

Recreation

CHAPTER 86

NATURAL RESOURCES

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NATURAL RESOURCES AND RECREATION

ACT OF 1963; PURPOSES

86.01 CITATION.

Laws 1963, chapter 790, may be cited as the omnibus natural resources and recreation act of 1963.

History: 1963 c 790 art 2 s 1

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.02 PURPOSE.

The purpose of the legislature in this enactment is to provide the legislature with the background necessary to evaluate programs proposed to preserve, develop and maintain the natural resources of this state. Such resources include, but without limitation, forests, parks, historic sites, wildlife areas, access to an improvement of lakes, rivers, streams, scenic areas, and camping grounds. It is the intention of this legislature to study and examine anticipated future needs and the extent to which private and commercial facilities will need supplementation of publicly subsidized and operated facilities and opportunities.

History: 1963 c 790 art 1 s 2; 1967 c 867 s 1

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.03 FUNDS.

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

History: 1963 c 790 art 1 s 3

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption

by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

LEGISLATIVE COMMISSION ON MINNESOTA RESOURCES; POWERS AND DUTIES

86.06 DEFINITIONS.

For the purposes of Laws 1963, chapter 790, as amended, the following definitions obtain:

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

History: 1963 c 790 art 2 s 1; 1967 c 867 s 2; 1975 c 271 s 6

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

NOTE: The term "Legislative commission on Minnesota resources" will be changed to "Minnesota future resources commission" upon the approval of the constitutional amendment proposed in Laws 1988, chapter 690, article 1, section 1.

86.07 COMMISSION.

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

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

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

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

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

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

History: 1963 c 790 art 2 s 2; 1965 c 810 s 1,2

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.08 PERSONNEL.

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

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

History: 1963 c 790 art 2 s 3; 1965 c 810 s 3; 1985 c 248 s 70; 1986 c 444

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption

by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.09 [Repealed, 1967 c 867 s 10]

86.10 RESOURCES AND OPPORTUNITIES.

Subdivision 1. Appraisal and evaluation. The commission shall obtain and appraise all information available through private organizations and groups, utilizing to the fullest extent possible studies, data and reports previously prepared or currently in progress by public agencies, private organizations, groups, and others, concerning trends in population, leisure, transportation, and all other pertinent factors and shall determine the amount, kind, quality, and location of such outdoor recreation resources and opportunities as will be required by the year 2000.

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

Subd. 3. [Repealed, 1967 c 867 s 10]

History: 1963 c 790 art 2 s 5; 1965 c 810 s 4; 1967 c 867 s 3

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.11 DUTIES.

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

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

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

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

Subd. 5. Reports and recommendations. The commission shall present by November 15 of each even numbered year a report as of that time of its review, a compilation of its data, and its recommendations to the legislature. In addition the commission shall report to the legislature from time to time setting forth its findings as a result of its investigations and studies, and shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data compiled by the commission will be made available to any standing or interim committee of the legislature upon request of the chair of the respective committee.

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

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

the Boundary Waters Canoe Area, and shall review the subject of federal control and ownership as contrasted with the worth of state development and control. It shall report its findings and conclusions to the legislature.

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

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

History: 1963 c 790 art 2 s 6; 1965 c 810 s 5-7; 1967 c 867 s 4,5; 1974 c 406 s 61; 1986 c 444

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.12 COORDINATION OF MULTIPLE USES.

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

History: 1963 c 790 art 2 s 7

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

CONSERVATION WORK PROJECTS

86.31 CONSERVATION WORK PROJECTS.

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

History: 1963 c 790 art 7 s 1; 1969 c 1129 art 10 s 2; 1986 c 444

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.32 EMPLOYMENT OF NEEDY PERSONS.

For these purposes the commissioner of natural resources shall employ only needy persons from areas of economic distress except such skilled and supervisory personnel as may be needed.

History: 1963 c 790 art 7 s 2; 1969 c 1129 art 10 s 2

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.33 APPROVAL OF PROJECT BY GOVERNOR.

Subdivision 1. Manner of approval. All such projects shall be first approved by the governor upon the recommendation of the commissioner of natural resources and after consultation with the legislative advisory commission in the same manner as the governor consults with such commission in making expenditures from the general contingent fund as provided by section 3.30.

Subd. 2. Project coordination. The commissioner of natural resources shall develop a plan that establishes: a priority for unemployed youths who are economically, socially, physically, or educationally disadvantaged; the ways in which participants will be assisted in gaining ongoing employment or training upon completing the projects; the ways in which exclusive bargaining representatives are to be consulted in regard to the positions and job duties of persons employed in projects; and how the projects are coordinated with other publicly authorized or subsidized programs.

Subd. 3. Corps member status; fees. All camp staff except camp directors in the young adult program are corps members. Corps members are not eligible for unemployment compensation or other benefits except workers' compensation, and they are not employees of the state of Minnesota within the meaning of section 43A.02, subdivision 21. The commissioner may charge a fee for any service performed by the corps.

History: 1963 c 790 art 7 s 3; 1969 c 1129 art 10 s 2; 1975 c 271 s 6; 1Sp1985 c 14 art 9 s 3; 1986 c 444; 1987 c 403 art 2 s 4,5

NOTE: Upon the adoption of the constitutional amendment proposed in Laws 1988, chapter 690, article 1, section 1, subdivision 2, will be renumbered as 84.965, subdivision 1, and subdivision 3 will be renumbered as 84.965, subdivision 2. See Laws 1988, chapter 690, article 1, section 21.

