

CHAPTER 85

DIVISION OF PARKS AND RECREATION

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85.015 STATE TRAILS.

[For text of subd 1, see M.S.1992]

Subd. 1a. **Private subsurface use of trails.** Notwithstanding section 272.68, subdivision 3, the commissioner may issue a permit, without a fee, to allow a person who owns land adjacent to a trail established under this section on land owned by the state in fee to continue a subsurface use of the trail right-of-way, if:

- (1) the person was carrying on the use when the state acquired the land for the trail; and
- (2) the use does not interfere with the public's use of the trail.

[For text of subds 2 to 16, see M.S.1992]

History: 1993 c 285 s 4

85.0155 LAKE SUPERIOR WATER TRAIL.

Subdivision 1. **Creation.** A water trail is created along the Lake Superior shoreline from Park Point in Duluth to the border with Canada. The trail must be primarily developed for kayakers and campers, using existing public lands for designated rest areas.

Subd. 2. **Commissioner's duties.** The commissioner of natural resources must coordinate the creation of the water trail by placing signs for rest areas along the lake and working with other public agencies and private resorts owning land along the lake to do the same. At the earliest opportunity, the commissioner shall make available a water trail map depicting the designated rest areas for the touring public.

Subd. 3. **Gifts; donations.** The commissioner of natural resources is authorized to accept donations of land, or easements in land, for rest areas along the Lake Superior water trail, and may seek and accept money for this purpose from other public and private sources.

History: 1993 c 143 s 1

85.018 TRAIL USE; VEHICLES REGULATED, RESTRICTED.

Subdivision 1. **Definitions.** For the purposes of this section:

- (a) "All-terrain vehicle" has the meaning given in section 84.92, subdivision 8.
- (b) "Commissioner" means the commissioner of the state agency from which the grants-in-aid are received.
- (c) "Off-road vehicle" has the meaning given in section 84.797, subdivision 7.
- (d) "Snowmobile" has the meaning given in section 84.81, subdivision 3.
- (e) "Trail" means a recreational trail that is funded in whole or in part by state grants-in-aid to a local unit of government.

Subd. 2. **Authority of local government.** (a) A local government unit that receives state grants-in-aid for any trail, with the concurrence of the commissioner, and the landowner or land lessee, may:

- (1) designate the trail for use by snowmobiles or for nonmotorized use from December 1 to April 1 of any year; and

(2) issue any permit required under subdivisions 3 to 5.

(b) A local government unit that receives state grants-in-aid under section 84.794, subdivision 2, 84.803, subdivision 2, or 84.927, subdivision 2, for any trail, with the concurrence of the commissioner, and landowner or land lessee, may:

(1) designate the trail specifically for use at various times of the year by all-terrain or off-road vehicles or off-highway motorcycles, for nonmotorized use such as ski touring, snowshoeing, and hiking, and for multiple use, but not for motorized and nonmotorized use at the same time; and

(2) issue any permit required under subdivisions 3 to 5.

(c) A local unit of government that receives state grants-in-aid for any trail, with the concurrence of the commissioner and landowner or land lessee, may designate certain trails for joint use by snowmobiles, off-highway motorcycles, all-terrain and off-road vehicles.

Subd. 3. Motorized use; permits, restrictions. Permits may be issued for motorized vehicles, other than those designated, to use a trail designated for use by snowmobiles, off-highway motorcycles, all-terrain or off-road vehicles. Notice of the permit must be conspicuously posted, at the expense of the permit holder, at no less than one-half mile intervals along the trail, for the duration of the permit. Permits shall require that permit holders return the trail and any associated facility to their original condition if any damage is done by the permittee. Limited permits for special events such as races may be issued and shall require the removal of any trail markers, banners and other material used in connection with the special event.

[For text of subd 4, see M.S.1992]

Subd. 5. Motorized vehicle trails restricted. (a) From December 1 to April 1 in any year no use of a motorized vehicle other than a snowmobile, unless authorized by permit, lease or easement, shall be permitted on a trail designated for use by snowmobiles.

(b) From December 1 to April 1 in any year no use of a motorized vehicle other than an all-terrain or off-road vehicle and an off-highway motorcycle, unless authorized by permit, shall be permitted on a trail designated for use by all-terrain vehicles, off-road vehicles, or both, and off-highway motorcycles.

[For text of subds 6 to 8, see M.S.1992]

History: 1993 c 311 art 1 s 11-13; art 2 s 10-13

85.019 GRANTS-IN-AID FOR RECREATIONAL BETTERMENT.

Subdivision 1. Definitions. (a) For purposes of this section, the terms in this subdivision have the meanings given, except as otherwise expressly provided or indicated by the context.

(b) "Athletic courts" means special surface area and supporting equipment or structures, such as nets, hoops, and walls, that can be used for active games that have definite boundaries and are played on a marked surface, limited to basketball, volleyball, handball, and tennis.

(c) "Metropolitan council" and "metropolitan area" have the meanings given in section 473.121.

