

## Recreation

## CHAPTER 85

## DIVISION OF PARKS AND RECREATION

- |         |   |        |  |
|---------|---|--------|--|
| 85.011  | Confirmation of creation and establishment of state parks, monuments, recreation reserves and waysides. | 85.054 | State park permit exemptions.  |
| 85.0115 | Notice of additions and deletions.  | 85.055 | State park permit fees.  |
| 85.012  | State parks.  | 85.06  | Schoolhouses in certain state parks.   |
| 85.013  | State monuments, recreation areas, and waysides.  | 85.20  | Violations of rules; littering; penalties.   |
| 85.014  | Prior laws not altered; revisor's duties.   | 85.205 | Receptacles for recycling.   |
| 85.015  | State trails.   | 85.21  | State operation of park, monument, recreation area and wayside facilities; license not required. |
| 85.0155 | Lake Superior water trail.  | 85.22  | State parks working capital fund.  |
| 85.016  | Bicycle trail program.  | 85.23  | Cooperative leases of agricultural lands.  |
| 85.017  | Trail registry.   | 85.32  | Canoe and boating routes.  |
| 85.018  | Trail use; vehicles regulated, restricted.  | 85.33  | St. Croix wild river area; limitations on power boating.   |
| 85.019  | Grants-in-aid for recreational betterment.  | 85.34  | Fort Snelling lease.   |
| 85.021  | Acquisition of land, Minnesota valley trail.  | 85.40  | Definitions.   |
| 85.04   | Employees as peace officers.  | 85.41  | User fees.   |
| 85.045  | Adopt-a-park program.   | 85.42  | User fee.  |
| 85.0505 | Sale of wine at Douglas Lodge in Itasca State Park.   | 85.43  | Disposition of receipts; purpose.  |
| 85.052  | Special uses of state parks.  | 85.44  | Cross-country ski trail grant-in-aid program.  |
| 85.053  | State park permits.   | 85.45  | Penalties.   |

**85.01** [Repealed, 1943 c 60 s 12]**85.011 CONFIRMATION OF CREATION AND ESTABLISHMENT OF STATE PARKS, MONUMENTS, RECREATION RESERVES AND WAYSIDES.**

The legislature of this state has provided for the creation and establishment of state parks, designated monuments, recreation reserves and waysides for the purpose of conserving the scenery, natural and historic objects and wildlife and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

The establishment of such state parks, designated monuments, recreation reserves and waysides is hereby confirmed as provided in this section and sections 85.012 and 85.013 and they shall remain perpetually dedicated for the use of the people of the state for park purposes.

The enumerated state parks, state monuments, state recreation areas, and state waysides shall consist of the lands and other property authorized therefor before January 1, 1969, together with such other lands and properties as may be authorized therefor on or after January 1, 1969.

**History:** 1969 c 524 s 1

**NOTE:** Extra Session Laws 1971, Chapter 48, Section 25, reads as follows:

"Sec. 25. Notwithstanding the provisions of Minnesota Statutes, Section 85.011, or any other law to the contrary, the following described land may be used for a headquarters building and related facilities of the department of natural resources: Lot one (1), Section fifteen (15), Township one hundred forty-seven (147), Range thirty-three (33), Beltrami county."

**85.0115 NOTICE OF ADDITIONS AND DELETIONS.**

The commissioner of natural resources shall publish a notice and description of proposed additions to and deletions from legislatively designated boundaries of state parks in a legal newspaper of general circulation in each county that is affected, and shall mail a copy of such notice and description to the chair of the affected county board or boards and to each affected landowner.

**History:** 1977 c 431 s 3; 1986 c 444

**85.012 STATE PARKS.**

Subdivision 1. State parks established and confirmed as state parks together with the counties in which they are situated are listed in this section and shall be named as indicated in this section.

