

Conservation

CHAPTER 84

DEPARTMENT OF NATURAL RESOURCES

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84.01 DEPARTMENT OF NATURAL RESOURCES; COMMISSIONER APPOINTMENT.

Subdivision 1. The name of the department of conservation is changed to the department of natural resources. The name of the commissioner of conservation is changed to the commissioner of natural resources. Subject to the provisions of Laws 1969, Chapter 1129, and other applicable laws, the department of natural resources with its commissioner and other officers shall continue to exercise all the powers and duties vested in, or imposed upon its commissioner as existing and constituted immediately prior to the effective date of Laws 1969, Chapter 1129.

Subd. 2. The commissioner of natural resources is appointed by the governor under the provisions of section 15.06. The commissioner may appoint a deputy commissioner.

Subd. 3. Subject to the provisions of Laws 1969, Chapter 1129, and to other applicable laws the commissioner shall organize the department and employ two assistant commissioners, both of whom shall serve at the pleasure of the commissioner in the unclassified service, one of whom shall have responsibility for coordinating and directing the planning of every division within the agency, and such other officers, employees, and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees, and agents and to delegate to them any of his powers, duties, and responsibilities subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Subd. 4. Before entering upon the duties of his office the commissioner of natural resources shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the governor and filed with the secretary of state, in the sum of \$50,000 conditioned for the faithful performance of his duties.

Subd. 5. The commissioner of natural resources may request from time to time, as he deems necessary, information and advice on technical natural resource matters from advisory task forces or individuals having specialized knowledge or experience in such matters. A task force shall expire and the terms, compensation and removal of members shall be as provided in section 15.059. The expenses allowed shall be paid from any money appropriated to the commissioner for salaries, supplies, and expenses.

History: 1969 c 1129 art 3 s 1,4; 1971 c 113 s 1; 1976 c 149 s 16; 1977 c 305 s 18

84.024 PURPOSE.

The purpose of Laws 1967, Chapter 905 is to centralize the operating authority of the department of natural resources in a commissioner and his deputy in lieu of the commissioner and several operating divisional directors; to coordinate the management of the public domain; to eliminate duplication of effort and function; and to best serve the public in the development of a long range program to conserve the natural resources of the state.

History: 1967 c 905 s 1; 1969 c 1129 art 10 s 2

84.025 CONTRACTS FOR PROFESSIONAL AND MAINTENANCE SERVICES.

Subdivision 1. [Repealed, 1969 c 1129 art 3 s 2]

Subd. 2. [Repealed, 1969 c 1129 art 3 s 2]

Subd. 3. [Repealed, 1969 c 1129 art 3 s 2]

Subd. 4. [Repealed, 1969 c 1129 art 3 s 2]

Subd. 5. [Repealed, 1969 c 1129 art 3 s 2]

Subd. 6. [Repealed, 1977 c 172 s 3]

Subd. 7. **Contracts.** The commissioner of natural resources may contract with the federal government, local governmental units, the University of Minnesota, and other educational institutions, and private persons as may be necessary in the performance of his duties. Contracts made pursuant to this section for professional services shall not be subject to the provisions of chapter 16, as they relate to competitive bidding.

Subd. 8. **Recreational areas; maintenance services.** Notwithstanding any other law to the contrary, the commissioner of natural resources may negotiate contracts, with or without requiring the submission of bids therefor, for the providing of maintenance services for recreational facilities on land under the control of the commissioner of natural resources. The terms and conditions of such contracts shall be as agreed upon and shall be such as to promote and encourage the employment of needy, elderly persons.

History: 1943 c 60 s 1; 1947 c 609 s 25; 1949 c 467 s 1; 1949 c 739 s 7 subd 1; 1951 c 713 s 10; 1957 c 898 s 1; 1967 c 905 s 2; 1969 c 1129 art 10 s 2; 1971 c 929 s 1

84.027 POWERS AND DUTIES.

Subdivision 1. **Powers.** The commissioner of natural resources shall be the administrative and executive head of the department. Subject to the provisions hereof and other applicable laws, he shall have the powers and duties herein prescribed. The enumeration of specific powers and duties herein shall not limit or exclude other powers or duties.

Subd. 2. **Duties.** The commissioner shall have charge and control of all the public lands, parks, timber, waters, minerals, and wild animals of the state and of the use, sale, leasing, or other disposition thereof, and of all records pertaining to the performance of his functions relating thereto.

Subd. 3. **Powers.** The commissioner shall have all the powers and duties prescribed for the commissioner of conservation by Laws 1931, Chapter 186, all the powers and duties therein prescribed for the conservation commission except the power to appoint a commissioner, and all other powers and duties now prescribed by law for the commissioner of conservation, the conservation commission, the department of conservation, its divisions, or the director of any division.

Subd. 4. **Powers.** The commissioner shall have all existing powers and duties now or heretofore vested in or imposed upon the commissioner of finance in any capacity and not heretofore transferred to any other officer or agency with respect to the public lands, parks, timber, waters, and minerals of the state, and the records thereof; provided, that nothing herein shall divest the commissioner of finance of any power or duty otherwise prescribed by law with respect to auditing, accounting, disbursement, or other disposition of funds pertaining to the matters herein specified, nor of any power or duty expressly vested in or imposed upon him by the following provisions of law:

(1) The provisions of Mason's Minnesota Statutes 1927, Section 76, so far as the same pertain to the crediting of payments on account of state lands, timber, or other products to the proper funds, or to the depositing and keeping of conveyances and abstracts of title; also all other provisions pertaining to the filing or keeping of deeds, grants, or conveyances to the state or abstracts or other evidence of title to state property;

(2) All provisions pertaining to escheated property;

(3) Mason's Minnesota Statutes 1927, Sections 2220, 6442 to 6449, 6646, 6660, and 8223.

Subd. 5. **Powers.** The commissioner shall have all the powers and duties prescribed for the commissioner of finance by Mason's Supplement 1940, Sections 5620-1 to 5620-13, 6452-1 to 6452-13, and 4031-75 to 4031-88, with respect to the receipt, filing, keeping, and certification of reports, lists, and records of descriptions of lands, reserving to the commissioner of finance all other powers and duties therein prescribed for him. The county auditor shall make and transmit to the commissioner of finance all the certificates and reports therein required except certificates and reports of land descriptions, which shall be made and transmitted to the commissioner.

Subd. 6. **Powers.** The commissioner shall have all the powers and duties prescribed for the commissioner of finance by Mason's Supplement 1940, Sections 5620-13 1/2 to 5620-13 1/2j, as amended, and 2139-27b to 2139-27k, as amended, with respect to the receipt, filing, and keeping of reports of sales of land and the execution of conveyances, reserving to the commissioner of finance all other powers and duties therein prescribed for him. The county auditors shall make and transmit to the commissioner all the certificates and reports therein required to be made to the commissioner of finance with respect to such sales and conveyances. The county treasurers shall make all reports of collections thereunder in duplicate and shall transmit a copy of each report to the commissioner of finance and the commissioner.

Subd. 7. **Limitation of powers.** Except as otherwise expressly provided, nothing herein shall confer on the commissioner any authority over any property of the state devoted pursuant to law to any specific purpose under any officer or agency of the state other than the commissioner or the department of natural resources or its divisions.

Subd. 8. **Selection of lands for certain purposes.** The commissioner of natural resources may select from any available lands owned by the United States in this state such lands as he deems suitable in lieu of any deficiencies which may have occurred in grants of school lands or other lands heretofore made to the state under any act of congress, and may, with the approval of the executive council, accept on behalf of the state any grants or patents of lands so selected issued by the United States to the state.

This subdivision shall not be deemed to amend, supersede, or repeal any existing law, but shall be supplementary thereto.

Subd. 9. **Condemnation with landowner's consent.** Whenever the commissioner of natural resources is authorized by law to acquire any interest in real estate, he may acquire by condemnation with the written consent of the landowner, that real estate which he deems to be in the best interests of the state. This subdivision shall apply only in those situations where condemnation is not otherwise authorized for the acquisition.

History: 1943 c 60 s 2; 1953 c 382 s 1; 1969 c 1129 art 10 s 2; 1973 c 492 s 14; 1976 c 96 s 1

84.0271 REVIEW OF LAND APPRAISALS.

Notwithstanding the provisions of any other law, the department of natural resources shall submit for review all appraisals to the commissioner of administration before entering into any options for the acquisition of land.

History: 1969 c 1129 art 10 s 2; 1969 c 1139 s 65

84.0272 PROCEDURE IN ACQUIRING LANDS.

When the commissioner of natural resources is authorized to acquire lands or interests in lands the procedure set forth in this section shall apply. The commissioner of natural resources shall first prepare a fact sheet showing the lands to be acquired, the legal authority for their acquisition, and the qualities of the land that make it a desirable acquisition. The commissioner of natural resources shall cause the lands to be appraised. An appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the sale thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of the appraisal. The commissioner of natural resources shall not agree to pay more than ten percent

above the appraised value. The commissioner of natural resources shall submit the appraisal to the commissioner of administration as required by section 84.0271 along with a copy of the fact sheet and any other information which the commissioner of natural resources deems proper. New appraisals may be made at the discretion of the commissioner of natural resources or the commissioner of administration.

History: 1975 c 144 s 1; 1980 c 458 s 10

84.0273 CORRECTION OF BOUNDARY LINES RELATING TO CERTAIN STATE LANDHOLDINGS.

In order to correct errors in legal descriptions affecting the ownership interests of the state and adjacent landowners, the commissioner of natural resources may, in the name of the state, with the approval of the state executive council, convey, without monetary consideration, by quitclaim deed in such form as the attorney general approves, such rights, titles, and interests of the state in state lands for such rights, titles and interests in adjacent lands as are necessary for the purpose of correcting legal descriptions of boundaries. The commissioner's recommendations to the executive council shall include his determination of the value, if any, of the rights, titles, and interests involved. The provisions of this section are not intended to replace or supersede laws relating to land exchange or disposal of surplus state property.

History: 1980 c 458 s 9

84.0274 LANDOWNERS' BILL OF RIGHTS.

Subdivision 1. **Citation.** This section may be cited as "The Landowners' Bill of Rights".

Subd. 2. **Policy.** It is the intent of this section to clarify the responsibilities of the state in the natural resources land acquisition process and to provide additional protections to landowners in their dealings with the state.

Subd. 3. **Condemnation limits.** No lands shall be acquired by the commissioner of natural resources by means of condemnation unless the owner requests that his lands be condemned or the condemnation is specifically authorized by law.

Subd. 4. **Rights cumulative.** The protections for landowners and responsibilities of the state set forth in this section shall not limit, but shall be in addition to all rights and responsibilities contained in state or federal law.

Subd. 5. **Owner's rights.** When the state proposes to purchase in fee or any lesser interest in land which will be administered by the commissioner of natural resources, the landowner shall have the following rights:

(a) The right to be informed of the specific intended use of the property and of any change in the intended use of the property which occurs during the acquisition process. The owner shall also be informed that the documents regarding the purchase will be public records if the land is purchased by the state;

(b) The right to be paid a fair price for the property. The price shall include the fair market value of the land plus:

(1) All necessary incidental costs such as abstracting and recording fees related to the sale. The costs of clearing title defects, paying taxes, and attorney's fees are not reimbursable; and

(2) Any penalties incurred by the owner where the property is security for a loan or advance of credit that contains a provision requiring or permitting the imposition of a penalty if the loan or advance of credit is prepaid;

(c) The right to payment, at the owner's election, in a lump sum or in up to four annual installments;

(d) The right to have the property fairly appraised by the state. The state's appraiser shall physically inspect the property and shall allow the owner to accompany him when the appraisal is made. The state's appraiser shall certify in the appraisal report that he has physically inspected the property and given the landowner an opportunity to accompany him on inspections. The landowner shall be given a resume of the state's certified appraisal. The resume shall include the appraiser's conclusions as to value, acreage and type of land, value of buildings and other improvements, value of timber, special damages and any special elements of value;

(e) The right to retain a qualified independent appraiser to conduct an appraisal at any time prior to certification of the state's appraisal of the property and to be reimbursed for appraisal fees as provided in section 117.232, subdivision 1, if the land is sold to the state and to have that appraisal considered along with the state's in certifying the selling price;

(f) The right to have the state acquire the property by means of condemnation upon the owner's request with the agreement of the commissioner;

(g) The right to receive or waive relocation assistance, services, payments and benefits as provided in sections 117.52 and 117.521;

(h) The right to accept the state's offer for the property and contest the state's offer for relocation and moving expenses;

(i) The right to continue occupancy of the property until full payment is received, provided that when the owner elects to receive payment in annual installments pursuant to clause (c), the owner may retain occupancy until the first payment is made; and

(j) The right to seek the advice of counsel regarding any aspect of the land transaction.

