

## CHAPTER 84

## DEPARTMENT OF NATURAL RESOURCES

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**84.025 CONTRACTS FOR PROFESSIONAL AND MAINTENANCE SERVICES.**

*[For text of subs 7 and 8, see M.S.1988]*

Subd. 9. **Professional services support account.** The commissioner of natural resources may bill the various programs carried out by the commissioner for the costs of providing them with professional support services. Receipts must be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

The commissioner of natural resources shall submit to the commissioner of finance before the start of each fiscal year a work plan showing the estimated work to be done during the coming year, the estimated cost of doing the work, and the positions and fees that will be necessary. This account is exempted from statewide and agency indirect cost payments.

**History:** 1989 c 335 art 1 s 66

**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 office take and subscribe an oath to faithfully and impartially discharge the duties as appraiser according to the best of the appraiser's ability and that the appraiser 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 may pay less than the appraised value, but shall not agree to pay more than ten percent above the appraised value, except that if the commissioner pays less than the appraised value for a parcel of land, the difference between the purchase price and the appraised value may be used to apply to purchases at more than the appraised value. The sum of accumulated differences between appraised amounts and purchases for more than the appraised amount may not exceed the sum of accumulated differences between appraised amounts and purchases for less than the appraised amount. New appraisals may be made at the discretion of the commissioner of natural resources.

**History:** 1989 c 335 art 1 s 67

**84.0274 LANDOWNERS' BILL OF RIGHTS.**

*[For text of subs 1 to 7, see M.S.1988]*

Subd. 8. **Exception for railroad right-of-way acquisitions.** When the commissioner of natural resources acquires abandoned railroad right-of-way from a railroad, railroad holding company, or similar entity, any or all of the provisions of this section may be waived by mutual agreement of the commissioner and the landowner.

**History:** 1989 c 335 art 1 s 68

**84.0276 LAND TRANSFERS BY A FEDERAL AGENCY.**

Before the commissioner of natural resources accepts agricultural land or a farm homestead transferred in fee by a federal agency, the commissioner must consult with the board of water and soil resources for a determination of marginal land, tillable farmland, and farm homestead. The commissioner must comply with the acquisition procedure under section 97A.145, subdivision 2, if the agricultural land or farm homestead was in an agricultural preserve as provided in section 40A.10.

**History:** 1989 c 350 art 6 s 1; 1989 c 353 s 7

**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. Lands and interests in lands so received may be sold or exchanged as provided in chapter 94.

The commissioner may accept for and on behalf of the permanent school fund a donation of lands, interest in lands, or improvements on lands. A donation so received shall become state property, be classified as school trust land as defined in section 92.025, and be managed consistent with section 120.85.

**History:** 1989 c 51 s 1

**84.0911 WILD RICE MANAGEMENT ACCOUNT.**

Subdivision 1. [Repealed, 1989 c 335 art 4 s 109]

*[For text of subd 2, see M.S.1988]*

Subd. 3. [Repealed, 1989 c 335 art 4 s 109]

**84.0921 EURASIAN WATER MILFOIL EDUCATION AND MANAGEMENT.**

Subdivision 1. **Definition.** For the purpose of this section, "Eurasian water milfoil" means *myriophyllum spicatum*.

Subd. 2. **Inventory.** The commissioner of natural resources shall inventory and monitor the growth of Eurasian water milfoil on lakes in the state. The commissioner may use volunteers to aid in the inventory effort.

Subd. 3. **Education.** The commissioner shall publish and distribute informational materials to lakeshore owners and boaters on the control problems of Eurasian water milfoil.

Subd. 4. **Management.** The commissioner shall coordinate a control program to manage the growth of Eurasian water milfoil with appropriate local units of government, special purpose districts, and lakeshore associations. Technical assistance may be provided by the commissioner upon request.