The lands described in the session laws establishing or changing the boundaries of each state park are included in the state parks so established or changed. The commissioner of natural resources is authorized to acquire by gift or purchase the lands as described. Any land which now is or hereafter becomes tax-forfeited land and is located within the described park boundaries is hereby withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from any trust in favor of the interested taxing districts. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state for such purposes and transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes. Any lands within the described boundaries which may be owned by the United States and managed by any of its agents may be acquired by land exchange, direct transfer, or purchase as federal laws may prescribe. The lands acquired pursuant to any session laws establishing or changing the boundaries of a state park shall be administered in the manner provided for state parks and shall be perpetually dedicated for such use.

Subd. 1a. Afton state park, Washington county.

**History:** 1969 c 979 s 1; 1973 c 436 s 1; 1979 c 170 s 1; 1979 c 320 s 4

Subd. 2. Banning state park, Pine county.

**History:** 1963 c 790 art 5 s 1 subd 1(11); 1965 c 810 s 9 subd 14; 1965 c 901 s 77 subd 6; 1967 c 787 s 3 subd 2; 1969 c 524 s 2; 1971 c 859 s 1 subd 2; 1Sp1985 c 13 s 196; 1991 c 275 s 1 subd 1

Subd. 3. [Repealed, 1979 c 301 s 10 subd 6]

Subd. 4. Bear Head Lake state park, St. Louis county.

**History:** 1961 c 385 s 1; 1963 c 790 art 5 s 1 subd 1(1); 1969 c 524 s 2

Subd. 5. Beaver Creek Valley state park, Houston county.

**History:** 1937 c 474 s 1(a); 1955 c 683 s 1(3); 1963 c 790 art 5 s 1 subd 1(2); 1967 c 787 s 3 subd 3; 1969 c 524 s 2; 1969 c 879 s 1 subd 3

Subd. 6. Big Stone Lake state park, Big Stone county.

**History:** 1961 c 449; 1963 c 790 art 5 s 1 subd 1(3); 1965 c 609 s 1; 1969 c 524 s 2; 1971 c 859 s 1 subd 3; 1977 c 431 s 2 subd 7

Subd. 7. [Repealed, 1976 c 106 s 6]

Subd. 8. Blue Mounds state park, Rock county.

**History:** 1937 c 474 s 1(f); 1945 c 556; 1955 c 683 s 1(4); 1961 c 183; Ex1961 c 60 s 4; 1963 c 790 art 5 s 1 subd 1(4); 1965 c 810 s 9 subd 13; 1969 c 524 s 2; 1969 c 879 s 1 subd 4; 1971 c 859 s 1 subd 4; 1980 c 489 s 1; 1985 c 81 s 1

Subd. 9. Buffalo River state park, Clay county.

**History:** 1937 c 474 s 1(b); Ex1961 c 60 s 4; 1967 c 787 s 3 subd 4; 1969 c 524 s 2; 1969 c 879 s 1 subd 5; 1989 c 259 s 1 subd 1

Subd. 10. Camden state park, Lyon county.

**History:** 1935 c 320; 1963 c 790 art 5 s 1 subd 1(5); 1965 c 810 s 9 subd 15; 1965 c 901 s 77 subd 7; 1967 c 787 s 3 subd 5; 1969 c 524 s 2; 1980 c 489 s 1 subd 2; 1984 c 599 s 1 subd 2; 1989 c 259 s 1 subd 2

Subd. 11. Carley state park, Wabasha county.

**History:** 1949 c 339 s 1; 1969 c 524 s 2

# MINNESOTA STATUTES 1994

109

DIVISION OF PARKS AND RECREATION 85.012

Subd. 12. Cascade River state park, Cook county.

**History:** 1957 c 420 s 1; 1969 c 524 s 2; 1992 c 451 s 1 subd 1

Subd. 13. Charles A. Lindbergh state park, Morrison county.

**History:** 1931 c 53; 1965 c 810 s 9 subd 10; 1967 c 787 s 3 subd 6; 1969 c 524 s 2; 1969 c 956 s 1 subd 3; 1993 c 43 s 1

Subd. 14. Crow Wing state park, Crow Wing, Cass and Morrison counties.

