

Recreation

CHAPTER 86

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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 provide the legislature with the background necessary to evaluate programs proposed to preserve, develop and maintain the natural resources of this state. Such resources include, but without limitation, forests, parks, historic sites, wildlife areas, access to an improvement of lakes, rivers, streams, scenic areas, and camping grounds. 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; 1967 c 867 s 1]

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 RESOURCES COMMISSION; POWERS AND DUTIES

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

- (1) "Commission" shall mean the Minnesota Resources Commission;
- (2) "Resources" shall mean the land and water areas in the state of Minnesota.

[1963 c 790 art 2 s 1; 1967 c 867 s 2]

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 [Repealed, 1967 c 867 s 10]

86.10 RESOURCES AND OPPORTUNITIES. Subdivision 1. **Appraisal and evaluation.** 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, concerning trends in population, leisure, transportation, and all other pertinent factors and shall determine the amount, kind, quality, and location of such outdoor recreation resources and opportunities as will be required by the year 2000.

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. [Repealed, 1967 c 867 s 10]

[1963 c 790 art 2 s 5; 1965 c 810 s 4; 1967 c 867 s 3]

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 by November 15 of each even numbered year a report as of that time of its review, a compilation of its data, and its recommendations to the legislature. 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. Any data compiled by the commission will be made available to any standing or interim committee of the legislature upon request of the chairman of the respective committee.

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 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; 1967 c 867 s 4, 5; 1974 c 406 s 61]

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 natural resources 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; 1969 c 1129 art 10 s 2]

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 natural resources 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; 1969 c 1129 art 10 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 natural resources 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; 1969 c 1129 art 10 s 2]

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 natural resources. Any procedures or rules and regulations promulgated in connection therewith may be made by the department of natural resources 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; 1969 c 1129 art 10 s 2]

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 natural resources 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; 1969 c 1129 art 10 s 2]

86.42 APPROPRIATIONS. Subdivision 1. There is hereby appropriated from the general 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 general 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; 1969 c 399 s 1]

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 [Repealed, 1967 c 867 s 10]

86.53 EMPLOYEES. Persons employed by the commissioner of natural resources 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 natural resources 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; 1969 c 1129 art 10 s 2]

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 provisions 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 for projects to be acquired, developed and maintained by local units of government, providing that any project approved is consistent with a statewide or a county or regional recreational plan and compatible with the statewide recreational plan.

Subd. 5. Any guidelines established by the state for distribution of moneys made available to the state under subdivision 1 shall, after July 1, 1967, be distributed on a statewide and regional priorities basis other than a formula based on population and land areas.

[1965 c 810 s 21; 1967 c 867 s 6, 7]

DISTRIBUTION OF FUNDS TO LOCAL UNITS

86.75 REVIEWAL BY LOCAL UNITS; USE OF FUNDS. An appropriation heretofore or hereafter made from the natural resources account in the state treasury for local units of government shall first be reviewed by the county board, and any county or regional planning commission before funds are distributed by the state. State grants in aid from such account may be expended for land acquisitions and development for recreational purposes including, but not limited to, historic sites, archaeology, public access, parks, scenic easements, camp grounds, wildlife areas, county and school forests, water impoundment, and natural areas and trails.

[1967 c 867 s 8]