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.34 PURPOSE.

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

History: 1963 c 790 art 7 s 4

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.35 ELIGIBILITY FOR EMPLOYMENT.

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

History: 1963 c 790 art 7 s 5; 1969 c 1129 art 10 s 2; 1985 c 248 s 70

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

ACQUISITION OF LAND

86.41 LAND ACQUISITIONS.

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

MINNESOTA STATUTES 1988

History: 1963 c 790 art 8 s 1; 1969 c 1129 art 10 s 2; 1976 c 239 s 20

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.42 APPROPRIATIONS.

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

Subd. 2. MS 1974 [Expired]

History: 1963 c 790 art 8 s 2; 1965 c 810 s 10; 1969 c 399 s 1

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

LETTING OF CONTRACTS

86.51 CONTRACTS, MANNER OF LETTING.

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

History: 1963 c 790 art 9 s 1; 1965 c 810 s 20

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

86.52 [Repealed, 1967 c 867 s 10]

86.53 EMPLOYEES.

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

History: 1963 c 790 art 9 s 3; 1969 c 1129 art 10 s 2

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

LIMITATIONS ON EXPENDITURES

86.61 EXPENDITURES.

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

History: 1963 c 790 art 10 s 1; 1965 c 5 s 1; 1975 c 271 s 3

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption

by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

NOTE: The term "legislative commission on Minnesota resources" will be changed to "Minnesota future resources commission" upon the approval of the constitutional amendment proposed in Laws 1988, chapter 690, article 1, section 1.

FEDERAL FUNDS

86.71 FEDERAL LAND AND WATER FUND; ACCEPTANCE OF FUNDS; DISTRIBUTION.

Subdivision 1. The governor is designated as the state agency to apply for, accept, receive and disburse federal funds and private funds which are granted to the state of Minnesota from the Federal Land and Water Fund Act.

Subd. 2. The governor may designate a state agency or agencies to act in applying for, receiving, and accepting federal funds under the provisions of subdivision 1. Such designation of a state department or agency shall be filed in the office of the secretary of state.

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

Subd. 4. Fifty percent of all money made available to the state from funds granted under subdivision 1 shall be distributed for projects to be acquired, developed and maintained by local units of government, providing that any project approved is consistent with a statewide or a county or regional recreational plan and compatible with the statewide recreational plan.

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

History: 1965 c 810 s 21; 1967 c 867 s 6,7; 1986 c 444

86.72 NATURAL RESOURCES FEDERAL REIMBURSEMENT ACCOUNT.

Subdivision 1. Except as otherwise specifically provided, federal reimbursements and match money received for the purposes described in this chapter, regardless of the source of state match, credit or value used to earn the reimbursement or match, other than the federal match for state money appropriated to the local recreation and natural areas grant-in-aid account, and other than the federal great river road money, shall in the first instance be credited to a federal receipt account by the state agency receiving the reimbursement or match. Any state department or agency, including the Minnesota historical society and the University of Minnesota, that receives reimbursements or matching money as described above shall transfer those amounts to the natural resources federal reimbursement account.

Subd. 2. Money appropriated from the account shall be expended for state land acquisition and development that is part of a natural resources acceleration activity, when the acquisition and development is deemed to be of an emergency or critical nature. In addition this money is available for studies initiated by the legislative commission on Minnesota resources that are found to be proper in order for the commission to carry out its legislative charge.

Subd. 3. Requests for allocation from the account for acquisition or development

shall be accompanied by a certificate signed jointly by the commissioner of trade and economic development and commissioner of natural resources, showing a review of the application against chapter 86A. Copies of the certification shall be submitted to the appropriate legislative committees and commissions. Appropriations from the account shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures.

Subd. 4. Any land and water conservation fund moneys received over and above the normal state apportionment from that fund are appropriated for the purposes of the reimbursement account. This appropriation is in addition to any amounts appropriated from the account as direct appropriations.

History: 1979 c 333 s 83; 1981 c 356 s 104; 1982 c 639 s 32; 1983 c 289 s 115 subd 1; 1987 c 312 art 1 s 26 subd 2

NOTE: The term "legislative commission on Minnesota resources" will be changed to "Minnesota future resources commission" upon the approval of the constitutional amendment proposed in Laws 1988, chapter 690, article 1, section 1.

DISTRIBUTION OF FUNDS TO LOCAL UNITS

86.75 REVIEWAL BY LOCAL UNITS; USE OF FUNDS.

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

History: 1967 c 867 s 8

NOTE: This section is repealed by Laws 1988, chapter 690, article 1, section 22, effective the day following adoption by the voters of the constitutional amendment proposed by Laws 1988, chapter 690, article 1, section 1. See Laws 1988, chapter 690, article 1, section 23.

CONTROL PROGRAMS

86.78 CONTROL OF PURPLE LOOSESTRIFE.

Subdivision 1. **Definition.** For the purpose of this section, "purple loosestrife" means *lythrum salicaria*.

Subd. 2. **Establishment of control program.** The commissioner of natural resources shall coordinate a control program to curb the growth of purple loosestrife. The commissioners of agriculture and transportation must aid and cooperate with the commissioner of natural resources to establish, implement, and enforce the control program.

History: 1987 c 404 s 107

NOTE: Upon the adoption of the constitutional amendment proposed in Laws 1988, chapter 690, article 1, section 1, this section will be renumbered as 84.966. See Laws 1988, chapter 690, article 1, section 21.