**History:** Ex1959 c 90 s 4 subd 3; 1963 c 790 art 5 s 1 subd 1(6); 1965 c 810 s 9 subd 2; 1965 c 901 s 77 subd 5; 1969 c 524 s 2; 1971 c 859 s 1 subd 5

Subd. 15. Father Hennepin state park, Mille Lacs county, which is hereby renamed from Father Hennepin state memorial wayside park.

**History:** 1941 c 520; 1955 c 683 s 1(6); Ex1961 c 60 s 4; 1963 c 790 art 5 s 1 subd 1(7); 1965 c 810 s 9 subd 3; 1965 c 901 s 77 subd 2; 1967 c 787 s 3 subd 7; 1969 c 524 s 2; 1971 c 859 s 5(b); 1989 c 259 s 1 subd 3; 1991 c 275 s 1 subd 2; 1992 c 451 s 1 subd 2

Subd. 16. Flandrau state park, Brown county.

**History:** 1937 c 474 s 1(c); 1945 c 70 s 1; 1969 c 524 s 2; 1984 c 599 s 1 subd 3

Subd. 17. Fort Ridgely state park, Nicollet county, which is hereby renamed from Fort Ridgely memorial state park.

**History:** 1911 c 355; 1937 c 126; Ex1961 c 60 s 4; 1963 c 790 art 5 s 1 subd 1(8); 1965 c 810 s 9 subd 11; 1969 c 524 s 2; 1969 c 956 s 1 subd 5; 1969 c 1029 s 1 subd 2

Subd. 18. Fort Snelling state park, Ramsey, Hennepin and Dakota counties, which is hereby renamed from Fort Snelling state historical park.

**History:** 1961 c 570; 1967 c 787 s 3 subd 22; 1969 c 524 s 2; 1969 c 956 s 1 subd 2; 1980 c 489 s 1 subd 3; 1982 c 639 s 29; 1984 c 599 s 1 subd 4

Subd. 19. Forestville state park, Fillmore county.

**History:** 1963 c 790 art 5 s 1 subd 1(4); 1965 c 810 s 9; 1969 c 524 s 2; 1969 c 879 s 1 subd 6; 1987 c 400 s 32

Subd. 20. Franz Jevne state park, Koochiching county, which is hereby renamed from Franz Jevne state wayside park.

**History:** 1967 c 707 s 1; 1969 c 524 s 2

Subd. 21. Frontenac state park, Goodhue county.

**History:** 1957 c 783; 1961 c 528; 1965 c 810 s 9 subd 12; 1969 c 524 s 2; 1969 c 879 s 1 subd 7; 1971 c 859 s 1 subd 6; 1986 c 432 s 1 subd 2

Subd. 22. George H. Crosby Manitou state park, Lake county.

**History:** 1955 c 144; Ex1959 c 90 s 4 subd 2; 1969 c 524 s 2; 1994 c 448 s 1

Subd. 23. Glacial Lakes state park, Pope county.

**History:** 1963 c 790 art 5 s 1 subd 1(3); 1969 c 524 s 2; 1987 c 128 s 2 subd 2; 1989 c 259 s 1 subd 4

Subd. 23a. Glendalough state park, Otter Tail county.

**History:** 1991 c 254 art 2 s 47 subd 1

Subd. 24. Grand Mound state park, Koochiching county.

**History:** 1963 c 790 art 5 s 1 subd 1(2); 1965 c 810 s 9; 1969 c 524 s 2; 1969 c 956 s 1 subd 6

Subd. 24a. Grand Portage state park, Cook county.

**History:** 1989 c 259 s 6

Subd. 25. Gooseberry Falls state park, Lake county.

**History:** 1937 c 474 s 1(j); 1955 c 683 s 1(1); 1967 c 787 s 3 subd 8; 1969 c 524 s 2; 1971 c 859 s 1 subd 7

Subd. 26. Hayes Lake state park, Roseau county.

**History:** 1967 c 787 s 2; 1969 c 524 s 2; 1969 c 879 s 1 subd 15; 1971 c 859 s 5(e)

Subd. 27. Myre-Big Island state park, Freeborn county.