Subd. 5. **Research.** The commissioner shall initiate cooperative research with the Freshwater Foundation and the University of Minnesota freshwater biological institute to study the use of nonchemical methods, including biological control agents, for control of Eurasian water milfoil.

**History:** 1989 c 335 art 1 s 69

**84.152 WILD RICE.**

*[For text of subds 1 to 4, see M.S.1988]*

Subd. 5. [Repealed, 1989 c 350 art 19 s 2]

*[For text of subd 6, see M.S.1988]*

**84.57** [Repealed, 1989 c 326 art 3 s 48]

**84.58** [Repealed, 1989 c 326 art 3 s 48]

**84.59** [Repealed, 1989 c 326 art 3 s 48]

**84.60** [Repealed, 1989 c 326 art 3 s 48]

**84.61** [Repealed, 1989 c 326 art 3 s 48]

**84.611** [Repealed, 1989 c 326 art 3 s 48]

**84.62** [Repealed, 1989 c 326 art 3 s 48]

**84.621** [Repealed, 1989 c 326 art 3 s 48]

**84.83 DISPOSITION OF RECEIPTS; DEDICATED ACCOUNT.**

Subdivision 1. **Creation.** There is created in the state treasury an account known as the snowmobile trails and enforcement account in the natural resources fund.

*[For text of subds 2 and 3, see M.S.1988]*

**History:** 1989 c 335 art 4 s 17

**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 rules 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 the commissioner 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. Section 169.09 applies to the operation of snowmobiles anywhere in the state or on the ice of any boundary water of the state.

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

*[For text of subs 1a to 3, see M.S.1988]*

**History:** 1989 c 331 s 2

## 84.92 DEFINITIONS.

Subdivision 1. **Scope.** The definitions in this section apply to sections 84.92 to 84.9291.

*[For text of subd 1a, see M.S.1988]*

Subd. 1b. **Accompanied.** "Accompanied" means being subject to continuous direction or control.

Subd. 1c. **Agricultural purpose.** "Agricultural purpose" means used exclusively for an agricultural use as defined in subdivision 1d.

Subd. 1d. **Agricultural use.** "Agricultural use" means use in agriculturally related activities or harvesting of wood for commercial or firewood purposes by any person.

Subd. 1e. **City.** "City" means a home rule charter or statutory city.

*[For text of subs 2 to 6, see M.S.1988]*

Subd. 6a. **Public road right-of-way.** "Public road right-of-way" means the entire right-of-way of a public road, including the traveled portions, banks, ditches, shoulders, and medians of a roadway, that is not privately owned.

*[For text of subs 7 and 8, see M.S.1988]*

**History:** 1989 c 331 s 3-8

## 84.922 REGISTRATION.

Subdivision 1. **General requirements.** Unless exempted in subdivision 1a, a person may not operate and an owner may not give permission for another to operate an all-terrain vehicle within the state unless the vehicle has been registered with the commissioner of natural resources, or is exempt from registration.

Subd. 1a. **Exemptions.** All-terrain vehicles exempt from registration are:

- (1) vehicles owned and used by the United States, the state, another state, or a political subdivision;
- (2) vehicles registered in another state or country that have not been in this state for more than 30 consecutive days; and
- (3) vehicles used exclusively in organized track racing events.

*[For text of subd 2, see M.S.1988]*

Subd. 2a. **Private use registration.** All-terrain vehicles may be registered for private use that are used exclusively for private or agricultural use or used exclusively on private property. Private use registration is valid from the date of issuance until ownership of the all-terrain vehicle is transferred. Private or agricultural use registrations are not transferable.

Subd. 3. **Registration card.** The commissioner shall provide to the registrant a registration card that includes the registration number, the date of registration, the make and serial number of the vehicle, the owner's name and address, and additional information the commissioner may require. Information concerning each registration shall be retained by the commissioner. Upon a satisfactory showing that the registration card has been lost or destroyed the commissioner shall issue a replacement registration card upon payment of a fee of \$4. The fees collected from replacement registration cards shall be deposited in the all-terrain vehicle account in the natural resources fund.