Subd. 6. State's responsibilities. When the state proposes to purchase land for natural resources purposes, the commissioner of natural resources and, where applicable, the commissioner of administration shall have the following responsibilities:

(a) The responsibility to deal fairly and openly with the landowner in the purchase of property;

(b) The responsibility to refrain from discussing price with the landowner before an appraisal has been made. In addition, the same person shall not both appraise and negotiate for purchase of a tract of land;

(c) The responsibility to use private fee appraisers to lower the state's acquisition costs to the greatest extent practicable; and

(d) The responsibility to acquire land in as expeditious a manner as possible. No option shall be made for a period of greater than two months if no survey is required or for nine months if a survey is required, unless the landowner, in writing, expressly requests a longer period of time. Provided that, if county board approval of the transaction is required pursuant to section 97.481, no time limits shall apply. If the state elects not to purchase property upon which it has an option, it shall pay the landowner \$500 after the expiration of the option period. If the state elects to purchase the property, unless the landowner elects otherwise, payment to the landowner shall be made no later than 90 days following the state's election to purchase the property provided that the title is marketable and the owner acts expeditiously to complete the transaction.

Subd. 7. Disclosure. When the state proposes to purchase lands for natural resources purposes, the landowner shall be given a written statement in layman's terms of the rights and responsibilities provided for in subdivisions 5 and 6.

Before a purchase can be made, the landowner must sign a statement acknowledging in writing that the statement has been provided and explained to him. Within 60 days following the date of final approval of Laws 1980, Chapter 45B, the commissioner of natural resources shall submit a proposed form for the statement to the legislative commission on Minnesota resources. The commission shall review the proposed form for compliance with the intent of this section and shall make any changes which it deems proper.

History: 1980 c 458 s 1-7

84.0275 VIOLATIONS.

If the state acquires any land for natural resources purposes in violation of any of the provisions of section 84.0274, subdivisions 5 to 7, the landowner may maintain an action against the commissioner of natural resources for any damages suffered. However, no title to land purchased for natural resources purposes will be invalid as a result of such violations.

History: 1980 c 458 s 8

84.028 COMMISSIONER OF NATURAL RESOURCES, SPECIFIC ASSIGNMENTS.

Subdivision 1. The powers, duties and responsibilities of the department of natural resources relating to boat safety, firearm safety, wild rice harvest program, ginseng harvest program, and such other programs as are now or hereafter vested by statute in the department of natural resources, shall be under the control and supervision of the commissioner of natural resources.

Subd. 2. The overall coordination of acquisition and development programs, comprehensive planning activities, including statewide recreational planning programs required by state or federal law, and not the responsibility of the state planning agency, are under the control and supervision of the commissioner.

Subd. 3. The operation of the game warden service in the division of game and fish as constituted before July 1, 1967 is under the direct control and supervision of the commissioner. The name of the personnel in such game warden service is changed to conservation officers. Conservation officers shall continue to have the powers and duties of game wardens as they existed before July 1, 1967 and may be assigned to public relations, conservation instructional activities, and the enforcement of laws relating to resources management which the commissioner shall direct. The commissioner shall create a separate division entitled the division of enforcement and field service, to be composed of conservation officers and shall appoint a director of the division to serve at his pleasure in the unclassified service of the state.

History: 1967 c 905 s 3; 1969 c 1129 art 3 s 5; 1969 c 1129 art 10 s 2; 1979 c 94 s 1

84.029 RECREATIONAL AREAS ON PUBLIC LAND.

Subdivision 1. **Establishment, development, maintenance and operation.** In addition to other lawful authority, the commissioner of natural resources may establish, develop, maintain, and operate recreational areas, including but not limited to trails and canoe routes, for the use and enjoyment of the public on any state owned or leased land under his jurisdiction. Each employee of the department of natural resources, while engaged in his employment in connection with such recreational areas, has and possesses the authority and power of a peace officer when so designated by the commissioner.

Subd. 2. **Acquisition of land for trails.** The commissioner may acquire, by gift, purchase, or lease, easements or other interests in land for trails, and recre-

ational uses related to trails, where necessary to complete trails established primarily in state forests, state parks, or other public land under the jurisdiction of the commissioner, when railroad right-of-ways are abandoned, when the use of township roads is compatible with vehicular travel, and when needed to complete trails established by the legislature.

History: 1969 c 190 s 1,2; 1969 c 1129 art 10 s 2; 1973 c 713 s 1; 1975 c 353 s 13

84.03 ADDITIONAL DUTIES AND POWERS.

So far as practicable the commissioner shall collect and arrange statistics and other information in reference to the lands and general and special resources of the state.

He is hereby authorized and empowered to take such measures as he may deem advisable to advertise, both within and without the state, sales of all state lands, and to secure, compile, and issue such valuable statistics of the resources of the state.

He may adopt and promulgate reasonable rules and regulations, not inconsistent with law, governing the use and enjoyment of state land reserved from sale, state parks, state water access sites, state trails, state monuments, state scientific and natural areas, state wilderness areas, and recreational areas owned by other state, local and federal agencies and operated under agreement to the department of natural resources, which shall have the force and effect of law. A reasonable fee may be fixed, charged, and collected by the commissioner for the privilege of the use of any or all of the foregoing privileges and facilities.

The commissioner, on or before November 15 of each even numbered year, shall report to the legislature his acts and doings, with recommendation for the improvement or conservation of state parks, state water access sites, state trails, and state monuments, state scientific and natural areas, state forests, state wildlife management areas, public hunting grounds, public shooting grounds, food and cover planting areas, wildlife lands, recreational or public hunting areas, state wild and scenic rivers, state wilderness areas, and all other recreational lands under the jurisdiction of the department of natural resources, and for desirable accessions thereto, such report to include an inventory of the tracts and parcels of land, and rights, interests, and easements therein, held by the state or withdrawn from sale for any of these purposes, with the value thereof, and a list of the name, location, size, and description of each state trail, state scientific and natural area, state wildlife management area, state water access site, and state wild, scenic, or recreational river designated by him, and each public hunting grounds, public shooting grounds, food and cover planting area, wildlife lands, and recreational or public hunting area acquired by him since his last report. He shall maintain a long range plan governing the use of the public domain under his jurisdiction.

History: 1905 c 201 s 1; 1907 c 267 s 5; 1923 c 430 s 8,14; 1941 c 222 s 1; 1967 c 905 s 4; 1969 c 470 s 2; 1969 c 1129 art 10 s 2; 1974 c 406 s 59; 1975 c 353 s 14 (77, 4342, 6460, 6466)

84.031 ENJOINING INTERFERENCE WITH WATERFLOW FROM BEYOND STATE BOUNDARIES.

Whenever any person, firm, association, or corporation, or any state or political subdivision, agency or commission thereof shall disturb, obstruct, or interfere with the natural flow or condition of public waters beyond the boundaries of the state in a manner so as to seriously affect the public welfare and interests of the state, the commissioner of natural resources may institute proceedings in behalf of the state in any court having jurisdiction to abate or enjoin the continuance thereof.

History: 1947 c 414 s 1; 1969 c 1129 art 10 s 2

84.032 LOW-WATER MARK, STIPULATION.

In any civil action involving the navigability of any body of water, river or stream, or the ownership of the bed thereof, wherein the state is a party thereto, the commissioner of natural resources, in behalf of the state, with the approval of the attorney general, may agree by written stipulation with any riparian owner and party to such action as to the location of the ordinary low-water mark upon the riparian lands of such party. Such stipulation when executed by all parties thereto shall be presented to the judge of the district court wherein the action is pending for approval and, if approved, the judge shall make and enter an order therein providing that the final judgment when entered shall, as to the parties to such stipulation, conform to the location of the ordinary, low-water mark as provided for in such stipulation.

History: 1951 c 599 s 1; 1969 c 1129 art 10 s 2

84.033 SCIENTIFIC AND NATURAL AREAS.

The commissioner of natural resources may acquire by gift, lease, easement, or purchase, in the manner prescribed under chapter 117, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining scientific and natural areas. The commissioner shall designate any land so acquired as a scientific and natural area and shall administer any land so acquired and designated as provided by section 86A.05.

History: 1969 c 470 s 1; 1969 c 1129 art 10 s 2; 1973 c 35 s 22; 1975 c 353 s 15

84.081 DEPARTMENT DIVISIONS AND BUREAUS.

Subdivision 1. **Directors.** Subject to the commissioner's authority to revise or abolish existing divisions and to establish new divisions, all as prescribed in section 84.083, subdivision 1, the department of natural resources shall be organized with the following divisions: a division of lands and forestry, a division of waters, soils and minerals, a division of game and fish, a division of parks and recreation, and a division of enforcement and field service. Each division shall be under the immediate charge of a director, subject to the supervision and control of the commissioner. The directors shall be appointed by the commissioner, to serve at his pleasure, and shall be in the unclassified service of the state. They shall be chosen with regard to knowledge, training, experience, and ability in administering the work of their respective divisions.

Subd. 2. **Directors, bonds.** Each director shall give a bond to the state in the sum of \$5,000, except the director of lands and forestry and the director of game and fish, who shall each give a bond in the sum of \$15,000.

Subd. 3. **Directors may employ assistants.** Each director, with the approval of the commissioner, may employ such assistants as may be necessary for the work of his division. Each director, with the approval of the commissioner, may designate one of his employees as deputy director, and may revoke such designation at any time, regardless of the civil service status of such employee and without affecting such status. Each deputy director may exercise all of the powers of the director, subject to his direction and control, including powers delegated by the commissioner unless otherwise prescribed by him.

History: 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 subd 2; 1951 c 713 s 11; 1967 c 905 s 5; 1969 c 1129 art 3 s 6; 1973 c 615 s 1

84.082 VACANCIES.

In case of a vacancy in the office of commissioner or of any director, his deputy shall have all of the powers and perform all of the duties thereof until a successor, either as an acting or regular incumbent, has been appointed and has qualified; provided, no deputy commissioner serving as commissioner in the event of a vacancy shall have power to discharge a director or to revise or change the assignments of activities among the divisions of the department or to designate another deputy. While serving in such vacated office a deputy shall receive the same salary as the regular incumbent.

History: 1943 c 60 s 4

84.083 ASSIGNMENT AND DELEGATION OF DUTIES.

Subdivision 1. Each division shall have charge of administering the activities indicated by its title and such other duties and functions as may be assigned by the commissioner, subject to the right of the commissioner to revise and change assignments of any and all activities or of specific duties or functions at any time as he may see fit, including but not limited to the right to abolish or revise existing divisions or to establish new divisions. The commissioner may, by written order filed in the office of the secretary of state, delegate to the directors or other employees designated by him, any of the powers or duties vested in or imposed upon the commissioner by this act or by any other law upon such conditions as he may prescribe and subject to modification or revocation at his pleasure. Such delegated powers and duties may be exercised or performed by the respective directors or other employees in their own names or in the name of the commissioner, as he may direct.

NOTE: Laws 1973, Chapter 615, Section 3, provides in part: All authority of the commissioner to revise or abolish divisions within the department as described in chapter 84 shall expire July 1, 1975.

Subd. 2. The division of waters, soils and minerals shall have all the powers and duties now vested in or imposed upon the division of water resources and engineering, subject to all applicable provisions of law. Wherever the term "division of water resources and engineering" is used in any other law, it shall be deemed to refer to the division of waters, soils and minerals.

History: 1943 c 60 s 5; 1949 c 356 s 2; 1967 c 905 s 5,6; 1973 c 615 s 2

84.084 TRANSFER OF FUNDS.

The commissioner may authorize the performance of services for any division by any other division or by the department staff, and, with the approval of the commissioner of administration, may require appropriate transfers of funds to compensate for the cost of such service.

History: 1943 c 60 s 6

84.085 MS 1969 [Repealed, Ex1971 c 3 s 77 subd 3]

84.085 ACCEPTANCE OF GIFTS.

The commissioner of natural resources may accept for and on behalf of the state any gift, bequest, devise, or grants of lands or interest in lands or personal property of any kind or of money tendered to the state for any purpose pertaining to the activities of the department or any of its divisions. Any money so received is hereby appropriated and dedicated for the purpose for which it is granted.

History: Ex1971 c 3 s 77 subd 1

84.086 SEALS, UNIFORMS AND BADGES.

Subdivision 1. **Shall have seals.** The department of natural resources and the several divisions thereof shall have seals in the form and design heretofore adopted, bearing the words "State of Minnesota, Department of Natural Resources," also, in case of a division seal, the title of the division. The seals may be used to authenticate the official acts of the commissioner or the directors, respectively, but omission or absence of the seal shall not affect the validity or force of any such act.

Subd. 2. **Commissioner may furnish badges and uniforms.** (a) The commissioner may provide for the issuance at state expense of such badges and uniforms as he may deem necessary and suitable for officers or employees of the department and its divisions.

(b) Uniforms for conservation officers and their supervisors shall be equipped with distinctive emblems, and shall be distinctive from the uniforms of any division or section of the department of natural resources, the state highway patrol, or any other state department or agency.

History: 1943 c 60 s 8,9; 1965 c 181 s 1; 1967 c 905 s 9; 1969 c 1129 art 10 s 2

84.087 KEEPING RECORDS AND ORDERS.

Except as otherwise prescribed or required by law, the originals of all official records, orders, and other documents made, executed, or issued by or under the authority of the commissioner of natural resources or the directors of the several divisions of the department shall be filed and kept in the respective offices where the same were made, executed, or issued, or in such other office in the department as the commissioner may direct.

