

PUBLIC DOMAIN; CONSERVATION

CHAPTER 84

DEPARTMENT OF CONSERVATION

NOTE: L. 1925, c. 426, art. 4, created a department of conservation under the supervision of a commission consisting of the commissioner of forestry and fire prevention, the commissioner of game and fish, each appointed by the governor, and the state auditor, who by statute, was ex-officio commissioner of lands and timber.

L. 1931, c. 186, provided for a commission consisting of five members appointed by the governor with power to employ a conservation commissioner, the department to be organized under four divisions. To the duties taken over from the former department were added those of the commissioner of drainage and waters, and of the state auditor as far as his duties related to public lands, timber, waters, and minerals of the state.

Under the provisions of L. 1943, c. 60, the department was reorganized and placed under the supervision of a commissioner appointed by the governor. Greatly increased jurisdiction, powers and duties were imposed upon the department. The department was organized into six divisions: forestry, water resources and engineering, game and fish, lands and minerals, state parks, and a tourist bureau. The tourist bureau was transferred to the business research and development bureau by L. 1947, c. 587, s. 17.

84.025 CREATION AND ORGANIZATION.

Amended by L. 1947, c. 609, s. 25.

NOTE: Digests of special acts relating to the protection of game and fish in various counties may be found as footnotes to G.S. 1878, c. 20, s. 34, and G.S. 1894, s. 2192.

State-wide protection was afforded to deer, elk, grouse, and prairie chicken by L. 1858, c. 19; L. 1861, c. 55; L. 1864, c. 60; G.S. 1866, c. 20; L. 1871, c. 33; L. 1872, c. 92; L. 1873, c. 22; L. 1874, cc. 38 to 41; L. 1875, c. 126; L. 1877, c. 57; L. 1878, c. 40; L. 1879, c. 23.

Mink, muskrat, otter, and beaver were protected under L. 1875, c. 134, and game generally under L. 1881, c. 143; L. 1887, c. 122; L. 1889, cc. 205, 206, 207; L. 1891, c. 9; L. 1893, c. 124.

L. 1874, c. 38, as amended and codified in G.S. 1878, c. 20, is a complete code for the protection of game.

L. 1875, c. 152, amended by L. 1878, c. 42, provided for a commission of three commissioners appointed by the governor, whose duties were to distribute the fish and spawn quota received from the federal commissioner of fisheries. These sections were amended by L. 1889, cc. 205, 206, 207.

All the game and fish laws were codified and a board of game and fish commissioners created by L. 1891, c. 9, superseded by L. 1893, c. 124, and codified in G.S. 1894, c. 20.

These laws were rewritten, L. 1903, c. 336, and again by L. 1905, c. 344, and are found in R.L. 1905, c. 32, and in G.S. 1913, ss. 4756 to 4910 and 8805.

Laws relating to wild animals were completely revised, codified, and rearranged by L. 1919, c. 400; and are found in Mason's Statutes 1927, c. 32.

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A department of conservation, consisting of the commissioners of forestry, game and fish, and lands and timber, was created by L. 1925, c. 426.

L. 1931, c. 186, provided for a conservation commission of five members; and L. 1937, c. 310, abolished the commission and imposed its duties on a single commissioner.

The laws relating to game and fish, Chapters 97 to 102, were completely revised by L. 1945, c. 248.

Conservation of natural resources and legal control. 18 MLR 168.

84.027 POWERS AND DUTIES.

The county auditor's certificate of forfeiture, filed according to law, is prima facie evidence that absolute title has vested in the state by reason of forfeiture for delinquent taxes as certified in the instrument. OAG April 26, 1944 (409-B-3).

84.03 ADDITIONAL DUTIES AND POWERS.

Administrative determination of public land controversies. 9 MLR 420, 542, 638.

84.031 COMMISSIONER MAY BRING ACTION TO ENJOIN INTERFERENCE WITH WATERFLOW FROM BEYOND STATE BOUNDARIES.

HISTORY. 1947, c. 414, s. 1.

84.081 DIVISIONS OF DEPARTMENT.

Amended by L. 1947, c. 587, s. 17.

Where 15 acres of a 40 acre tract was lakebed a resurvey is permissible for purposes of adjustment. OAG March 12, 1945 (983-M).

84.082 VACANCIES.

An appointee who assumed and performed the duties of the suspended commissioner is a defacto official though he did not take the oath of office. State ex rel v Strunk, 219 M 529, 18 NW(2d) 457.

84.085 ACCEPTANCE OF GIFTS.

Limitation on acceptance of gifts of money. OAG Dec. 21, 1945 (454-F).

84.09 CONSERVATION OF WILD RICE.

Whether proposed use of state-owned land by federal government as an Indian reserve to conserve wild rice for the Chippewa Indians permanently would be more advantageous to the public, so as to warrant taking of the land by the United States by eminent domain, than the state's present use of the land as a public hunting ground and game refuge, with reservation of such Indians' rights to harvest wild rice thereon, is a "legislative" and not a "judicial question." Minnesota v United States, 125 F(2d) 636.

84.10 HARVESTED IN CERTAIN LAKES.

Amended by L. 1947, c. 424, s. 1.

84.11 CERTAIN BOATS AND DEVICES PROHIBITED.

Repealed by L. 1947, c. 424, s. 6.

84.12 UNLAWFUL TO HARVEST IMMATURE WILD RICE.

Repealed by L. 1947, c. 424, s. 6.

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84.13 NIGHT HARVESTING PROHIBITED; RICE POLE.

Repealed by L. 1947, c. 424, s. 6.

84.154 LAC QUI PARLE WATER CONTROL PROJECT.

The state cannot avoid its duty to compensate for lands taken, on the ground that the funds provided for the project are exhausted, since by Minnesota Constitution, Article 1, Section 13, compensation is "secured," if the amount when determined is made a charge upon the public treasury of the state or some state subdivision. Courts will assume the legislature will respect constitutional mandates. *State ex rel v Bentley*, 216 M 146, 12 NW(2d) 347.

84.158 GRANT OF FLOWAGE EASEMENTS.

HISTORY. 1947, c. 148, s. 1.

84.415 LEASES AND EASEMENTS.

Amended by L. 1947, c. 568, s. 1.