*[For text of subd 4, see M.S.1988]*

Subd. 5. **Fees for registration.** (a) The fee for a three-year registration of an all-terrain vehicle under this section, other than those registered by a dealer or manufacturer under paragraph (b) or (c), is:

- (1) for public use, \$18;
- (2) for private use, \$6; and
- (3) for a duplicate or transfer, \$4.

(b) The total registration fee for all-terrain vehicles owned by a dealer and operated for demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.

(c) The total registration fee for all-terrain vehicles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes is \$150 per year. Manufacturer registrations are not transferable.

(d) The fees collected under this subdivision must be credited to the all-terrain vehicle account.

*[For text of subs 6 and 7, see M.S.1988]*

Subd. 8. [Repealed, 1989 c 331 s 26]

*[For text of subs 9 and 10, see M.S.1988]*

**History:** 1989 c 331 s 9-12; 1989 c 335 art 4 s 18

#### **84.924 RULEMAKING; ACCIDENT REPORT.**

*[For text of subs 1 and 2, see M.S.1988]*

Subd. 3. **Accident report; requirement and form.** The operator and an officer investigating an accident of an all-terrain vehicle involved in an accident resulting in injury requiring medical attention or hospitalization to or death of a person or total damage to an extent of \$300 or more shall within ten days forward a written report of the accident to the commissioner of natural resources on a form prescribed by either the commissioner of natural resources or by the commissioner of public safety.

**History:** 1989 c 331 s 13.

#### **84.925 EDUCATION AND TRAINING PROGRAM.**

*[For text of subd 1, see M.S.1988]*

Subd. 2. [Repealed, 1989 c 331 s 26]

**84.9256 YOUTHFUL OPERATORS; PROHIBITIONS.**

Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public road rights-of-way that is permitted under section 84.928, a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an all-terrain vehicle on a public road right-of-way in the state; or

(3) operate an all-terrain vehicle on public lands or waters.

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied on another all-terrain vehicle by a person 18 years of age or older who holds a valid driver's license.

(d) All-terrain vehicle safety certificates issued by the commissioner to persons 12 years old, but less than 16 years old, are not valid for machines in excess of 90cc engine capacity.

Subd. 2. **Helmet required.** A person less than 18 years of age shall not operate an all-terrain vehicle on public land, public waters, or on a public road right-of-way unless wearing a safety helmet approved by the commissioner of public safety.

Subd. 3. **Prohibitions on owner.** An owner of an all-terrain vehicle may not knowingly allow it to be operated contrary to this section.

*[For text of subd 4, see M.S.1988]*

**History:** 1989 c 331 s 14-16

**84.927 REGISTRATION FEES; UNREFUNDED GASOLINE TAX; ALLOCATION.**

Subdivision 1. **Registration revenue.** Fees from the registration of all-terrain vehicles and the unrefunded gasoline tax attributable to all-terrain vehicle use under section 296.16 shall be deposited in the state treasury and credited to the all-terrain vehicle account in the natural resources fund.

*[For text of subd 2, see M.S.1988]*

**History:** 1989 c 335 art 4 s 19

**84.928 OPERATION REQUIREMENTS; LOCAL REGULATION.**

Subdivision 1. **Operation on roads and rights-of-way.** (a) A person shall not operate an all-terrain vehicle along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way other than in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway in this state unless otherwise allowed in sections 84.92 to 84.929.

(b) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state if the all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.

(c) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands.

(d) A person shall not operate an all-terrain vehicle within the public road right-of-way of a 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 the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

(e) A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

**Subd. 1a. Crossings of a public road right-of-way.** (a) An all-terrain vehicle may make a direct crossing of a public road right-of-way provided:

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

(2) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the road;

(3) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;

(4) in crossing a divided road, the crossing is made only at an intersection of the road with another public road; 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.