**History:** 1947 c 403; 1953 c 12; 1957 c 409; 1963 c 790 art 5 s 1 subd 1(9); 1967 c 787 s 3 subd 9; Ex1967 c 48 s 76; 1969 c 524 s 2; 1986 c 432 s 1 subd 3; 1990 c 437 s 1

Subd. 27a. Hill-Annex Mine state park, Itasca county.

**History:** 1988 c 686 art 1 s 50; 1989 c 259 s 8

Subd. 28. Interstate park, Chisago county, which is hereby renamed from Dalles of Saint Croix state park.

**History:** 1895 c 169 s 1; 1935 c 320 s 7(A1); 1969 c 524 s 2; 1971 c 859 s 4; 1977 c 431 s 2 subd 5

Subd. 29. Itasca state park, Hubbard, Clearwater and Becker counties.

**History:** 1891 c 56; 1893 c 15; 1901 c 52; 1903 c 218; 1905 c 277; 1907 c 90; 1919 c 190; 1931 c 395 s 7; 1943 c 178; 1943 c 301; 1945 c 240; Ex1959 c 90 s 4 subd 2; 1963 c 790 art 5 s 1 subd 1(10); 1969 c 524 s 2; 1969 c 879 s 1 subd 16; 1976 c 110 s 2; 1978 c 534 s 1,2; 1980 c 489 s 1 subd 4; 1985 c 81 s 2

Subd. 30. Jay Cooke state park, Carlton county.

**History:** 1915 c 374; 1919 c 463; 1951 c 703; 1967 c 787 s 4; 1969 c 524 s 2; 1971 c 859 s 1 subd 8; 1980 c 489 s 1 subd 5; 1984 c 599 s 1 subd 5; 1988 c 498 s 1

Subd. 31. Judge C. R. Magney state park, Cook county.

**History:** 1957 c 585; 1963 c 265; 1965 c 810 s 9 subd 17; 1969 c 524 s 2; 1979 c 320 s 3

Subd. 32. Kilen Woods state park, Jackson county.

**History:** 1945 c 477; 1951 c 529; 1955 c 683 s 1(7); 1969 c 524 s 2; 1976 c 110 s 1

Subd. 32a. Lac qui Parle state park, Lac qui Parle county, which is hereby renamed from Lac qui Parle state recreation area.

**History:** 1959 c 360; 1967 c 787 s 3 subd 21; 1969 c 524 s 3; 1994 c 448 s 1,5

Subd. 33. Lake Bemidji state park, Beltrami county.

**History:** 1923 c 444 s 16(15); 1945 c 332; 1955 c 759; 1961 c 392; 1969 c 524 s 2; 1971 c 859 s 1 subd 9; 1977 c 431 s 2 subd 2; 1979 c 320 s 5

Subd. 34. Lake Bronson state park, Kittson county.

**History:** 1937 c 474 s 1(i); 1945 c 70 s 2; 1961 c 489; 1965 c 901 s 80; 1967 c 787 s 3 subd 10; 1969 c 524 s 2; 1969 c 879 s 1 subd 8; 1971 c 859 s 3; 1977 c 431 s 2 subd 3

Subd. 35. Lake Carlos state park, Douglas county.

**History:** 1935 c 340; Ex1961 c 60 s 4; 1963 c 790 art 5 s 1 subd 1(12); 1967 c 787 s 3 subd 11; 1969 c 524 s 2; 1977 c 431 s 2 subd 4; 1989 c 259 s 1 subd 5

Subd. 36. Lake Louise state park, Mower county.

**History:** 1963 c 790 art 5 s 1 subd 1(7); 1967 c 787 s 3 subd 12; 1969 c 524 s 2

Subd. 37. Lake Maria state park, Wright county.

**History:** 1947 c 401; 1963 c 790 art 5 s 1 subd 1(8); 1969 c 524 s 2; 1971 c 859 s 5(a); 1980 c 489 s 1 subd 6

Subd. 38. Lake Shetek state park, Murray county.