History: 1943 c 60 s 10; 1969 c 1129 art 10 s 2

84.088 TRANSFER OF FUNCTIONS AND APPROPRIATIONS.

Subdivision 1. **Functions.** So far as any duties herein vested in or imposed upon the commissioner of natural resources are now exercised or performed by any other officer or agency of the state, such powers or duties are hereby transferred to the commissioner, subject to the provisions of Laws 1943, Chapter 60, and all existing and unexpended appropriations for the purposes of such powers or duties are hereby transferred therewith, to be available for the same purposes under the commissioner but otherwise subject to the same conditions and limitations as the original appropriations.

Subd. 2. **Appropriations.** Any unexpended appropriation made for the purposes of any activity or function which may be transferred by the commissioner at any time from one agency to another within the department shall be transferred therewith, to be available for the same purposes but otherwise subject to the same conditions and limitations as the original appropriation.

History: 1943 c 60 s 11; 1969 c 1129 art 10 s 2

84.089 VOLUNTEERS IN NATURAL RESOURCES PROGRAM.

Subdivision 1. The commissioner of natural resources may recruit, train, and accept without regard to personnel laws, or rules, the services of individuals without compensation as volunteers for or in aid of activities in and related to the areas or programs administered by the commissioner.

Subd. 2. The commissioner may provide for the incidental expenses of a volunteer, such as transportation, uniforms, lodging, and subsistence.

Subd. 3. Except as otherwise provided in this section, a volunteer is not a state employee and is not subject to the provisions of law relating to state employment, including but not limited to those relating to hours of work, rates

of compensation, leave, unemployment compensation, and state employee benefits. A volunteer accepted under this section is a state employee for the purposes of section 176.011, subdivision 9, and the provisions of chapter 176, relating to workers' compensation apply to him.

History: 1980 c 384 s 1

84.09 CONSERVATION OF WILD RICE.

From time immemorial the wild rice crop of the waters of the state of Minnesota has been a vital factor to the sustenance and the continued existence of the Indian race in Minnesota. The great present market demand for this wild rice, the recent development of careless, wasteful, and despoiling methods of harvesting, together with water conditions of the past few years, have resulted in an emergency, requiring immediate stringent methods of control and regulation of the wild rice crop. The traditional methods of the Indian in such harvesting are not destructive. On the other hand, the despoliation of the rice fields as now progressing under commercial harvesting methods will result in imminent danger of starvation and misery to large bands of these Indians. They are in danger of becoming relief charges upon the state and the counties, many of which are overburdened with relief loads now. It is further true that many of the reservation lands which were ceded in trust to these Indians have never been sold and others are reverting because of non-payment by the purchasers. It is therefore declared the purpose of sections 84.09 to 84.15, and Laws 1939, Chapter 231, to meet this emergency and to discharge in part a moral obligation to these Indians of Minnesota by strictly regulating the wild rice harvesting upon all public waters of the state and by granting to these Indians the exclusive right to harvest the wild rice crop upon all public waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac, and Mille Lacs reservations.

History: 1939 c 231 s 1 (6131-4)

84.10 WILD RICE HARVESTED IN CERTAIN LAKES.

It shall be unlawful for any person to take wild rice grain from any of the waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac and Mille Lacs reservations except said persons be of Indian blood, or residents of the reservation upon which said wild rice grain is taken.

History: 1939 c 231 s 2; 1941 c 217 s 1; 1943 c 220 s 1; 1945 c 171 s 1; 1947 c 424 s 1 (6131-5)

84.11 [Repealed, 1947 c 424 s 6]

84.111 WATER CRAFT; METHODS OF HARVEST; HOURS OF HARVEST.

Subdivision 1. It shall be unlawful to use, in harvesting wild rice in any public waters in this state, any water craft other than a boat, skiff, or canoe propelled by hand, which boat, skiff, or canoe may have a top width of not more than 36 inches and a length of not more than 18 feet, or any machine or mechanical device for gathering or harvesting the grain other than with flails not over 30 inches in length nor over one pound in weight, which flails must be held and operated by hand.

Subd. 2. It is unlawful to use any pole for propelling any water craft used in such harvesting which is not forked at the end, with each branch less than 12 inches in length.

Subd. 3. It is unlawful to use in such harvesting any machine or device for gathering the grain other than a flail not over 30 inches in length nor over one pound in weight, held and operated by hand.

Subd. 4. It is unlawful to harvest any wild rice in any public waters between three o'clock p.m. and nine o'clock a.m. following except as otherwise expressly permitted in writing by an authorized committeeman or other agent of the commissioner pursuant to the regulations of the commissioner.

History: 1949 c 506 s 3,4; 1959 c 684 s 1; 1963 c 174 s 1

84.12 [Repealed, 1947 c 424 s 6]

84.13 [Repealed, 1947 c 424 s 6]

84.14 DIRECTOR OF WILD RICE HARVEST.

Subdivision 1. The commissioner may appoint a director of the wild rice harvest, who shall be a person of proven experience in the actual cultivation and harvesting of wild rice, and such assistants as may be deemed necessary. The director shall serve at the will of the commissioner in this capacity and shall be appointed from the classified service of the state. The director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested.

Subd. 2. The director may, with the approval of the commissioner, appoint deputies or committeemen to assist him in any or all of his duties. The deputies or committeemen shall be in the unclassified service of the state and shall serve without compensation unless otherwise provided for by law. The director, deputies, and committeemen appointed for the purpose of regulating the harvesting of wild rice may be authorized by the commissioner to enforce the laws and regulations in relation thereto in the same manner as conservation officers are authorized so to do.

Subd. 3. The commissioner may by order establish rules and regulations for the harvesting of wild rice on all public waters or portions thereof. Such rules and regulations need not include the opening dates, days, and hours of the wild rice harvesting season.

The opening dates, days, and hours of harvest shall be established by the commissioner and published by posting at such places and in such manner as the commissioner shall by regulation prescribe, no less than 48 hours prior to the opening thereof.

After the season for the taking of wild rice has been designated, the commissioner may alter the season by changing the days and the hours of the day during which such harvest may be conducted on any or all public waters or portions thereof. Whenever the commissioner alters the season notice thereof shall be published by posting in the vicinity of the waters or rice beds affected by such alteration at such places and in such manner as the commissioner shall by regulation prescribe, no less than 12 hours prior to the time such alterations are to take effect.

Subd. 4. It shall be the duty of the commissioner upon recommendation and advice of the director of wild rice harvest to list the important bodies and beds of wild rice growing in the public waters of this state and to rotate the opening of such beds with the general view that each bed shall be closed to harvesting where the director of wild rice finds that there is need of such closing for the purpose of restocking and reseeding such bed. The commissioner may regulate the days and hours of the day when harvesting shall be permitted in any one or more or all waters or rice beds of the state to obtain optimum quality and quantity of harvested wild rice consistent with adequate reseeding of wild rice beds. It is unlawful to take or harvest wild rice from any waters or rice bed at any time other than during the season, days and hours prescribed and announced by the commissioner therefor.

Subd. 5. The provisions of sections 84.09 to 84.15 shall not limit or supersede any authority otherwise conferred on the commissioner by law.

Subd. 6. Violation of any of the provisions of this section shall constitute a misdemeanor.

History: 1939 c 231 s 11; 1941 c 217 s 8; 1951 c 671 s 1; 1959 c 129 s 1,2; 1959 c 684 s 2; 1963 c 709 s 1; 1965 c 355 s 1-4; 1967 c 905 s 9; 1973 c 507 s 45; 1974 c 161 s 7; 1975 c 381 s 19 (6131-14)

84.15 COMMISSIONER MAY RESTRICT HARVEST.

Subdivision 1. The commissioner may, in his discretion, restrict or prohibit the harvesting of wild rice grain on public waters of any designated area when, upon investigation of conditions, it shall be determined necessary or advisable to protect against undue depletion of the crop so as to retard reseeding or restocking of such area or so as to endanger its effective use as a natural food for waterfowl.

Subd. 2. The commissioner may harvest not to exceed 10,000 pounds of wild rice in any calendar year for the purposes of obtaining wild rice seed for experimental and research purposes and replanting in public waters of the state, including waters within the original boundaries of the Minnesota Indian reservations.

History: 1939 c 231 s 12; 1949 c 628 s 1; 1957 c 85 s 1 (6131-15)

84.151 [Expired]

84.153 PROPERTY; LEASING, RENTING.

The commissioner is hereby authorized at public or private vendue and at such prices and under such terms and conditions as he may prescribe, to lease any buildings or lands not now authorized to be leased, acquired in the name of the state of Minnesota by any of the several divisions of the department which are not presently needed for the uses and purposes of any of the divisions of the department. The purposes for which such leases may be executed shall be in the furtherance of the interests of conservation and such uses shall not result in any permanent injury to the land. No such lease shall be made for a term to exceed two years and shall contain a provision for cancellation at any time by the commissioner upon three months written notice. All money received from these leases shall be credited to the fund from which the property was acquired.

The commissioner is hereby authorized to rent or lease to employees of the various divisions of the department such cabins, buildings, or living quarters as are now or may hereafter be constructed upon state owned lands under the control of the several divisions of the department, when this occupancy is found to be necessary or beneficial to the work of the department. These leases or rental agreements shall be upon a month to month basis and provide for surrender by the lessee upon demand at any time his services with the state may be terminated, without the necessity of any written notice. All receipts from rents shall be paid in to the state treasurer and credited to the fund charged with the cost of maintenance of such buildings and are hereby appropriated for such use.

All instruments and transactions so negotiated shall be approved as to form, validity, and execution by the attorney general.

Hunting of wild game is prohibited on any land which has been posted by the lessee to prohibit hunting. Such prohibition shall apply to all persons including the lessee.

History: 1941 c 291 s 1-3; 1965 c 382 s 1

84.154 LAC QUI PARLE WATER CONTROL PROJECT.

Subdivision 1. **Conservation project.** The commissioner is hereby authorized, with the approval of the executive council, and on such terms as may be deemed advantageous to the state, to sell and convey to the United States the fee title, free from any mineral reservation, of lands acquired by the state for the Lac qui Parle River water control project upon which dams and appurtenant structures have been or may be constructed and such rights-of-way as may be required by the United States to provide access thereto for the purposes of construction, maintenance and operation, and to grant, sell and convey either such fee title to, or flowage rights over, all lands acquired for the project on and above Lac qui Parle Lake which lie below the 935.7 foot elevation on project datum, and to grant, sell and convey flowage rights only over all lands so acquired on or above Marsh Lake which lie below the 939.5 foot elevation on project datum and over all of such lands on and above either of these lakes which lie above such elevations, and to lease to any appropriate agency of the United States for conservation purposes, subject to such flowage rights, any of such lands the ownership of which is retained by the state, or to enter into a cooperative agreement with any such agency for the development and management of any wild life or other conservation activity thereon; provided, that no such conveyance or agreement shall waive any claim of the state for reimbursement from the United States under the flood control act of June 28, 1938, and any amendments thereof. Each such lease for conservation purposes and each such cooperative agreement for the development and management of wild life or other conservation activity on such lands shall contain specific conditions reserving to the public during all open seasons for hunting wild waterfowl at least 40 percent of the area of these lands suitable for hunting waterfowl as public shooting grounds.

Subd. 2. **Commissioner may complete Lac qui Parle and Big Stone Lake projects.** Inasmuch as the cessation of the work relief program of the Federal government and the entry of the United States into the present war prevented completion of certain contemplated features of the Lac qui Parle and Big Stone Lake water control projects heretofore undertaken by the executive council, in cooperation with Federal agencies, and it is desirable that such projects be completed in order to secure effective control and utilization of the waters affected for the purposes of prevention and control of floods, water conservation, improvement of conditions for game and fish, and other authorized public uses, the commissioner of natural resources is authorized to construct all works and improvements pertaining or incidental to said projects which he deems necessary for such purposes, and to maintain and operate the same so far as not transferred to the United States pursuant to law.

Subd. 3. **Powers of commissioner.** The commissioner of natural resources may use for any project herein authorized any land of the state under his jurisdiction or control so far as is not inconsistent with the laws governing the same, may acquire by purchase, gift, or condemnation any additional lands or interests in lands required for such projects, including lands or interests in adjacent states if authorized by the laws thereof, may accept gifts or grants of money or property from the United States or any other source for such projects, may use and apply any money or property so received in accordance with the terms of the gift or grant so far as is not inconsistent with the provisions of this act or other laws, may act in behalf of the state as sponsor for any such project undertaken or authorized by the United States, may make any sponsor's contributions required for any such project out of moneys appropriated by Laws 1943, Chapter 476, or otherwise made available therefor, and may cooperate with the United States or any adjacent state or any authorized agency of either in constructing, maintaining and operating any such project upon such terms and conditions as he may deem proper not inconsistent with the laws of this state.