(b) An all-terrain vehicle may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, or roadway shoulder or inside bank of a public road right-of-way when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge or obstacle, and the crossing is made without undue delay.

(c) A person shall not operate an all-terrain vehicle upon a public street or highway unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rules of the commissioner, and with brakes conforming to standards prescribed by rule of the commissioner, and all of which are subject to the approval of the commissioner of public safety.

(d) An all-terrain vehicle may be operated upon a public road right-of-way other than as provided by paragraph (b) in an emergency during the period of time when and at locations where the condition of the roadway renders travel by automobile impractical.

(e) Chapter 169 applies to the operation of all-terrain vehicles upon streets and highways, except for those provisions relating to required equipment and except those provisions which by their nature have no application.

(f) A sled, trailer, or other device being towed by an all-terrain vehicle must be equipped with reflective materials as required by rule of the commissioner.

(g) A driver's license is not required to operate an all-terrain vehicle along or on a public road right-of-way if the right-of-way encompasses a trail administered by the commissioner and designated for all-terrain vehicle use or multiple use.

(h) A road authority as defined in section 160.02, subdivision 9, may by permit designate corridor access trails on public road rights-of-way for purposes of accessing established all-terrain vehicle trails. A driver's license is not required to operate an all-terrain vehicle on a designated corridor access trail.

**Subd. 2. Operation generally.** A person may not drive or operate an all-terrain vehicle:

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

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

(3) without headlight and taillight lighted at all times if the vehicle is equipped with headlight and taillight;

- (4) without a functioning stoplight if so equipped;
- (5) in a tree nursery or planting in a manner that damages or destroys growing stock;
- (6) without a brake operational by either hand or foot;
- (7) with more persons on the vehicle than it was designed for;
- (8) at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or
- (9) in a manner that violates operation rules adopted by the commissioner.

*[For text of subs 3 to 5, see M.S.1988]*

**Subd. 6. Regulations by political subdivisions.** (a) Notwithstanding any law to the contrary, a city or town, acting through its governing body, may by resolution or ordinance prohibit the operation of all-terrain vehicles on city streets or town roads in its jurisdiction provided the regulations are otherwise consistent with sections 84.92 to 84.929.

(b) A county or city, or a town acting by its town board, may regulate the operation of all-terrain vehicles on public lands, waters, and property under its jurisdiction other than public road rights-of-way within its boundaries, by resolution or ordinance of the governing body and by giving appropriate notice, provided:

(1) the regulations must be consistent with sections 84.92 to 84.929 and rules adopted under section 84.924;

(2) an ordinance may not impose a fee for the use of public land or water under the jurisdiction of either the department of natural resources or other agency of the state, or for the use of an access to it owned by the state or a county or a city; and

(3) an ordinance may not require an all-terrain vehicle operator to possess a motor vehicle driver's license while operating an all-terrain vehicle.

(c) Notwithstanding any law to the contrary, a county board by ordinance may allow the operation of all-terrain vehicles on the road right-of-way shoulder, or inside bank or slope of a county highway or county state-aid highway, if:

(1) the highway is in the agricultural zone; or

(2) safe operation in the ditch or outside slope is impossible, and the county posts the appropriate notice.

**Subd. 7.** [Repealed, 1989 c 331 s 26]

**History:** 1989 c 331 s 17-19

#### **84.929 PENALTIES.**

Any person who violates any provision of sections 84.92 to 84.928 or rules of the commissioner is guilty of a misdemeanor.