**History:** 1937 c 474 s 1(d); 1947 c 394; 1963 c 790 art 5 s 1 subd 1(13); 1965 c 810 s 9 subd 16; 1967 c 787 s 3 subd 13; 1969 c 524 s 2; 1989 c 259 s 1 subd 6

Subd. 39. [Repealed, 1989 c 259 s 10]

Subd. 40. McCarthy Beach state park, St. Louis county, which is hereby renamed from McCarthy Beach memorial state park.

**History:** 1945 c 484; Ex1961 c 60 s 4; 1969 c 524 s 2; 1969 c 879 s 1 subd 9; 1971 c 159 s 1-3; 1977 c 431 s 1; 1989 c 259 s 1 subd 7; 1992 c 451 s 1 subd 3

# MINNESOTA STATUTES 1994

111

DIVISION OF PARKS AND RECREATION 85.012

Subd. 41. Maplewood state park, Otter Tail county.

**History:** 1963 c 790 art 5 s 1 subd 1(1); 1965 c 810 s 9 subd 4; 1969 c 524 s 2; 1971 c 859 s 1 subd 10

Subd. 42. Mille Lacs Kathio state park, Mille Lacs county.

**History:** 1957 c 645; Ex1959 c 90 s 4 subd 2; 1969 c 524 s 2; 1971 c 859 s 1 subd 11; 1980 c 489 s 1 subd 7

Subd. 43. Minneopa state park, Blue Earth county.

**History:** 1905 c 297; 1909 c 409; 1917 c 157; 1931 c 7; 1935 c 320 s 7; 1947 c 215; Ex1961 c 60 s 4; 1967 c 787 s 3 subd 15; Ex1967 c 48 s 77; 1969 c 524 s 2; 1969 c 1075 s 1

Subd. 44. Monson Lake state park, Swift county, which is hereby renamed from Monson Lake memorial state park.

**History:** 1937 c 474 s 1(e); 1965 c 810 s 9; 1969 c 524 s 2

Subd. 44a. Moose Lake state park, Carlton county, which is hereby renamed from Moose Lake state recreation area.

**History:** 1971 c 280 s 1; 1971 c 859 s 12; 1986 c 432 s 2; 1994 c 448 s 1,5

Subd. 45. Nerstrand Big Woods state park, Rice county.

**History:** 1945 c 153; 1955 c 683 s 1(2); 1969 c 524 s 2; 1971 c 859 s 5(d); 1990 c 437 s 2; 1992 c 451 s 1 subd 4

Subd. 46. O. L. Kipp state park, Winona and Houston counties.

**History:** 1963 c 790 art 5 s 1 subd 1(12); 1969 c 524 s 2; 1971 c 859 s 2

Subd. 47. Old Mill state park, Marshall county.

**History:** 1951 c 237; 1969 c 524 s 2; 1994 c 448 s 1

Subd. 48. Rice Lake state park, Steele and Dodge counties.

**History:** 1963 c 790 art 5 s 1 subd 1(9); 1965 c 810 s 9 subd 7; 1965 c 901 s 77 subd 3; 1967 c 787 s 3 subd 16; 1969 c 524 s 2

Subd. 49. St. Croix state park, Pine county.

**History:** 1943 c 293; 1945 c 356; 1969 c 524 s 2; 1969 c 879 s 1 subd 14; 1991 c 275 s 1 subd 3

Subd. 49a. St. Croix Wild River state park, Chisago county.

**History:** 1973 c 567 s 4; 1977 c 109 s 1; 1980 c 489 s 1 subd 8

Subd. 50. Sakatah Lake state park, Le Sueur and Rice counties.

**History:** 1963 c 790 art 5 s 1 subd 1(6); 1965 c 810 s 9 subd 8; 1965 c 901 s 77 subd 4; 1969 c 524 s 2; 1991 c 275 s 1 subd 4

Subd. 51. Savanna Portage state park, Aitkin and St. Louis counties.

**History:** 1961 c 226; 1963 c 790 art 5 s 1 subd 1(14); 1967 c 787 s 3 subd 17; 1969 c 524 s 2

Subd. 52. Scenic state park, Itasca county.