Subd. 4. **May sell or lease land.** The commissioner of natural resources may, in behalf of the state, with the approval of the governor, sell or lease to the United States any part of the lands or interests in lands heretofore or hereafter acquired by the state for the purposes of such projects, with any structures or improvements thereon, upon such terms and conditions as he may deem proper, providing for the continued maintenance and operation of such projects for the purposes herein specified; provided that the provisions of this section shall not be deemed to repeal or supersede the provisions of Laws 1941, Chapters 142 and 518, with respect to lands or interests heretofore acquired, so far as applicable thereto; provided, that the governor shall not approve any such sale or lease without first consulting the legislative advisory commission and securing their recommendation, which shall be advisory only. Failure or refusal of the commission to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 5. **Special funds created.** (1) There is hereby created a special fund to be known as the Lac qui Parle and Big Stone Lake Water Control Projects Fund, in which shall be placed all moneys heretofore or hereafter received for any lands or other property acquired by the state for the Lac qui Parle water control project and heretofore or hereafter sold or leased to the United States pursuant to Laws 1941, Chapter 518, or otherwise, also all moneys heretofore or hereafter received from any source for the sale or lease under any other law of any lands or other property acquired by the state for either the Lac qui Parle or Big Stone Lake water control project, except as otherwise provided in clause (2).

(2) All moneys in excess of \$2,500 remaining June 30, 1943, and at the end of each fiscal year thereafter in the Lac qui Parle revolving fund designated by Laws 1941, Chapter 142, shall be transferred to said projects fund. When all the property authorized to be sold under said chapter has been sold and the proceeds have been received the executive council shall notify the commissioner of finance thereof. Thereupon the balance remaining in said revolving fund shall be transferred to said projects fund and said revolving fund shall be abolished.

(3) All moneys in said projects fund are hereby appropriated to the commissioner of conservation for the purposes of Laws 1943, Chapter 476, to remain available therefor until expended hereunder or otherwise expressly disposed of by law; provided, that all expenditures hereunder shall be subject to the approval of the governor; provided, that the governor shall not approve any such expenditure without first consulting the legislative advisory commission and securing their recommendation, which shall be advisory only. Failure or refusal of the commission to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 6. **Transfer to commissioner.** (1) The supervision and control of the Lac qui Parle project lands, which is now vested in the executive council by Laws 1925, Chapter 426; Laws 1933, Chapter 355; Extra Session Laws 1933, Chapter 25; Laws 1935, Chapter 51; Extra Session Laws 1935, Chapter 101; Laws 1937, Chapters 209 and 459; Extra Session Laws 1937, Chapter 89; Laws 1941, Chapters 142 and 518; Laws 1943, Chapter 476; Laws 1945, Chapter 325; Laws 1947, Chapter 571; and Minnesota Statutes, Section 84.154, are hereby transferred to the commissioner of natural resources.

(2) These lands, which consist of 22,000 acres, more or less, located in the north and east edge of Lac qui Parle county and portions of the south and west edges of Chippewa, Swift and Big Stone counties, shall be used and developed as a game refuge and public hunting grounds as the commissioner of natural resources may designate and shall include all state owned lands acquired pursuant to the provisions of law above stated.

(3) The right of eminent domain will not be exercised in the case of the acquisition of additional lands to this game refuge and public hunting ground.

History: 1941 c 518 s 1; 1943 c 476 s 1; 1957 c 755 s 1-3; 1969 c 1129 art 10 s 2; 1973 c 492 s 14; 1975 c 271 s 6

84.155 CONSERVATION PROJECTS; BELTRAMI ISLAND, PINE ISLAND.

Subdivision 1. Certain leases between the state and the United States of America ratified and approved. Leases entered into between the United States of America and the state of Minnesota, through the commissioner of conservation, under date of August 2, 1940, demising to the state of Minnesota federal owned lands in what are known as the Beltrami and Pine Island areas, located in the counties of Koochiching, Roseau, Lake of the Woods, and Beltrami, in the state of Minnesota, for a period of 50 years, are hereby in all things ratified and approved.

Subd. 2. Beltrami Island conservation project created. For the purpose of protecting, preserving, and managing wild life, forest and water resources, there is hereby established the Beltrami Island conservation project consisting of all lands within the descriptions hereinafter contained. All public lands, except tax forfeited lands, lying within these areas are hereby set aside and reserved from sale. These areas shall comprise the following lands and waters in Beltrami county, Minnesota:

All of Townships 155 and 156, North, in Ranges 31, 32, 33, 34 and 35 West of the Fifth Principal Meridian:

All of Townships 157 and 158, North, in Ranges 36 and 37 West of the Fifth Principal Meridian:

and the following described lands and waters in the Lake of the Woods county, Minnesota:

All of Township 157, North, Range 32 West of the Fifth Principal Meridian:

All of Townships 157, 158 and 159, North, in Range 33 West of the Fifth Principal Meridian:

All of Townships 157, 158, 159 and 160, North, in Range 34 West of the Fifth Principal Meridian:

All of Townships 157, 158, 159 and 160, North, in Range 35 West of the Fifth Principal Meridian:

All of Townships 159 and 160, North, in Range 36 West of the Fifth Principal Meridian:

and the following described lands and waters in Roseau county, Minnesota:

The South one-half of Township 161, North, in Range 35 West of the Fifth Principal Meridian:

The South one-half of Township 161, North, in Range 36 West of the Fifth Principal Meridian:

All of Townships 159 and 160 and the South two-thirds of Township 161, North, in Range 37 West of the Fifth Principal Meridian, and

The East two-thirds of Township 160, North, in Range 38 West of the Fifth Principal Meridian.

Subd. 3. Pine Island conservation project created. For the purpose of protecting, preserving and managing wild life, forest and water resources, there is hereby established the Pine Island conservation project consisting of all lands within the descriptions hereinafter contained. All public lands, except tax forfeited lands, lying within these areas are hereby set aside and reserved from sale. These areas shall comprise the following lands and waters in Koochiching county, Minnesota:

All of Townships 64 and 65, North, in Range 24 and 25 West of the Fourth Principal Meridian:

All of Townships 64, 65, 66 and 67, North, in Range 26 West of the Fourth Principal Meridian:

All of the lands in Townships 64, 65, 66 and 67, North, in Range 27 West of the Fourth Principal Meridian:

All of Township 152; the South one-half of Township 153; all of Townships 155 and 156; the West two-thirds of Township 157 and that portion of Township 158, North, situated South of the center line of Black River, all in Range 25 West of the Fifth Principal Meridian:

All of Township 152, North; the South one-half of Township 153; the North one-half of Township 155; all of Townships 156 and 157 and that portion of Township 158, North, situated South of the center line of Black River, all in Range 26 West of the Fifth Principal Meridian:

All of Townships 153 and 154; the North one-half of Township 155; all of Townships 156 and 157, and that portion of Township 158, North, situated South of the center line of Black River and East of that branch of the Black River which flows North through Sections 33 and 28, in Range 27 West of the Fifth Principal Meridian:

All of Townships 153, 154, 155, 156, 157 and 158 and the West one-third of Township 159, North, in Range 28 West of the Fifth Principal Meridian; and

All of Townships 153, 154, 155, 156, 157, 158 and 159, North, in Range 29 West of the Fifth Principal Meridian.

Subd. 4. Lands to be under management of commissioner. All public lands except tax forfeited lands, owned by the state of Minnesota, as well as lands owned by the United States and leased by the state of Minnesota within the Beltrami and Pine Island projects shall be under the management and control of the commissioner, who shall have authority to negotiate for and enter into on behalf of the state of Minnesota, leases for hay stumpage and timber stumpage at such fees and prices as he may determine reasonable and just.

Subd. 5. Commissioner to make rules. Within the boundaries of the Beltrami Island and Pine Island areas, the commissioner is hereby given full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations for the care, preservation, protection, breeding, propagation, and disposition of any and all species of wild life therein and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, trapping, camping and other uses within the areas not inconsistent with the terms of this section. The commissioner shall have the power and authority to declare the terms and conditions of such licenses and permits and the charges to be made therefor. He may issue regulations specifying and controlling the terms under and by which any wild animals may be taken, captured, or killed therein or under and by which fur bearing animals having commercial value may be sold and transported. He may regulate and effect the sale of merchantable timber from such lands as are owned or leased by the state; provided, his authority as to the leased lands shall not exceed that provided in the leases.

Subd. 6. Two funds created; disposition of receipts. There shall be created two funds, one to be known as the Beltrami Island conservation fund and the other as the Pine Island conservation fund. All income and revenue received by virtue of all hay and stumpage leases, timber sales, sales of special licenses and permits, as hereinabove provided, from each of the areas described in this section, shall be paid in to the state treasury and credited to that fund bearing the name of the project from which the income was derived. These sums are hereby appropriated for the purpose of administering said areas in accordance with the terms of this section and the terms of the leases herein referred to as having

been approved and ratified and for making repairs and replacements on the properties leased as provided by the leases. Any portion of income or revenue not needed for the above purposes may be used, subject to the mutual agreement between the state of Minnesota and the United States provided for in the leases, covering the acquisition by the state of Minnesota of additional lands to block in, round out and enlarge its holdings. Nothing herein contained shall alter, modify, or change the method of handling revenue or income provided for in Laws 1929, Chapter 258, from lands now in the public domain under the provisions of that act and nothing herein contained shall alter, modify, or change the method of handling revenue or income provided for in Laws 1929, Chapter 258, from lands now in the public domain under the provisions of this section.

History: 1941 c 215 s 2-6

NOTE: The areas embraced within the Beltrami Island conservation project created by the foregoing section constitute almost all of the areas in the Red Lake game preserve, created by section 84A.01 and supersede the provisions of the Red Lake game preserve, wherever inconsistent therewith.

84.156 INTEREST IN CERTAIN LANDS TRANSFERRED TO UNITED STATES.

Subdivision 1. Grant of easement to United States. There is hereby granted to the United States an easement and right to flow and overflow by water the right-of-way of any and all town, county and state roads or highways lying within the Lac qui Parle Water Control Project in Chippewa, Lac qui Parle, Big Stone, and Swift counties, below the 945.0 foot elevation on project datum, and no claims for damage shall be maintainable against the United States by the state or any of its governmental subdivisions for any damage or injury to such roadways or highways, below such 945.0 foot elevation, because of the operation of any of the dams in said project or the maintenance of any water levels thereby.

Subd. 2. Commissioner to acquire certain titles. The commissioner of natural resources of the state of Minnesota is hereby authorized to acquire by gift, purchase or condemnation, the underlying fee title to the right-of-way of any township or county roads or highways lying within such water control project and not now in public ownership, or the right to flow and overflow the same. The commissioner is further authorized to convey such fee title or flowage easements to the United States, together with any fee titles or easements heretofore obtained by or on behalf of the state, the counties or townships involved, to the right-of-way of any such roads or highways, when such conveyances are required to carry out the purposes of Laws 1943, Chapter 476, and Laws 1941, Chapter 518.

Subd. 3. Grant effective upon acceptance. The grant contained in subdivision 1 herein shall become effective upon the acceptance of title or easements by the United States to lands adjacent to each such road or highway.

Subd. 4. Certain laws continued in effect. Nothing herein shall be deemed to repeal or supersede Laws 1943, Chapter 476, or Laws 1941, Chapter 518, but the same and the whole thereof shall be continued in effect.

History: 1945 c 325 s 1-4; 1969 c 1129 art 10 s 2

84.157 EXCHANGE OF CERTAIN STATE LANDS.

Notwithstanding any provision of section 94.343, subdivision 2, or any other existing law to the contrary, Class A state lands located within the Red Lake Game Preserve, the conservation areas created under sections 84A.20 and 84A.31, the Beltrami Island Conservation Project, the Beltrami Island State Forest, the Pine Island Conservation Project, the Pine Island State Forest, and all state forests or parts thereof in the area within the proclaimed boundaries of the Superior National Forest and the Chippewa National Forest wherein consent

of the state to acquisition of land by the United States has heretofore been given by or pursuant to law may be exchanged for other lands within or without said areas upon compliance with all other provisions of law relating to the exchange of such lands, even though such exchanges may reduce land holdings of the state within the respective areas above specified.

History: 1945 c 341 s 1

84.158 GRANT OF FLOWAGE EASEMENTS.

The commissioner of natural resources is hereby authorized in behalf of the state and with the approval of the governor to grant flowage easements upon state owned lands, or tax-forfeited lands, in the region of upper Red Lake upon such terms and conditions as he may deem expedient.

History: 1947 c 148 s 1; 1969 c 1129 art 10 s 2

84.161 COMMISSIONER MAY ACQUIRE LAND FOR CERTAIN PURPOSES.

The commissioner of natural resources is hereby authorized to acquire on behalf of the department of natural resources, state of Minnesota, all dam site and flowage easements and other interests in land by gift, purchase, condemnation or otherwise which may be necessary to accomplish the purposes of this section and to construct all dams, structures and control works needed to restore and control the water levels of Goose and Mud Lakes, Cass county, Minnesota, which authority to condemn shall include the condemnation of state-owned land whether held in trust or otherwise and whether or not the same be set aside as lake shore property or other special use under other provisions of law and the commissioner may further use any land of the state under his jurisdiction for this project; all for the purpose of improving habitat for fish, wild fowl and game, wild rice and for forestry and fire protection.