**History:** 1989 c 331 s 20

#### **84.95 REINVEST IN MINNESOTA RESOURCES FUND.**

*[For text of subd 1, see M.S.1988]*

**Subd. 2. Purposes and expenditures.** Money from the reinvest in Minnesota resources fund may only be spent for the following fish and wildlife conservation enhancement purposes:

(1) development and implementation of the comprehensive fish and wildlife management plan under section 84.942;

(2) implementation of the conservation reserve program established by section 40.43;

(3) soil and water conservation practices to improve water quality, reduce soil erosion and crop surpluses;



- (4) enhancement of fish and wildlife habitat on lakes, streams, wetlands, and public and private forest lands;
- (5) acquisition and development of public access sites and recreation easements to lakes, streams, and rivers for fish and wildlife oriented recreation;
- (6) matching funds with government agencies, federally recognized Indian tribes and bands, and the private sector for acquisition and improvement of fish and wildlife habitat;
- (7) research and surveys of fish and wildlife species and habitat;
- (8) enforcement of natural resource laws and rules;
- (9) information and education;
- (10) implementing the aspen recycling program under section 88.80 and for other forest wildlife management projects; and
- (11) necessary support services to carry out these purposes.

*[For text of subd 3, see M.S.1988]*

**History:** 1989 c 353 s 8

#### **84.965 APPROVAL OF PROJECT BY GOVERNOR.**

**Subdivision 1. 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. 2. 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; 1988 c 690 art 1 s 21

#### **84.966 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; 1988 c 609 art 1 s 21

#### **84.975 SHORELAND MANAGEMENT GRANTS.**

**Subdivision 1. Purposes.** The commissioner of natural resources may make grants to local governments:

- (1) to administer, monitor, and enforce state approved shoreland management ordinances;
- (2) to adopt shoreland management ordinances consistent with statewide standards;
- (3) to develop comprehensive lake by lake or river shoreland management strategies that provide a unique plan to guide activities on and adjacent to a lake or river; and

(4) to implement elements of a comprehensive lake or river management strategy.

**Subd. 2. Action on grant applications.** Upon receipt of a request for a shoreland management grant, the commissioner of natural resources must confer with the local government requesting the grant and may make a grant based on the following considerations:

- (1) the number and classification of lakes and rivers in the jurisdiction of the local government;
- (2) the extent of current shoreland development;
- (3) the development trends for the lakes and rivers;
- (4) the miles of lake and river shoreline;
- (5) whether the shoreland management ordinance or regulation adopted by the local government meets the minimum standards established by the commissioner;
- (6) the degree and effectiveness of administration, enforcement, and monitoring of the existing shoreland ordinances;
- (7) the ability of the local government to finance the program or project; and
- (8) the degree to which the program considers a comprehensive approach to lake or river management including land use, recreation, water levels, surface water use, fish, wildlife, and water quality that may be secondary to the other elements.

**Subd. 3. Limitations.** The maximum annual shoreland management grant to local government for purposes of subdivision 1, clauses (1) and (2), may not exceed the local contribution to the shoreland management activity. Any federal program aid for shoreland management shall serve to reduce the state and local contribution to the activity.

**History:** 1989 c 335 art 1 s 266

#### **84.98 MINNESOTA CONSERVATION CORPS.**

**Subdivision 1. Establishment.** The Minnesota conservation corps is established and is under the supervision of the commissioner of natural resources.

**Subd. 2. Plan.** (a) The commissioner of natural resources shall develop a plan for the Minnesota conservation corps to provide:

- (1) equal opportunities of employment for youths with preference given to youths who are economically, socially, physically, or educationally disadvantaged and youths residing in areas of substantial unemployment;
- (2) equal opportunity for female and male youths;
- (3) summer youth programs and year-round young adult programs;
- (4) ways in which exclusive bargaining representatives are to be involved in regard to the planning and implementation of positions and job duties of persons employed in projects;
- (5) methods for coordinating the programs of the Minnesota conservation corps with other publicly authorized or subsidized programs in cooperation with the commissioners of education and jobs and training, the governor's job training council, and other state and local youth service and education entities;
- (6) programs for participants to be assisted in gaining employment or training upon completing the projects, including, where feasible, in cooperation with the department of jobs and training and educational agencies, arranging for career assessment and planning services designed to enhance participant transition from the Minnesota conservation corps to future employment or education;
- (7) a remedial education component utilizing, as resources permit and where feasible, the services of the department of jobs and training and educational agencies including instruction in life skills and basic remedial skills for participants who are deficient in the skills or who have not completed high school;
- (8) the manner of allocating the services of Minnesota conservation corps members to the various divisions of the department of natural resources, to other state, local,

and federal governmental conservation and natural resource managers, and to federally recognized Indian tribes or bands;