**History:** 1921 c 345; 1923 c 444; 1935 c 320 s 7(A5); 1969 c 524 s 2; 1980 c 489 s 1 subd 9; 1987 c 128 s 2 subd 3

Subd. 52a. Schoolcraft state park, Cass and Itasca counties, which is hereby renamed from Schoolcraft state recreation area.

**History:** 1959 c 102 s 1; 1969 c 524 s 3; 1994 c 448 s 1,5

Subd. 53. Sibley state park, Kandiyohi county.

**History:** 1919 c 463; 1931 c 292; 1957 c 63; Ex1959 c 90 s 4 subd 2; Ex1961 c 60 s 4; 1963 c 790 art 5 s 1 subd 1(15); 1965 c 810 s 9 subd 5; 1967 c 787 s 3 subd 18; 1969 c 524 s 2; 1969 c 879 s 1 subd 11; 1973 c 628 s 1; 1974 c 406 s 79; 1980 c 489 s 1 subd 10; s 2

# MINNESOTA STATUTES 1994

Subd. 53a. Soudan underground mine state park, St. Louis county.

**History:** 1963 c 790 art 6; 1965 c 415 s 1; 1969 c 524 s 2; 1982 c 477 s 1,2; 1987 c 128 s 3,7

Subd. 53b. Split Rock Creek state park, Pipestone county, which is hereby renamed from Split Rock Creek state recreation area.

**History:** 1937 c 474 s 1(h); 1945 c 215 s 1; 1969 c 524 s 3; 1982 c 502 s 1,2; 1994 c 448 s 1,5

Subd. 54. Split Rock Lighthouse state park, Lake county.

**History:** 1945 c 256 s 2; 1967 c 787 s 1; 1969 c 524 s 2; 1979 c 320 s 1,2

Subd. 55. Temperance River state park, Cook county.

**History:** 1957 c 421 s 1; 1969 c 524 s 2; 1984 c 599 s 1 subd 6; 1994 c 448 s 1

Subd. 55a. Tettegouche state park, Lake county.

**History:** 1945 c 256 s 1; 1969 c 524 s 2; 1969 c 879 s 1 subd 2; 1979 c 301 s 10; 1981 c 110 s 1; 1984 c 599 s 1 subd 7; 1991 c 275 s 1 subd 5; 1994 c 448 s 1

Subd. 56. [Repealed, 1980 c 489 s 7]

Subd. 57. [Renumbered subd 53a]

Subd. 58. Upper Sioux Agency state park, Yellow Medicine county.

**History:** 1963 c 790 art 5 s 1 subd 1(5); 1969 c 524 s 2; 1969 c 956 s 1 subd 4; 1969 c 1029 s 1 subd 3; 1971 c 859 s 1 subd 12

Subd. 59. Whitewater state park, Winona county.

**History:** 1919 c 463; Ex1961 c 60 s 4; 1963 c 810 s 9 subd 9; 1965 c 810 s 9 subd 9; 1967 c 787 s 3 subd 19; 1969 c 524 s 2; 1969 c 879 s 1 subd 12; 1971 c 859 s 5(c); 1980 c 489 s 3; 1984 c 599 s 1 subd 8

Subd. 60. William O'Brien state park, Washington county.

**History:** 1947 c 271; 1955 c 683 s 1(5); Ex1959 c 90 s 4 subd 2; 1963 c 790 art 5 s 1 subd 1(16); 1969 c 524 s 2; 1979 c 320 s 6; 1986 c 432 s 1 subd 4; 1994 c 448 s 1

Subd. 61. Zippel Bay state park, Lake of the Woods county, which is hereby renamed from Zippel Bay state recreation area.

**History:** 1959 c 63; Ex1961 c 60 s 4; 1969 c 524 s 3; 1969 c 879 s 1 subd 13; 1986 c 432 s 4; 1994 c 448 s 1,5

## 85.013 STATE MONUMENTS, RECREATION AREAS, AND WAYSIDES.

Subdivision 1. State parks, designated monuments, recreation reserves and waysides heretofore established and hereby confirmed as state monuments, state recreation areas and state waysides together with the counties in which they are situated are listed in this section and shall hereafter be named as indicated in this section.

