment in areas of economic distress.

[1963 c 790 art 7 s 4]

86.35 ELIGIBILITY FOR EMPLOYMENT. Eligibility for employment on work projects authorized by sections 86.31 to 86.35 shall be governed by procedures established by the department of conservation. Any procedures or rules and regulations promulgated in connection therewith may be made by the department of conservation without compliance with any existing law or statutory provision relating to the promulgation of rules and regulations by departments, agencies or instrumentalities of the state.

[1963 c 790 art 7 s 5]

ACQUISITION OF LAND

86.41 LAND ACQUISITIONS. Within the limits of appropriations contained in Laws 1963, Chapter 790, the commissioner of administration for the commissioner of conservation is authorized to acquire the lands designated in Laws

1963, Chapter 790, in Article V, and in Article VIII, Section 6, Subdivisions 2, and 3. All other land acquisitions shall be made only after consultation with and after obtaining advice from the commission established in Article II upon the same basis and the same procedures as used by the governor in expending emergency appropriations upon the advice and consent of the legislative advisory counsel under section 3.30. Under this article land for park purposes may be acquired in any manner and to the extent authorized by the act establishing the park for which the acquisition is made; but all other land for conservation or recreational purposes may be acquired under Laws 1963, Chapter 790, only by gift, purchase, lease, or license.

[1963 c 790 art 8 s 1]

86.42 APPROPRIATIONS. Subdivision 1. There is hereby appropriated from the natural resources fund the sum of \$150,000, together with any sums received as grants in aid from federal sources and any sums granted by private sources to carry out the purposes of sections 86.06 to 86.12. Such moneys shall be available to the commission until expended.

Subd. 2. There is appropriated to the Minnesota outdoor recreation resources commission from the natural resources fund in the state treasury the sum of \$100,000, or so much thereof as may be necessary, for the biennium beginning July 1, 1965.

[1963 c 790 art 8 s 2; 1965 c 810 s 10]

NOTE: Laws 1965, Chapter 5, Section 2 reads:

"Sec. 2. The sum of \$25,000 is appropriated from the natural resources fund in the state treasury to the Minnesota outdoor recreation resources commission. This appropriation is in addition to the appropriation made to such commission by Laws 1963, Chapter 790, Article VIII, Section 2."

LETTING OF CONTRACTS

86.51 CONTRACTS, MANNER OF LETTING. Insofar as is reasonably practicable, the studies and the improvements to be planned and constructed under Laws 1963, Chapter 790, requiring professional and non-professional services shall be accomplished by letting contracts therefor pursuant to the provisions of Minnesota Statutes 1961, Chapter 16, and any act amendatory thereof. Whenever any study or improvement over \$10,000 is planned the department should present to the commissioner of administration, in writing, a cost breakdown showing why direct employment was necessary on the particular project. Where the direct employment of persons furnishing material or services is necessary, such persons shall be employed for a fixed term and shall be in the unclassified services of the state.

[1963 c 790 art 9 s 1; 1965 c 810 s 20]

86.52 ADMINISTRATION. The commissioner of conservation shall consult with the commission in carrying out the terms and provisions of Laws 1963, Chapter 790. The recommendations of the commission shall be advisory only.

[1963 c 790 art 9 s 2]

86.53 EMPLOYEES. Persons employed by the commissioner of conservation and by the commissioner of administration in order to carry out the terms and provisions of Laws 1963, Chapter 790, shall not be deemed to be part of the normal complement of either the department of conservation or the department of administration. The continued employment of such persons shall be contingent upon the availability of funds as provided in Laws 1963, Chapter 790.

[1963 c 790 art 9 s 3]

LIMITATIONS ON EXPENDITURES

86.61 EXPENDITURES. All moneys expended pursuant to any appropriation made by Laws 1963, Chapter 790, are subject to the provisions of Minnesota Statutes 1961, Chapter 16, and any act amendatory thereof. None of the provisions of this section however shall apply to any appropriation made to the Minnesota outdoor recreation resources commission established by section 86.07.

[1963 c 790 art 10 s 1; 1965 c 5 s 1]

FEDERAL FUNDS

86.71 FEDERAL LAND AND WATER FUND; ACCEPTANCE OF FUNDS; DISTRIBUTION. Subdivision 1. The governor is designated as the state agency to apply for, accept, receive and disburse federal funds and private funds which are granted to the state of Minnesota from the Federal Land and Water Fund Act.

Subd. 2. The governor may designate a state agency or agencies to act for him in applying for, receiving, and accepting federal funds under the provi-

MINNESOTA STATUTES 1965

995

RECREATION AND NATURAL RESOURCES 86.71

sions of subdivision 1. Such designation of a state department or agency shall be filed in the office of the secretary of state.

Subd. 3. The governor or any state department or agency designated by him shall comply with any and all requirements of federal law and any rules and regulations promulgated thereunder to enable the application for, the receipt of, and the acceptance of such federal funds. The expenditure of any such funds received shall be governed by the laws of the state except insofar as federal requirements may otherwise provide. All such moneys received by the governor or any state department or agency designated by him for such purpose shall be deposited in the state treasury and are hereby appropriated annually in order to enable the governor or the state department or agency designated by him for such purpose to carry out the purposes for which the funds are received. None of such federal moneys so deposited in the state treasury shall cancel and they shall be available for expenditure in accordance with the requirements of federal law.

Subd. 4. Fifty percent of all moneys made available to the state from funds granted under subdivision 1 shall be distributed to local units of government, providing that any amount distributed is a part of a statewide or a county or regional recreational plan prepared within the framework of the comprehensive planning program and compatible with the statewide recreational plan.

[1965 c 810 s 21]