(9) standards of conduct and other operating guidelines for Minnesota conservation corps members; and

(10) a determination of preference for projects that will provide long-term benefits to the public, will provide productive work and public service experience to Minnesota conservation corps members, will be primarily labor intensive, and will provide a significant return on taxpayer investment.

(b) The commissioner shall establish the plan notwithstanding chapter 14. No later than July 1, 1990, the plan established under this paragraph shall be adopted under the rulemaking provisions of chapter 14.

**Subd. 3. Criteria for determining economic, social, physical, or educational disadvantage.** (a) The criteria for determining economic, social, physical, or educational disadvantage shall be determined as provided in this subdivision.

(b) Economically disadvantaged are persons who meet the criteria for disadvantaged established by the department of jobs and training or persons receiving services provided by the department of human services such as welfare payments, food stamps, and aid to families with dependent children.

(c) Socially disadvantaged are persons who have been classified as persons in need of supervision by the court system.

(d) Physically disadvantaged are persons who have been identified as having special needs by public agencies that deal with employment for the disabled.

(e) Educationally disadvantaged are persons who have dropped out of school or are at risk of dropping out of school and persons with learning disabilities or in need of special education classes.

**Subd. 4. Requirements for eligibility for enrollment in the corps.** A person is eligible to enroll in the Minnesota conservation corps if the person is:

(1) a permanent resident of the state;

(2) unemployed or underemployed;

(3) at least age 15, but not older than age 26 years;

(4) free from medical or behavioral problems that would render an individual unable to adjust to the standards, discipline, or requirements of the corps; and

(5) in the young adult program, the person must have a high school diploma or equivalent, or agree to work towards a high school diploma or equivalent while participating in the program.

**Subd. 5. Corps member status.** Minnesota conservation corps members are not eligible for unemployment compensation or other benefits except workers' compensation, and are not employees of the state within the meaning of section 43A.02, subdivision 21.

**Subd. 6. Fees.** The commissioner may charge a fee for any service performed by the Minnesota conservation corps.

**Subd. 7. Limitations on Minnesota conservation corps projects.** Each employing agency must certify that the assignment of Minnesota conservation corps members will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay off, reduce the seasonal hours, or reduce the working hours of any employee for the purpose of using a corps member with available funds. The positions and job duties of persons employed in projects shall be submitted to affected exclusive representatives prior to actual assignment.

**Subd. 8. Expenditure of corps funds.** The commissioner shall allocate money received for Minnesota conservation corps work projects. An appropriation from a special revenue fund or account to the commissioner for Minnesota conservation corps

programs must be spent for projects that are consistent with the purposes of the fund or account from which the appropriation was made.

**History:** 1989 c 335 art 1 s 70

#### **84.99 WORK CREWS; ALLOCATION OF FUNDS.**

The commissioner of natural resources is authorized to provide work crews to the 14 forested counties that operate land departments under chapter 282. Any money appropriated for these crews must be used for forestry-related programs using participants of the Minnesota conservation corps.

The money must be apportioned to the counties in the proportion that each county's managed commercial forest land is to the managed commercial forest land in all 14 counties. If a county does not use all of its share, the commissioner shall reallocate the balance to those of the 14 counties whose Minnesota conservation corps program was not fully supported by the first allocation for either year. The reallocation must be based on the proportion that commercial forest lands in each county to receive the reallocated money is to the managed commercial forest land in all of the counties receiving a reallocation.

**History:** 1989 c 335 art 1 s 71