**History:** 1969 c 524 s 3

Subd. 2. [Repealed, 1975 c 353 s 41]

Subd. 2a. Belle Plaine state wayside, Carver, Scott and Sibley counties.

**History:** 1969 c 879 s 2 subd 2(d)

Subd. 2b. Blakeley state wayside, Scott county.

**History:** 1969 c 879 s 2 subd 2(e); 1984 c 599 s 2

Subd. 3. [Repealed, 1975 c 353 s 41]

Subd. 4. [Repealed, 1975 c 353 s 41]

Subd. 5. Caribou Falls state wayside, Lake county, which is hereby renamed from Caribou Falls state park.

**History:** 1947 c 179 s 1; 1969 c 524 s 3

# MINNESOTA STATUTES 1994

113

DIVISION OF PARKS AND RECREATION 85.013

Subd. 5a. Carver Rapids state wayside, Scott county.

**History:** 1969 c 879 s 2 subd 2(b)

Subd. 5b. [Repealed, 1975 c 353 s 41]

Subd. 6. [Repealed, 1975 c 353 s 41]

Subd. 7. [Repealed, 1975 c 353 s 41]

Subd. 8. Cross River state wayside, Cook county, which is hereby renamed from Cross River scenic state wayside.

**History:** 1961 c 101 s 1; 1969 c 524 s 3; 1977 c 431 s 2 subd 6

Subd. 9. Devils Track Falls state wayside, Cook county, which is hereby renamed from Devils Track Falls state park.

**History:** Ex1961 c 60 s 4; 1969 c 524 s 3

Subd. 10. Flood Bay state wayside, Lake county, which is hereby renamed from Flood Bay wayside park.

**History:** 1965 c 566 s 1; 1969 c 524 s 3; 1984 c 599 s 3; 1986 c 432 s 3

Subd. 11. [Repealed, 1975 c 353 s 41]

Subd. 12. Inspiration Peak state wayside, Otter Tail county, which is hereby renamed from Inspiration Peak park.

**History:** 1931 c 395 s 7(15); 1969 c 524 s 3

Subd. 13. John A. Latsch state wayside, Winona county, which is hereby renamed from Latsch state park.

**History:** 1923 c 430 s 4; 1963 c 790 art 5 s 1 subd 1(11); 1969 c 524 s 3

Subd. 14. Joseph R. Brown state wayside, Renville county, which is hereby renamed from Joseph R. Brown memorial park.

**History:** Ex1937 c 87 s 1; 1969 c 524 s 3

Subd. 15. Kodonce River state wayside, Cook county, which is hereby renamed from Kodonce River state park.

**History:** 1947 c 180 s 1; 1969 c 524 s 3

Subd. 16. [Repealed, 1994 c 448 s 4]

Subd. 16a. Lawrence state wayside, Scott county.

**History:** 1969 c 879 s 2 subd 2(c)

Subd. 17. [Repealed, 1975 c 353 s 41]

Subd. 17a. Minnesota Valley state recreation area, Hennepin, Dakota, Scott, Carver, Sibley, and Le Sueur counties.

**History:** 1994 c 448 s 2

Subd. 18. [Repealed, 1975 c 353 s 41]

Subd. 18a. [Repealed, 1994 c 448 s 4]

Subd. 19. [Repealed, 1987 c 128 s 4]

Subd. 20. Pine Tree state wayside, Beltrami county, which is hereby renamed from Pine Tree state park.

**History:** 1947 c 19; 1963 c 790 art 5 s 1 subd 1(17); 1965 c 810 s 9; 1969 c 524 s 3

Subd. 21. Ray Berglund state wayside, Cook county, which is hereby renamed from Ray Berglund state scenic memorial wayside.

**History:** 1951 c 207; 1967 c 787 s 3 subd 20; 1969 c 524 s 3; 1969 c 879 s 1 subd 10

Subd. 21a. Rice Lake state wayside, Scott county.

**History:** 1969 c 879 s 2 subd 2(a); 1984 c 599 s 4; 1987 c 128 s 5

Subd. 21b. Rush River state wayside, Sibley county.