(d) "Unit of government" means a county, city and home rule charter city, town, school district, public post-secondary educational institution, special park district, or an elected park and recreation board having control over parks, parkways, playgrounds, and trees in a city of the first class.

Subd. 2. Grants for parks and trails. The commissioner shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States Office of Management and Budget, but outside of the metropolitan area defined in section 473.121. The grants shall be for acquisition and betterment by units of government of public land and improvements

needed for parks, trails, conservatories, zoos, and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. Appropriations made for this purpose 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. The local contribution required shall be not less than ten percent. The program shall be administered so as to ensure the maximum possible use of available federal money.

Subd. 3. Grants for trails in local parks. The commissioner shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for recreational trails in parks owned and operated by units of government. A grant shall not exceed 40 percent of the costs of the betterment of the trail. To be eligible for a grant, a unit of government must provide at least ten percent of the cost of the betterment of the trail.

Subd. 4. Grants for local outdoor athletic courts. The commissioner shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for local athletic courts. A grant may not exceed 50 percent of the costs of the betterment of the athletic court. To be eligible for a grant, a unit of government must provide at least 50 percent of the costs of the betterment of the athletic court. In making grants the commissioner shall consider, among other factors, evidence of cooperation between units of government, local need and available financial resources, and court locations that encourage maximum use, patronage, and availability.

Subd. 5. Powers; rules. The commissioner has all powers necessary and convenient to establish programs for recreational betterment grants-in-aid for parks, trails, and athletic courts under this section, including the authority to adopt rules for the program under chapter 14.

History: 1993 c 172 s 35

85.045 ADOPT-A-PARK PROGRAM.

[For text of subd 1, see M.S.1992]

Subd. 2. Purpose. The purpose of the program is to encourage business and civic groups or individuals to assist, on a volunteer basis, in improving and maintaining state parks, state recreation areas, monuments, historic sites, and trails.

[For text of subds 3 and 4, see M.S.1992]

History: 1993 c 172 s 36

85.22 STATE PARKS WORKING CAPITAL FUND.

[For text of subd 1, see M.S.1992]

Subd. 2a. Receipts, appropriation. All receipts derived from the rental or sale of state park items and operation of Douglas Lodge shall be deposited in the state treasury and be credited to the state parks working capital account. Receipts and expenses from Douglas Lodge shall be tracked separately within the account. Money in the account is annually appropriated for the purchase and payment of expenses attributable to items for resale or rental and operation of Douglas Lodge. Any excess receipts in this account are annually appropriated for state park management and interpretive programs.

[For text of subd 3, see M.S.1992]

History: 1993 c 172 s 37

85.41 USER FEES.

[For text of subd 1, see M.S.1992]

Subd. 2. **License agents.** County auditors are appointed agents of the commissioner for the sale of cross-country ski passes. The commissioner may appoint other state agencies as agents for the sale of passes. A county auditor may appoint subagents within the county or within adjacent counties to sell passes. Upon appointment the auditor shall notify the commissioner of the name and address of the subagent. The auditor may revoke the appointment of a subagent, and the commissioner may revoke the appointment of a state agency, at any time. Upon demand of the commissioner, the auditor shall revoke a subagent's appointment. The auditor shall furnish pass blanks on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the blanks to be consigned to that subagent. A surety bond is not required of a state agency appointed by the commissioner. The county auditor shall be responsible for all blanks issued to, and user fees received by agents, except in St. Louis county or in a county where the county auditor does not retain fees paid for license purposes. In these counties, the responsibilities imposed upon the county auditor are imposed upon the county. The commissioner may promulgate additional rules as provided in section 97A.485, subdivision 11.

Any resident desiring to sell cross-country ski passes may either purchase for cash or obtain on consignment pass blanks from a county auditor in groups of not less than ten individual blanks. In selling passes, the resident shall be deemed a subagent of the county auditor and the commissioner, and shall observe all rules promulgated by the commissioner for the accounting and handling of licenses pursuant to section 97A.485, subdivision 11.

The county auditor shall promptly deposit all monies received from the sale of passes with the county treasurer, and shall promptly transmit any reports required by the commissioner, plus 96 percent of the price to each pass holder, exclusive of the issuing fee, for each pass sold or consigned by the auditor and subsequently sold to a pass holder during the accounting period. The county auditor shall retain as a commission four percent of all pass fees, excluding the issuing fee for passes consigned to subagents and the issuing fee on passes sold by the auditor to pass holders.

Unsold blanks in the hands of any subagent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner. Any blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the subagent possessing the same or to whom they are charged shall be accountable.

[For text of subds 3 to 5, see M.S.1992]

History: 1993 c 231 s 3

85.45 PENALTIES.

Subdivision 1. **Skiing without pass.** No person may ski on a public cross-country ski trail, including a grant-in-aid cross-country ski trail, without a valid cross-country ski pass. Effective July 1, 1984, any person who violates this subdivision is guilty of a petty misdemeanor.

Subd. 2. **False statements.** A person who knowingly makes a false statement related to an application for a cross-country ski pass is guilty of a petty misdemeanor.

History: 1993 c 231 s 4