History: 1957 c 69 s 1; 1969 c 1129 art 10 s 2

84.162 ADDITIONAL POWERS OF COMMISSIONER.

The commissioner of natural resources is hereby authorized to enter into contracts and agreements with the United States and any authorized agency thereof for the use by the state of any flowage rights and other interests in land held by the United States needed for the flowage of land for this project and the commissioner of natural resources may acquire such property in fee and may further contract and cooperate with the United States for the operation and control of the levels of said water and the construction and maintenance of any of the structures needed therefor upon such terms and conditions as he may deem necessary and proper not otherwise inconsistent with law.

History: 1957 c 69 s 2; 1969 c 1129 art 10 s 2

84.163 BATTLE POINT; CONVEYANCE TO TODD COUNTY.

The governor, upon the recommendation of the commissioner of natural resources is hereby granted power to quitclaim and convey to the county of Todd the state's interests in the lands described below, and any state structures located thereon, on the condition that the county agree to improve and maintain for the benefit of the public for the purposes of fishing, hunting, picnicking, camping, playing of athletic games, access to the lake, and general recreational purposes, the following described lands located in Todd county: Commencing at the westerly corner of a triangular tract of land in section 5, township 128, range 35, designated as tract "A" of Michael's Subdivision of a portion of government lot 1, section 4, township 128, range 35, according to the recorded plat thereof, thence southwesterly, westerly and northwesterly, curving to the right along the

shore of Lake Osakis, to the tip of Battle Point; thence southeasterly along the shore of Lake Osakis, to a point where the shore line intersects the north-south section line between sections 4 and 5 of township 128, range 35; thence south along said section line, between said sections 4 and 5 of township 128, range 35; to the southerly corner of the hereinbefore mentioned tract "A" of said Michael's Subdivision; thence northwesterly to the point of beginning known as Battle Point. The lands and structures shall be conveyed in such form as the attorney general shall prescribe and the conveyance shall contain a provision that the lands and structures shall revert to the state in the event that the county of Todd fails to operate and maintain the same as prescribed by this section.

History: 1963 c 58 s 1; 1969 c 1129 art 10 s 2; 1977 c 52 s 1

84.164 [Repealed, 1971 c 859 s 14]

NOTE: For description of Casey Jones Trail, see section 85.015, subdivision 2.

84.361 TAXES CANCELED IN CERTAIN CASES.

After forfeiture to the state of any parcel of land lying within the Red Lake game preserve, as provided by Laws 1935, Chapter 278, the county auditor shall cancel all taxes and tax liens appearing upon the records, both delinquent and current, and all special assessments, delinquent or otherwise.

History: 1941 c 278 s 7

84.362 STRUCTURES MAY BE REMOVED.

Until after the sale of any parcel of tax-forfeited land, whether classified as agricultural or non-agricultural hereunder, the county auditor may, with the approval of the commissioner, provide for the sale or demolition of any structure located thereon, which has been determined by the county board to be within the purview of section 299F.10, and for the sale of salvage material, if any, therefrom.

History: 1941 c 278 s 8

84.363 MAY SELL DEAD AND DOWN TIMBER.

The county auditor may with the approval of the county board sell dead, down and mature timber upon any tract of agricultural land designated by the commissioner of natural resources. Such sale of timber products shall be for cash at not less than the appraised value thereof, as determined by the commissioner, to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof. The forestry practices to be followed in the cutting of this timber shall be approved by the commissioner.

History: 1941 c 278 s 9; 1969 c 1129 art 10 s 2

84.37 [Repealed, 1963 c 5 s 12]

84.38 [Repealed, 1963 c 5 s 12]

84.39 [Repealed, 1963 c 5 s 12]

NOTE: Laws 1963, Chapter 5, Section 12 reads: "This repeal does not affect any right in specific property heretofore acquired under section 84.39."

84.40 [Repealed, 1963 c 5 s 12]

84.41 [Repealed, 1963 c 5 s 12]

84.415 LICENSES, PERMITS.

Subdivision 1. **Utility companies, permit to cross state owned lands.** The commissioner of natural resources shall, on or before January 1, 1974, promulgate in the manner provided by chapter 15, regulations containing standards and

criteria governing the sale of licenses permitting the passage of utilities over public lands and waters. The regulations shall include provisions to insure that all projects for which licenses are sold will have a minimum adverse impact on the environment. The commissioner of natural resources may, at public or private sale and for such price and upon such terms as are specified in the regulations (except where prohibited by law) grant licenses permitting passage over, under, or across any part of any school, university, internal improvement, swamp, tax-forfeited or other land or public water under the control of the commissioner of natural resources, of telephone, telegraph, and electric power lines, cables or conduits, underground or otherwise, or mains or pipe lines for gas, liquids, or solids in suspension. Any such license shall be cancelable upon reasonable notice by the commissioner for substantial violation of its terms, or if at any time its continuance will conflict with a public use of the land or water over or upon which it is granted, or for any other cause. All such land or public water shall remain subject to sale or lease or other legal use, but in case of sale, lease or other use there may be excepted from the grant or other disposition of land or public water all rights included in any license over, under, or across it, and the license may contain an agreement that there will be such exception. The commissioner may charge a fee in lieu of but not less than that authorized by subdivision 5 if he issues a license containing an agreement that there will be such an exception. All rights so excepted shall be reserved to the state and be cancelable by the commissioner for the same reasons or cause as they might have been canceled before such sale, lease or other use of the land or water. Upon such cancellation, which shall be only after reasonable notice to the licensee, all rights granted by the license shall be vested in the state and may be granted again by the commissioner on the terms and conditions he may prescribe, but subject to cancellation for the same reasons or causes as they might have been originally canceled unless ownership of the fee and of the license are merged. Any license granted before April 13, 1951, may be governed by it if the licensee and commissioner so agree. Reasonable notice as used in this subdivision means a 90 day written notice addressed to the record owner of the license at the last known address, and upon cancellation the commissioner may grant extensions of time to vacate the premises affected.

Subd. 2. [Repealed, 1967 c 536 s 3]

Subd. 3. **Application, form.** The application for license or permit shall be in quadruplicate, and shall include with each copy a legal description of the lands or waters affected, a metes and bounds description of the required right of way, a map showing said features, and a detailed design of any structures necessary, or in lieu thereof shall be in such other form, and include such other descriptions, maps or designs, as the commissioner in his discretion may require. The commissioner may at any time order such changes or modifications respecting construction or maintenance of structures or other conditions of the license or permit as he deems necessary to protect the public health and safety.

Subd. 4. **Attorney general, duties.** The license or permit to be granted shall be in a form to be prescribed by the attorney general; shall describe the location of the license or permit thereby granted and shall continue until canceled by the commissioner, subject to change or modification as herein provided.

Subd. 5. **Fee.** In the event the construction of such lines causes damage to timber or other property of the state on or along the same, the license or permit shall also provide for payment to the state treasurer of the amount thereof as may be determined by the commissioner.

All money received under such licenses or permits shall be credited to the fund to which other income or proceeds of sale from such land would be credited, if provision therefor be made by law, otherwise to the general fund.

84.42 DEPARTMENT OF NATURAL RESOURCES

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History: 1941 c 145; 1943 c 540 s 1; 1947 c 568 s 1; 1951 c 356 s 1,2; 1967 c 536 s 2; 1969 c 399 s 1; 1969 c 516 s 1; 1969 c 1129 art 10 s 2; 1973 c 479 s 1,2

84.42 VIOLATIONS; PENALTIES.

Subdivision 1. Any person violating any of the provisions of sections 84.09 to 84.15, or any of the orders of the commissioner promulgated in pursuance of the provisions thereof, shall be guilty of a misdemeanor; and, upon a second conviction within a period of three years, his license shall become null and void and no license of the same kind shall be issued to him for one year after the date of such conviction; and any person violating, or threatening to violate, any provisions of sections 84.09 to 84.15 and Laws 1939, Chapter 231, may be restrained by injunction proceedings brought in the name of the state by the attorney general or by any county attorney.

Subd. 2. [Repealed, 1965 c 45 s 73]

History: 1939 c 207 s 6; 1939 c 231 s 16; 1969 c 129 s 1 (3109-6, 6131-19)

84.43 DEFINITIONS.

Subdivision 1. The definitions given in this section shall govern for the purposes of sections 84.43 to 84.52 unless a different meaning is clearly indicated by the language or context.

Subd. 2. "Wilderness Area" shall mean any of the following areas or parts thereof:

(1) All those portions of the Superior National Forest described in Section 2 of Public Law 733, 80th Congress, approved June 22, 1948, and all public waters included therein or bordering thereon except the following: Crane Lake, Moose Lake in Township 64 North, Range 9 West, Snow Bank Lake, Sawbill Lake, Brule Lake, Big Lake in Townships 64 and 65 North, Range 13 West, Saganaga Lake, Seagull Lake, Clearwater Lake in Township 65 North, Range 1 East, and East Bearskin Lake in Township 64 North, Range 1 East and Range 1 West:

(2) Such other areas as may be designated by the commissioner of natural resources as hereinafter provided within the present boundaries of the Superior National Forest and the Kabetogama and Pigeon River purchase units thereof as heretofore established by federal authority and not less than five miles from any public highway.

Subd. 3. "Public waters" shall mean all waters lying wholly within the state and all portions of boundary waters within the jurisdiction of the state contained within any wilderness areas designated hereunder and which the public have a right to use for navigation, fishing, hunting or any other beneficial public use.

Subd. 4. "Aircraft" shall mean any contrivance now known or hereafter invented and used or designed for navigation or flight in the air.

History: 1949 c 630 s 1; 1969 c 1129 art 10 s 2

84.44 DECLARATION OF POLICY.

It is hereby declared that regulation and control of the operation of aircraft and watercraft upon or over any wilderness area and public waters therein is necessary for the protection and promotion of public health, safety and welfare and other interests of the public therein and for the protection and conservation of natural wilderness conditions and other natural resources therein for the public benefit.

History: 1949 c 630 s 2

84.45 COMMISSIONER, POWERS AND DUTIES.

The commissioner of natural resources shall have power and it shall be his duty to designate such wilderness areas within the limits hereinbefore authorized as he shall determinè after investigation to be necessary for the purposes of sections 84.43 to 84.52, and to add to, withdraw from, or otherwise modify such designations from time to time as the fulfillment of such purposes may require. Such designations shall be made by regulations adopted as provided by and subject to the laws relating to regulations of administrative agencies of the state, and may be modified or rescinded in like manner; provided, that in addition to or in connection with the proceedings required under said laws, the commissioner of natural resources or his authorized agent shall hold a public hearing on any proposal for a designation or a change therein hereunder at a place designated by him in a county containing lands affected thereby, of which at least two weeks published notice shall be given in each county affected, and at least 30 days notice shall be given by mail to the county auditor of each such county.

History: 1949 c 630 s 3; 1969 c 1129 art 10 s 2

84.46 COMMISSIONER OF TRANSPORTATION; AIRCRAFT CHECKING STATIONS.

Subdivision 1. The commissioner of transportation shall have power and it shall be his duty as soon as practicable after the passage of Laws 1949, Chapter 630, to designate as aircraft checking stations at least three airports having suitable facilities for the landing of aircraft equipped for flying and landing in wilderness areas. Such checking stations shall be located so as to cover the commonly used approaches to such wilderness areas by air from all sides, as far as practicable, and each such station shall be within 100 miles of the nearest point on the boundary of such wilderness areas. The designation of such checking stations shall be made by regulations adopted as provided by and subject to the laws relating to regulations of the commissioner of transportation, and may be modified or rescinded in like manner from time to time as may be necessary for the purposes of sections 84.43 to 84.52. The commissioner of natural resources shall appoint attendants for such checking stations and shall prescribe their powers and duties, subject to the provisions hereof. Officers or employees of other state departments or governmental subdivisions of the state may be appointed as such attendants with the approval of their appointing authorities.

Subd. 2. The provisions of this subdivision shall apply to all aircraft and pilots thereof except as otherwise provided herein. From and after the designation of not less than three checking stations as hereinbefore provided, no such aircraft pilot shall fly an aircraft into or over any wilderness area at a height less than 2,000 feet from the ground, except as may be necessary for safety, without first landing at a checking station designated hereunder and making a written report to the attendant, on a form prescribed by the commissioner of natural resources, containing the following information: type and federal registration number of the aircraft; name, address, and license number of the pilot; names and addresses of the passengers; purpose of flight; proposed line of flight and destination within the wilderness areas; proposed period of stay therein, and proposed checking station for reporting on departure therefrom. The attendant shall deliver to the pilot a countersigned copy of the report, which the pilot shall retain in his possession at all times while in the wilderness areas on the trip covered thereby. During the period of such trip as stated in the report, the aircraft shall not be operated, landed, or kept at any place within the wilderness areas except as specified in the report, and shall not remain within such areas after the expiration of such period. Upon leaving such areas at any time after entering the same, the pilot, before landing the aircraft at any other place, shall immediately proceed to and land at the checking station designated for checking out in his

report, and shall check out by submitting his copy of the report to the attendant, who shall endorse the same to show such checking-out and return the same to the pilot; provided, that if by reason of weather conditions or otherwise it is impracticable for the pilot to check out at the station designated in the report, he may check out at any other checking station established hereunder, submitting a written statement of his reasons therefor. All records made hereunder shall be kept on file at the checking stations, and shall be subject to inspection by the commissioner of transportation, the commissioner of natural resources, or their authorized agents, and by any conservation officer or other law enforcement officer.

Subd. 3. The provisions of sections 84.43 to 84.52 shall not apply to the use of aircraft by any officer or agency of the state or of the United States for any authorized public purpose.

Subd. 4. The provisions of sections 84.43 to 84.52 shall not prohibit or prevent the operation or landing of any aircraft within any such area so far as may be necessary to save life or property or prevent substantial injury thereto in an emergency.

History: 1949 c 630 s 4; 1967 c 905 s 9; 1969 c 1129 art 10 s 2; 1976 c 166 s

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84.47 PERMITS TO PRIVATE PROPERTY OWNERS.

Subdivision 1. In case there shall be any private property situated within any such area and such private property, at the time such area is designated, is improved and used for purposes for which air transportation is essential, written permits shall be issued by the commissioner of transportation which shall authorize the operation of aircraft without check in or check out for the transportation of persons, their lawful possessions and materials to such extent as is necessary for the continuation of the use of the property affected existing at the time of the designation of the area, such permits to be issued upon the following conditions:

(a) The owner, lessee or operator of such private property shall have a licensed seaplane base on or adjacent to his property.

(b) Such permits shall thereupon be issued to the owner or operator of any aircraft to fly to, from, and between such bases and such other points as may be designated in the permit, provided such aircraft owner or operator has first complied with reasonable standards as to safety, equipment, and insurance to be established by the commissioner of transportation as provided by law.

(c) If the private property affected is situated in a wilderness area designated by the commissioner of natural resources as hereinbefore provided, a permit shall be issued for such aircraft operation as may be necessary for the continuation of any lawful use of the property; whether existing at the time of the designation of such area or thereafter developed.

(d) A permit shall be effective until the end of the calendar year in which it is issued, and shall be renewable annually upon the continued existence of the conditions authorizing its original issue. Every permit shall be subject to suspension or revocation, as the commissioner of transportation shall determine, upon conviction of the permittee of any violation of the provisions of sections 84.43 to 84.52.

(e) Every holder of a permit hereunder shall keep daily written records in duplicate, on forms prescribed by the commissioner of natural resources, of all aircraft operations under the permit, containing the following information as to each flight, in addition to such other information as may be required by law or by regulations of the commissioner of natural resources: type and federal registration number of the aircraft; name, address, and license number of the pilot;

names and addresses of passengers; purposes of flight, place, date, and time of beginning and termination of flight, line of flight and destinations. On or before the fifth of each month the permittee shall mail one of the duplicates of such records for all flights during the preceding calendar month to the commissioner of natural resources, who shall keep the same on file and subject to inspection in like manner as hereinbefore provided for inspection of copies of reports at checking stations.

Subd. 2. Any aircraft owner or operator carrying passengers for hire from a licensed seaplane base outside of the wilderness areas may obtain a permit in like manner as hereinbefore provided for operating between such base or other points outside of such areas, to be designated in the permit, and any points within such areas, subject to compliance with the requirements for keeping and mailing records and all other conditions pertaining to permits as hereinbefore prescribed, so far as applicable.

History: 1949 c 630 s 5; 1969 c 1129 art 10 s 2; 1976 c 166 s 7

84.48 TWO-WAY RADIO SYSTEM.

No aircraft shall fly into or over any such area except at the altitudes authorized in section 84.46, without being equipped with a two-way radio system, provided that this requirement shall not become effective until prescribed by order of the commissioner of transportation and provided further that when it has been so prescribed, the operator of each such aircraft shall report his presence and location by radio to such station as may be designated by the commissioner of transportation and at such times during his stay within the area as the commissioner of transportation may prescribe. Orders of the commissioner of transportation under this section shall be prescribed by regulations adopted, modified, or rescinded as may be necessary for the purposes of sections 84.43 to 84.52 in accordance with the laws relating to his regulations in other cases.

History: 1949 c 630 s 6; 1976 c 166 s 7

84.49 WATER CRAFT, LIMITATION OF OPERATION.

No aircraft pilot, owner or operator shall keep or maintain within any wilderness area designated hereunder, any boat, canoe or other watercraft at any point within such area except at private property encumbered with a structure or structures suitable for human occupancy, or unless in the immediate possession and control of a person authorized by the owner to so possess and control it. Any boat, canoe or other watercraft not so maintained, possessed or controlled shall be deemed contraband and be subject to confiscation in the name of the state by any state conservation officer or peace officer and shall be disposed of in the same manner as other property confiscated by the director of game and fish.

History: 1949 c 630 s 7; 1967 c 905 s 9

84.50 VIOLATIONS AND PENALTIES.

Violation of any provision of sections 84.43 to 84.52 shall be a misdemeanor, and any court imposing sentence shall be authorized upon recommendation of the commissioner of transportation to prohibit the pilot so convicted from operating an aircraft within the state for a period not exceeding one year.

History: 1949 c 630 s 8; 1976 c 166 s 7

84.51 INSPECTION.

Every aircraft while landed at a checking station to report as herein provided shall be subject to inspection by the commissioner of natural resources or his authorized agents, or by any conservation officer, any of whom may, without a warrant, examine and search such aircraft for wild animals illegally taken or possessed or for other things declared contraband by the laws relating to wild animals, and may seize and confiscate in the name of the state any such contraband which may thereupon be found.

History: 1949 c 630 s 9; 1967 c 905 s 9; 1969 c 1129 art 10 s 2

84.52 CERTAIN ZONING REGULATIONS APPLICABLE.

Nothing herein contained shall authorize interference or conflict with the operation of any airport or other aeronautics facilities authorized, constructed, or maintained under any law, nor so as to interfere or conflict with any zoning regulations or any other regulations relating to aeronautics prescribed by or adopted pursuant to any other law.

History: 1949 c 630 s 10

84.521 SUSPENSION OF SECTIONS 84.43 TO 84.52.

The operation of Minnesota Statutes 1949, Sections 84.43 to 84.52, is hereby temporarily suspended, which suspension shall be effective during such time as Executive Order 10092, issued December 20, 1949, by the President of the United States remains in effect.

History: 1951 c 157 s 1

84.523 BWCA; MANAGEMENT OF MINERALS AND RELATED RESOURCES.

Subdivision 1. **Definition.** For the purposes of this section, the term "boundary waters canoe area" means that area of lands and waters included within the boundaries designated in federal regulation REG U-3, 36 Code of Federal Regulations 293.16, as that regulation provided on January 1, 1975.

Subd. 2. **Intent.** The legislature finds that a combination of state legislative and administrative actions and court decisions have established a public policy of primarily wilderness management for state lands and waters within the boundary waters canoe area. This state policy, together with a similar federal policy and international actions consistent with these state and federal policies, has created an area of hundreds of thousands of acres of land and water containing myriad lakes and streams, wooded shores, virgin forests, and other natural attractions of surpassing scenic beauty and solitude, free from substantially all commercial activities and artificial development such as hydroelectric dams and power lines, resorts, roads, sawmills, and timber harvesting in no-cut zones.

Subd. 3. **Mining; prohibition.** Except with the prior approval of the legislature in those cases of national emergency which have been declared by the Congress and which direct the need for exploration and mining of federal lands within the boundary waters canoe area, and after an investigation and determination by the commissioner of natural resources pursuant to subdivision 5 no state owned or administered land may be leased for exploration or mining of minerals, and no state permits, licenses or leases shall be issued to use any other state natural resources for any mineral exploration or mining operations in the boundary waters canoe area.

Subd. 4. **Peat harvesting; prohibition.** Except with prior approval of the legislature in those cases of national emergency which have been declared by the Congress and which direct the need for exploitation of peat deposits on federal land within the boundary waters canoe area, and after an investigation and

determination by the commissioner of natural resources pursuant to subdivision 5 no state owned or administered land may be leased for the purpose of harvesting peat, and no state permits, licenses or leases shall be issued to use any other state natural resources for the purpose of harvesting peat in the boundary waters canoe area.

Subd. 5. Investigation and determination. In the event of a national emergency declared by Congress which requires, for the protection of national interests, exploitation of natural resources of the type found in the boundary waters canoe area, the commissioner of natural resources shall investigate and determine if there are reasonable alternative methods for providing the needed resources. If the investigation shows there are reasonable alternatives to exploitation of natural resources in the area, no permit for development shall be issued. If the commissioner of natural resources determines there is a need to provide resources from within the boundary waters canoe area, and that there is no reasonable alternative available to meet the need, a permit may be issued upon approval by the state legislature.

History: 1976 c 322 s 1

84.524 CITIZEN'S ADVISORY TASK FORCE ON THE BOUNDARY WATERS CANOE AREA.

Subdivision 1. There is created a citizen's advisory task force on the Boundary Waters Canoe Area, consisting of 17 members selected as follows:

- (1) Three residents of St. Louis County appointed by the governor;
- (2) Three residents of Cook County appointed by the governor;
- (3) Three residents of Lake County appointed by the governor; and
- (4) Eight residents of the state residing outside of the aforementioned counties appointed by the governor.

The governor shall designate one of the appointees to serve as chairman and the advisory task force may elect such other officers as it deems necessary. The advisory task force shall be subject to the provisions of section 15.059, except that the advisory task force shall not expire until June 30, 1983.

Subd. 2. The advisory task force shall conduct meetings and research into all matters related to the establishment and operation of the Boundary Waters Canoe Area, and shall make such recommendations to the United States Forest Service and other federal and state agencies concerned, regarding operation of the area, as the advisory task force deems advisable. A copy of each recommendation shall be filed with the legislative reference library. The advisory task force shall not apply for or accept funds from public or private sources other than the legislature. Subject to the availability of legislative appropriation, the advisory task force may contract for services relating to matters within its authority.

Subd. 3. The sum of \$60,000 is appropriated from the general fund to the commissioner of administration for the purposes of Laws 1979, Chapter 301 to be available until June 30, 1981.

Subd. 4. This section is effective July 1, 1979, and expires June 30, 1983.

History: 1979 c 301 s 11

84.53 TOPOGRAPHIC SURVEY; COMMISSIONER OF NATURAL RESOURCES.

The commissioner of natural resources is authorized to make or provide for a topographic survey of the state and maps thereof, including preliminary aerial surveys incidental thereto, so far as funds may be made available therefor, and subject to the provisions hereof. For that purpose he may cooperate with

the United States Geological Survey or any other federal, state, or local public agency or governmental subdivision, or with any private agency, under conditions mutually agreed upon. He may accept gifts or grants of money or property for the purposes hereof, and the same are hereby appropriated therefor. All surveys and maps made hereunder shall conform with standards prescribed or approved by the United States Geological Survey or other federal authority.

History: 1949 c 669 s 1; 1969 c 1129 art 10 s 2

84.54 TOPOGRAPHIC SURVEY; PLANNING OFFICER.

The state planning officer shall study the general topographic survey and mapping needs of the state, and shall advise the commissioner of natural resources in determining the order of surveys and otherwise planning the operations, and shall promote coordination of survey and mapping activities of public and private agencies within the state.

History: 1949 c 669 s 2; 1969 c 9 s 11; 1969 c 1129 art 10 s 2

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

The county board of any county or the governing body of any municipality may cooperate with or through the commissioner of natural resources and may provide facilities or equipment and expend moneys in furtherance of the provisions of sections 84.53 to 84.56 in consideration of benefits derived therefrom. Such expenditures may be made by direct payment for specified projects or operations or by contributions to the commissioner of natural resources for disposal in accordance with any agreement made hereunder.

History: 1949 c 669 s 3; 1969 c 1129 art 10 s 2

84.56 [Temporary appropriation]

84.57 UNDERGROUND WATERS, DISPLACEMENT BY UNDERGROUND STORAGE OF GAS OR LIQUID UNDER PRESSURE.

It shall be unlawful for the state, any person, partnership, association, private or public corporation, county, municipality or other political subdivision of the state to displace any underground waters of this state whether in consolidated or unconsolidated formations by the underground storage of any gas or liquid under pressure without first having secured a permit therefor from the commissioner of natural resources.

History: 1953 c 512 s 1; 1969 c 1129 art 10 s 2

84.58 PERMIT FOR UNDERGROUND STORAGE.

Subdivision 1. **Application.** Application for said permit shall be made to the commissioner of natural resources in writing on a form prescribed by the commissioner accompanied by maps, plans and specifications describing the proposed displacement of underground waters and the underground storage of gases or liquids and such other data as the commissioner may require.

Subd. 2. **Public hearing.** No permit for the displacement of underground waters shall be issued by the commissioner without first having held a public hearing thereon.

Subd. 3. **Time of hearing.** Within 20 days after the receipt of the application together with all data requested by him the commissioner shall fix a time and place for a hearing thereon.

Subd. 4. **Notice of hearing.** Notice of hearing on any application shall recite the date, place and time fixed by the commissioner for the public hearing thereon and the notice shall show the location of waters and property affected

and be published by the applicant, or by the commissioner if the proceeding is initiated by him, once each week for two successive weeks in a legal newspaper published in the county in which a part or all of the affected waters are located. Notice shall also be mailed by the commissioner to the county auditor and the chief executive official of any municipality affected.

Subd. 5. Procedure at hearing. The hearing shall be public and shall be conducted by the commissioner or a referee appointed by him. All affected persons shall have an opportunity to be heard. All testimony shall be taken under oath and the right of cross-examination shall be accorded. The commissioner shall provide a stenographer, at the expense of the applicant, to take testimony and a record of the testimony and all proceedings at the hearing shall be taken and preserved. The commissioner shall not be bound by judicial rules of evidence or of pleading and procedure.

Subd. 6. Witnesses, subpoenas. The commissioner may subpoena and compel the attendance of witnesses and the production of all books and documents material to the purposes of the hearing. Disobedience of every such subpoena, or refusal to be sworn, or to answer as a witness, shall be punishable as a contempt in like manner as a contempt of the district court on complaint of the commissioner before the district court of the county where such disobedience or refusal occurred.

Subd. 7. Publication of findings, conclusions, orders. The commissioner shall mail notice of any findings, conclusions, and orders made after the hearing to the following: (1) The applicant; (2) parties who entered an appearance at the hearing; (3) the county auditor, and (4) the chief executive officer of any municipality affected. The commissioner shall publish, at the expense of the applicant, notice of any findings, conclusions, and orders made after the hearing at least once each week for two successive weeks in a legal newspaper in the county in which a part or all of the project is located.

Subd. 8. Permit fees. Each application for a permit authorized by sections 84.57 to 84.621, shall be accompanied by a permit fee in the amount required by a fee schedule established by the commissioner pursuant to rules and regulations adopted in the manner provided by chapter 15. The schedule may provide minimum fees for various classes of permits, and additional fees, which may be imposed subsequent to the application, based upon the cost of receiving, processing, analyzing and issuing the permit, and the actual inspecting and monitoring the activities authorized by the permit, including but not limited to costs of consulting services. No fee may be imposed on any state or federal governmental agency applying for a permit. The fee schedule may provide for the refund of a fee, in whole or in part, under circumstances prescribed by the commissioner. All money received pursuant to this subdivision shall be deposited in the general fund. So much money as is necessary is annually appropriated from the general fund to pay any refund authorized by this subdivision. The time limitations prescribed by subdivision 3, do not apply to an application for a permit which is not accompanied by the appropriate fee.

History: 1953 c 512 s 2-7; 1969 c 723 s 1,2; 1969 c 1129 art 10 s 2; 1973 c 211 s 1

84.59 APPEALS TO DISTRICT COURT FROM DETERMINATION OF COMMISSIONER OF NATURAL RESOURCES.

Any party in interest may appeal from the determination of the commissioner to the district court of the county in which the project is wholly or partly located in accordance with the provisions of section 105.47, insofar as the provisions thereof are applicable and may appeal to the supreme court as provided in said section.

History: 1953 c 512 s 8

84.60 ORDER GRANTING PERMIT; FINDINGS, RESTRICTIONS.

No order granting a permit for the proposed storage shall be issued unless it shall contain and be based on the following findings:

(1) The proposed storage will be confined to geological stratum or strata lying more than 500 feet below the surface of the soil;

(2) The proposed storage will not substantially impair or pollute any water resources;

(3) That the public convenience and necessity of a substantial portion of the gas consuming public in the state will be served by such undertaking; and unless said order shall contain conditions and restrictions which will reasonably protect;

(a) Private property or any interest not appropriated;

(b) The rights of the owners of lands, or of owners of any interests in said lands, lying within the boundaries of said proposed storage area, or those claiming under said owners, to explore for, drill for, produce or develop for the recovery of oil or gas or minerals under said lands, or to drill wells on said lands for the development and the production of water; provided, that such exploration, drilling, producing or developing shall comply with orders, rules and regulations of the commissioner issued for the purpose of protecting underground storage strata or formations against pollution and against the escape of gas therefrom; and

(c) Any public resources of the state which may be adversely affected by such use.

History: 1953 c 512 s 9

84.61 DAMAGES, PAYMENT.

The commissioner may, in such order or permit, require such corporation to demonstrate to the commissioner that said corporation has adequately provided a method to insure payment of any damage resulting from the operation of the gas or liquid storage reservoir.

History: 1953 c 512 s 10

84.611 ABANDONMENT OF PROJECT.

No underground storage project for which a permit is granted under provisions of sections 84.57 to 84.62 shall be abandoned, nor shall any natural or artificial opening extending therefrom to the ground surface be filled, sealed or otherwise closed to inspection, except upon written approval by the commissioner and in compliance with any conditions that the commissioner may impose.

History: 1969 c 723 s 3

84.62 CERTIFICATE OF USE.

No use shall be made of said gas or liquid storage reservoir by the applicant unless and until the right to use the property involved in said project has been filed with the commissioner of natural resources and a certificate of use issued by him.

History: 1953 c 512 s 11; 1969 c 1129 art 10 s 2

84.621 STORAGE OF GAS OR LIQUID UNDERGROUND IN NATURAL FORMATIONS.

Subdivision 1. It is unlawful for the state, any person, partnership, association, private or public corporation, county, municipality or other political subdi-

vision of the state to store any gas or liquid, except water, below the natural surface of the ground by using naturally occurring rock materials as a storage reservoir without first having secured a permit therefor from the commissioner of natural resources.

Subd. 2. The provisions of section 84.58, relating to application for a permit, notice of the hearing on the permit, time of hearing, procedures at the hearing, the authority of the commissioner of natural resources to subpoena and compel the attendance of witnesses, and the production of books and documents, and the punishment of contempts, apply to this section, insofar as applicable.

Subd. 3. The commissioner shall make findings as provided in section 84.60, including but not limited to a finding that the public convenience and necessity of a substantial portion of the public which consumes the product must be served.

Subd. 4. The commissioner may require the applicant to demonstrate that he is capable of paying damages resulting from the operation of the storage.

Subd. 5. Appeals shall be taken as provided in section 84.59.

Subd. 6. No use shall be made of a storage reservoir until a use certificate has been issued as provided in section 84.62.

Subd. 7. This section is not intended to supersede sections 84.57 to 84.62, but is intended to be complementary to these sections by providing for the regulation of underground storage reservoirs which do not involve the displacement of underground waters.

History: 1969 c 724 s 1; 1969 c 1129 art 10 s 2

84.63 CONVEYANCE OF INTERESTS IN LANDS TO STATE AND FEDERAL GOVERNMENTS.

Notwithstanding any existing law to the contrary, the commissioner of natural resources is hereby authorized on behalf of the state to convey to the United States or to the state of Minnesota or any of its subdivisions, upon state-owned lands under the administration of the commissioner of natural resources, permanent or temporary easements for specified periods or otherwise for highways, roads and trails, flowage for development of fish and game resources, stream protection, flood control, and necessary appurtenances thereto, such conveyances to be made upon such terms and conditions including provision for reversion in the event of nonuser as the commissioner of natural resources may determine.

History: Ex1967 c 21 s 1; 1969 c 1129 art 10 s 2

84.64 CONSERVATION RESTRICTIONS.

Subdivision 1. A conservation restriction for a definite period or in perpetuity may be acquired by:

(a) The commissioner of natural resources, in the name of the state, by gift, purchase or exchange, with funds specifically made available for that purpose;

(b) A nonprofit charitable corporation whose purposes include conservation of land or water areas; or

(c) A home rule charter or statutory city.

Subd. 2. For the purpose of this section, a "conservation restriction" means a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land or in any order of taking, appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition, or as suitable habitat for fish and wild life, to forbid or limit any or all:

(a) **Structures.** Construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground.

(b) **Landfill.** Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials.

(c) **Vegetation.** Removal or destruction of trees, shrubs or other vegetation.

(d) **Loam, gravel, etc.** Excavation, dredging or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface.

(e) **Surface use.** Surface use except for purposes permitting the land or water area to remain predominately in its natural condition.

(f) **Acts detrimental to conservation.** Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or fish and wild life habitat preservation, or

(g) **Other acts.** Other acts or uses detrimental to such retention of land or water areas.

History: 1974 c 531 s 1; 1975 c 163 s 1; 1979 c 159 s 1

84.65 CONSERVATION RESTRICTIONS; EFFECT OF RECORDING; RELEASE OF RESTRICTIONS; ENFORCEMENT.

Subdivision 1. No conservation restriction defined in section 84.64 and acquired pursuant to section 84.64, subdivision 1, shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land. Nonprofit charitable corporations or home rule charter or statutory cities acquiring such conservation restrictions shall file a notice of each such acquisition with the department of natural resources within 90 days. All restrictions shall be duly recorded and indexed in the office of the county recorder or the registrar of titles for the county where the land lies so as to affect its title, in the manner of other conveyances of interests in land, and shall describe the land subject to the restrictions by adequate legal description or by reference to a recorded plat showing its boundaries.

Subd. 2. The restriction may be enforced by injunction and shall entitle representatives of the holder of it to enter the land in a reasonable manner and at reasonable times to assure compliance.

Subd. 3. The restriction may be conveyed in the same manner as any other interest in land. Notwithstanding any other provision to the contrary, a restriction may be released by the holder of the restriction or the dominant interest to the holder of the fee title or the servient interest. In the event a corporation, defined in section 84.64, subdivision 1, clause (b), no longer holds a license to do business in Minnesota, and said corporation has made no provision for the disposition of a conservation restriction held by it by transfer to another nonprofit corporation, the conservation restriction shall revert to and vest in the state of Minnesota and be administered by the commissioner of natural resources.

Subd. 4. This section shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this section shall, on account of any provision hereof, be unenforceable. Nothing in this section or section 84.64 shall diminish the powers granted by law to the commissioner of natural resources or to any other state agency or political subdivision to acquire by purchase, gift, eminent domain or otherwise and to use land for public purposes.

History: 1974 c 531 s 2; 1975 c 163 s 2,3; 1976 c 181 s 2; 1979 c 159 s 2

SNOWMOBILES

84.81 DEFINITIONS.

Subdivision 1. For the purposes of Laws 1967, Chapter 876 the terms defined herein shall have the meaning ascribed to them.

Subd. 2. "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Subd. 3. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Subd. 4. "Owner" means a person, other than a lien holder, having the property in or title to a snowmobile entitled to the use or possession thereof.

Subd. 5. "Operate" means to ride in or on and control the operation of a snowmobile.

Subd. 6. "Operator" means every person who operates or is in actual physical control of a snowmobile.

Subd. 7. "Register" means the act of assigning a registration number to a snowmobile.

Subd. 8. "Commissioner" means the commissioner of natural resources acting directly or through his authorized agent.

Subd. 9. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

Subd. 10. "Dealer" means a person, partnership, or corporation engaged in the business of selling snowmobiles at wholesale or retail.

Subd. 11. "Manufacturer" means a person, partnership, or corporation engaged in the business of manufacturing snowmobiles.

History: 1967 c 876 s 3; 1969 c 695 s 1,2; 1969 c 1129 art 10 s 2; 1971 c 577 s 1

84.82 SNOWMOBILE REGISTRATION.

Subdivision 1. **General requirements.** Except as hereinafter provided, no person shall after June 30, 1969, operate or transport any snowmobile within the state unless such snowmobile has been registered in accordance with the provisions of sections 84.81 to 84.88, except snowmobiles in transit by a manufacturer, distributor or dealer. No person shall sell a snowmobile without furnishing the buyer a bill of sale on a form prescribed by the commissioner.

Subd. 2. **Application, issuance, reports.** Application for registration or reregistration shall be made to the commissioner of natural resources, or the commissioner of public safety or an authorized deputy registrar of motor vehicles in such form as the commissioner of public safety shall prescribe, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number assigned which shall be affixed to the snowmobile in such manner as the commissioner of natural resources shall prescribe. Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements. A fee of 50 cents in addition to that otherwise prescribed by law shall be charged for each snowmobile registered by

the registrar or a deputy registrar. The additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2.

Subd. 3. **Fees for registration.** (a) The fee for registration of each snowmobile, other than those registered by a dealer or manufacturer pursuant to clauses (b) or (c) of this subdivision, shall be as follows: \$12 for three years and \$2 for a duplicate or transfer.

(b) The total registration fee for all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be \$37.50 per year.

(c) The total registration fee for all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes shall be \$150 per year. Dealer and manufacturer registrations are not transferable.

Subd. 4. **Renewal.** Every owner of a snowmobile shall renew his registration in such manner as the commissioner shall prescribe, upon payment of the same registration fees provided in subdivision 3 hereof.

Subd. 5. **Snowmobiles owned by state or political subdivision.** A registration number shall be issued without the payment of a fee for snowmobiles owned by the state of Minnesota or a political subdivision thereof upon application therefor.

Subd. 6. **Exemptions.** No registration hereunder shall be required for the following described snowmobiles:

(a) Snowmobiles owned and used by the United States, another state, or a political subdivision thereof.

(b) Snowmobiles registered in a country other than the United States temporarily used within this state.

(c) Snowmobiles covered by a valid license of another state and which have not been within this state for more than 30 consecutive days.

(d) Snowmobiles used exclusively in organized track racing events.

Subd. 7. The commissioner of natural resources may issue special permits to out of state snowmobiles from a state or country where registration is not required to operate in Minnesota for limited periods of time not to exceed 30 days in connection with organized group outings, trailrides, races, rallies and other promotional events.

Subd. 8. **Registration by persons under 18 prohibited.** No person under the age of 18 years may register a snowmobile.

History: 1967 c 876 s 4; 1969 c 131 s 1; 1969 c 695 s 3,4; 1969 c 1129 art 10 s 2; 1971 c 577 s 2-5; Ex1971 c 48 s 33,34; 1973 c 202 s 1; 1979 c 241 s 1

84.821 REQUIREMENTS OF MAKERS OF SNOWMOBILES.

Subdivision 1. All snowmobiles made after June 30, 1972, and sold in Minnesota, shall bear the maker's permanent identification number stamped in letters and numbers in the form and at a location prescribed by rule and regulation of the commissioner.

Subd. 2. All snowmobiles made after June 30, 1972, and sold in Minnesota, shall be designed and made to provide an area on which to affix the registration number. This area shall be at a location and of dimensions prescribed by rule and regulation of the commissioner.

History: 1971 c 577 s 6

84.83 DISPOSITION OF RECEIPTS.

Fees from registration of snowmobiles shall be deposited with the state treasurer to the credit of the general fund.

History: 1967 c 876 s 5; 1969 c 399 s 1; 1969 c 695 s 5

84.84 TRANSFER OR TERMINATION OF SNOWMOBILE OWNERSHIP.

Within 15 days after the transfer of ownership, or any part thereof, other than a security interest, or the destruction or abandonment of any snowmobile, written notice thereof shall be given to the commissioner in such form as he shall prescribe. Every owner or part owner of a snowmobile shall, upon failure to give such notice, be subject to the penalties imposed by Laws 1967, Chapter 876.

History: 1967 c 876 s 6

84.85 LICENSING BY POLITICAL SUBDIVISIONS.

No political subdivision of this state shall require licensing or registration of snowmobiles covered by the provisions of Laws 1967, Chapter 876.

History: 1967 c 876 s 7

84.86 RULES AND REGULATIONS.

Subdivision 1. With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules and regulations in the manner provided by chapter 15, for the following purposes:

- (1) Registration of snowmobiles and display of registration numbers.
- (2) Use of snowmobiles insofar as game and fish resources are affected.
- (3) Use of snowmobiles on public lands and waters under the jurisdiction of the commissioner of natural resources.
- (4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.
- (5) Specifications relating to snowmobile mufflers.
- (6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray a portion of the expenses of training and certifying snowmobile operators, the commissioner shall collect a fee of not to exceed \$2 from each person who receives the training and shall deposit the fee in the general fund and the amount thereof is appropriated annually to the commissioner of natural resources for the administration of such programs. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.
- (7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$100 or more, shall promptly forward a written report of the accident to the commissioner on such form as he shall prescribe.

Subd. 2. The commissioner of public safety may adopt rules and regulations not inconsistent herewith in the manner provided by chapter 15, regulating the use of snowmobiles on streets and highways.

History: 1967 c 876 s 8; 1969 c 399 s 1; 1969 c 695 s 6; 1969 c 1129 art 10 s 2; 1971 c 491 s 1; 1971 c 577 s 7; 1973 c 123 art 5 s 7

84.87 OPERATION; REGULATIONS BY MUNICIPALITIES.

Subdivision 1. Operation on streets and highways. (a) No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county state aid, or county highway in this state and, in the case of a divided trunk or county highway, on the right of way between the opposing lanes of traffic, except as provided in sections 84.81 to 84.90. No person shall operate a snowmobile within the right of way of any trunk, county state aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right hand side of such right of way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile shall be operated at any time within the right of way of any interstate highway or freeway within this state.

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

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

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

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

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

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

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

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

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

(e) All provisions of chapter 169 shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application.

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

Subd. 1a. **Organized contests, use of highways, etc.** Nothing in this section or chapter 169 shall prohibit the use of snowmobiles within the right of way of any state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in any organized contest, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.

In permitting such contest, the official or board having jurisdiction may prescribe such restrictions or conditions as they may deem advisable.

Subd. 2. **Operation generally.** It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

(a) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;

(b) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

(c) While under the influence of intoxicating liquor or narcotics or habit forming drugs;

(d) Without a lighted head and tail light when required for safety;

(e) In any tree nursery or planting in a manner which damages or destroys growing stock.

Subd. 2a. **Operation prohibited on airports.** It is unlawful for any person to drive or operate any snowmobile on an airport defined in section 360.013, subdivision 5, or other applicable law.

Subd. 3. **Regulations by political subdivisions.** Notwithstanding anything in this section to the contrary, a county board may by resolution permit the operation of snowmobiles upon the roadway, shoulder, or inside bank or slope of any county highway or county state aid highway if safe operation in the ditch or outside bank or slope thereof is impossible, in which case the county board shall cause appropriate notice thereof to be given.

Any county, city, or any town acting by its town board, may regulate the operation of snowmobiles on public lands, waters, and property under their jurisdiction and on streets and highways within their boundaries by resolution or ordinance of the governing body and by giving appropriate notice, provided such regulations are not inconsistent with the provisions of sections 84.81 to 84.88 inclusive and rules and regulations, promulgated thereunder. However, no such governmental unit may adopt an ordinance which (1) imposes a fee for the use of public land or water under the jurisdiction of either the commissioner of natural resources or any other agency of the state, or for the use of any access thereto owned by the state, or a county or city; or (2) require a snowmobile operator to possess a motor vehicle driver's license while operating a snowmobile.

History: 1967 c 876 s 9; 1969 c 1 s 1; 1969 c 695 s 7,8; 1969 c 1129 art 10 s 2; 1971 c 491 s 2; 1971 c 577 s 8; 1973 c 123 art 5 s 7; 1973 c 701 s 1; 1974 c 51 s 1; 1974 c 239 s 1; 1976 c 2 s 48; 1977 c 31 s 1

84.871 MUFFLERS.

Except as provided in this section, every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. This section does not apply to organized races or similar competitive events held on (1) private lands, with the permission of the owner, lessee, or custodian of the land; (2) public lands and water under the jurisdiction of the commissioner of natural resources, with the commissioner's

permission; or (3) other public lands, with the consent of the public agency owning the land. No person shall have for sale, sell, or offer for sale on any new snowmobile any muffler that fails to comply with the specifications required by the rules and regulations of the commissioner after the effective date of the rules and regulations.

History: 1969 c 695 s 9; 1969 c 1129 art 10 s 2

84.872 YOUTHFUL SNOWMOBILE OPERATORS; PROHIBITIONS.

Notwithstanding anything in section 84.87 to the contrary, no person under 14 years of age shall make a direct crossing of a trunk, county state aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within a municipality. A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state aid, or county highway only if he has in his immediate possession a valid snowmobile safety certificate issued by the commissioner. No person under the age of 14 years shall operate a snowmobile on any public land or water under the jurisdiction of the commissioner unless accompanied by one of the following listed persons on the same or an accompanying snowmobile, or on a device towed by the same or an accompanying snowmobile: his parent, legal guardian, or other person 18 years of age or older. However, a person 12 years of age or older may operate a snowmobile on public lands and waters under the jurisdiction of the commissioner if he has in his immediate possession a valid snowmobile safety certificate issued by the commissioner.

It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

When the judge of a juvenile court, or any of its duly authorized agents, shall determine that any person, while less than 18 years of age, has violated the provisions of sections 84.81 to 84.88, or any other state or local law or ordinance regulating the operation of snowmobiles, the judge, or duly authorized agent, shall immediately report such determination to the commissioner and may recommend the suspension of the person's snowmobile safety certificate. The commissioner is hereby authorized to suspend the certificate, without a hearing.

History: 1969 c 695 s 10; 1971 c 577 s 9

84.873 SIGNAL FROM OFFICER TO STOP.

It is unlawful for a snowmobile operator, after having received a visual or audible signal from any law enforcement officer to come to a stop, to (a) operate a snowmobile in wilful or wanton disregard of such signal, or (b) interfere with or endanger the law enforcement officer or any other person or vehicle, or (c) increase his speed or attempt to flee or elude the officer.

History: 1973 c 672 s 1

84.88 PENALTIES.

Subdivision 1. Any person who shall violate any provision of sections 84.81 to 84.89 or any regulation of the commissioner of natural resources or of the commissioner of public safety promulgated pursuant to law shall be guilty of a misdemeanor.

Subd. 2. A person registered as owner of a snowmobile may be fined not to exceed \$300 if a snowmobile bearing his registration number is operated contrary to the provisions of sections 84.81 to 84.88, 100.26, subdivision 1, or 100.29, subdivisions 28 or 29. The registered owner may not be so fined if (a) the snowmobile was reported as stolen to the commissioner or a law enforcement agency at the time of the alleged unlawful act; or if (b) the registered owner demonstrates that the snowmobile either was stolen or was not in use at

the time of the alleged unlawful act, or if (c) the registered owner furnishes to law enforcement officers upon request the identity of the person in actual physical control of the snowmobile at the time of such violation. The provisions of this subdivision do not apply to any person who rents or leases a snowmobile if such person keeps a record of the name and address of the person or persons renting or leasing such snowmobile, the registration number thereof, the departure date and time, and expected time of return thereof. Such record shall be preserved for at least six months and shall be prima facie evidence that the person named therein was the operator thereof at the time it was operated contrary to sections 84.81 to 84.88, 100.26, subdivision 1, or 100.29, subdivisions 28 or 29. The provisions of this subdivision do not prohibit or limit the prosecution of a snowmobile operator for violating any of the sections referred to in this subdivision.

History: 1967 c 876 s 10; 1969 c 1129 art 10 s 2; 1971 c 23 s 10; 1971 c 491 s 3; 1971 c 577 s 10; 1973 c 701 s 2

84.89 CONFISCATION OF SNOWMOBILE USED IN BURGLARY.

A law enforcement officer shall seize any snowmobile, as defined in section 84.81, used for the purpose of gaining access to property for the purpose of committing the crime of burglary, as defined in section 609.58. Any snowmobile seized pursuant to this section shall be held, subject to the order of the district court of the county in which the burglary was committed, and shall be confiscated after conviction of the person from whom the snowmobile was seized and disposed of in accordance with the procedure provided for equipment used in committing game and fish violations by section 97.50, subdivision 6, except that the balance of the proceeds from the sale of a confiscated snowmobile which are paid into the state treasury shall be credited to the general fund:

History: 1969 c 176 s 1; 1969 c 399 s 1

84.90 LIMITATIONS ON THE OPERATION OF RECREATIONAL MOTOR VEHICLES.

Subdivision 1. For the purposes of this section the following terms have the meanings given them: (a) "Recreational motor vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobile, trail bike or other all-terrain vehicle, hovercraft, or motor vehicle licensed for highway operation which is being used for off-road recreational purposes. (b) "Snowmobile" has the same meaning given by section 84.81, subdivision 3.

Subd. 2. Within the seven county metropolitan area, no person shall enter and operate a recreational motor vehicle on lands not his own, except where otherwise allowed by law, without the written or oral permission of the owner, occupant, or lessee of such lands. Written permission may be given by a posted notice of any kind or description that the owner, occupant, or lessee prefers, so long as it specifies the kind of vehicles allowed, such as by saying "Recreational Vehicles Allowed", "Snowmobiles Allowed", "Trail Bikes Allowed", "All-Terrain Vehicles Allowed", or words substantially similar.

Subd. 3. Outside the seven county metropolitan area, no person shall enter on any land not his own for the purpose of operating a recreational motor vehicle after being notified, either orally or by written or posted notice, by the owner, occupant, or lessee not to do so. Where posted notice is used, signs shall bear letters not less than two inches high and shall state one of the following: "Recreational Vehicles Prohibited", "Snowmobiles Prohibited", "Trail Bikes Prohibited", "All-Terrain Vehicles Prohibited", or words substantially similar. In lieu of the above notice an owner, occupant or lessee may post any sign pro-

hibiting recreational motor vehicles which has been adopted by rule or regulation of the commissioner of natural resources. The notice or sign shall be posted at corners and ordinary ingress and egress to the property and when so posted shall serve so as to raise a conclusive presumption that a person operating a recreational motor vehicle thereon had knowledge that he had entered upon such posted lands. Failure to post notice as provided in this subdivision shall not deprive a person of the right to bring a civil action for damage to his person or property as otherwise provided by law.

Subd. 4. It is unlawful for a person to post, mutilate, or remove any notice or sign provided in this section upon any lands or waters over which he has no right, title, interest, or license. It is unlawful for a person other than a duly constituted legal authority to so post any public lands, including but not limited to tax forfeited lands, as above described.

Subd. 5. No person shall enter or leave the lands of another with a recreational motor vehicle, or pass from one portion of such lands to another portion, through a closed gate, without returning the gate to its original position. No person shall enter or leave the lands of another with a recreational motor vehicle by cutting any wire or tearing down or destroying any fence.

Subd. 6. Nothing in this section shall limit or otherwise qualify the power of municipalities, counties, school districts, or other political subdivisions of the state or any agency of the state to impose additional restrictions or prohibitions on the operation of recreational motor vehicles on property not owned by the operator in accordance with law.

Subd. 7. A person violating the provisions of this section is guilty of a misdemeanor.

History: 1974 c 468 s 1