**History:** 1969 c 879 s 2 subd 2(f)

Subd. 22. Saint Croix Islands recreation area, Washington county, which is hereby renamed from Saint Croix Islands scenic reserve.

**History:** 1935 c 340 s 1; 1969 c 524 s 3; 1994 c 448 s 2

Subd. 23. Sam Brown memorial state wayside, Traverse county, which is hereby renamed from Sam Brown state park.

**History:** 1929 c 357 s 1; 1969 c 524 s 3

Subd. 24. [Repealed, 1994 c 448 s 1]

Subd. 25. [Repealed, 1975 c 353 s 41]

Subd. 25a. [Repealed, 1975 c 353 s 41]

Subd. 26. [Repealed, 1994 c 448 s 1]

Subd. 27. [Repealed, 1975 c 353 s 41]

Subd. 28. [Repealed, 1994 c 448 s 1]

#### 85.014 PRIOR LAWS NOT ALTERED; REVISOR'S DUTIES.

In compiling the next and subsequent editions of Minnesota Statutes the revisor of statutes shall substitute the provisions of sections 85.011 to 85.013, in accordance with the statutory numbering proposed therein, for sections 85.07 to 85.197. Such substitution shall in no way alter the effect of the laws from which said sections 85.07 to 85.197 are derived nor operate as a repeal of any of the provisions of said sections. The revisor may include as a note after each of the above named state parks, monuments, recreation areas and waysides a reference to the various laws establishing and relating to said park, monument, recreation area and wayside and shall make such rearrangement of the material in this chapter, as is necessary to carry out the provisions of this section. To the extent possible, the revisor shall include, in sections 85.012 and 85.013, new state parks, monuments, recreation areas, and waysides when established pursuant to law.

**History:** 1969 c 524 s 4

#### 85.015 STATE TRAILS.

Subdivision 1. **Acquisition.** (a) The commissioner of natural resources shall establish, develop, maintain, and operate the trails designated in this section. Each trail shall have the purposes assigned to it in this section. The commissioner of natural resources may acquire lands by gift or purchase, in fee or easement, for the trail and facilities related to the trail.

(b) Notwithstanding the offering to public entities, referral to executive council, public sale and related notice and publication requirements of sections 94.09 to 94.165, the commissioner of natural resources, in the name of the state, may sell surplus lands not needed for trail purposes at private sale to adjoining property owners and leaseholders. The conveyance must be by quitclaim in a form approved by the attorney general for a consideration not less than the appraised value.

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.

Subd. 2. **Casey Jones Trail, Murray and Pipestone counties.** (a) The trail shall originate in Lake Shetek state park, Murray county, and from there trail southwesterly to Slayton, Minnesota; thence westerly to the point of intersection with the most easterly



terminus of the state-owned abandoned railroad right-of-way, commonly known as the Casey Jones unit; thence westerly along said Casey Jones unit to Pipestone, Minnesota, in Pipestone county, and there terminate.

(b) The trail shall be developed primarily for riding and hiking. Nothing herein shall abrogate the purpose for which the Casey Jones unit was originally established, and the use thereof shall be concurrent.

**Subd. 3. Countryview Bicycle Trail, Ramsey and Washington counties.** (a) The trail shall originate at Phalen Park in St. Paul and thence extend easterly through Oakdale and Lake Elmo to a point near South Twin Lake, and thence extend to Stillwater in Washington county and there terminate.

(b) The trail shall be developed primarily for the use of bicycles.

The commissioner may contract and enter into other agreements with state and local road authorities and with local governments in regard to the establishment, development, maintenance, and operation of the trail, including but not limited to speed regulation and signing of the trail.

**Subd. 4. Douglas Trail, Olmsted, Wabasha, and Goodhue counties.** (a) The trail shall originate at Rochester in Olmsted county and shall follow the route of the Chicago Great Western Railroad to Pine Island in Goodhue county and there terminate.

(b) Additional trails may be established that extend the Douglas Trail System to include Pine Island, Mazeppa in Wabasha county to Zumbrota, Goodhue, and Red Wing in Goodhue county. In addition to the criteria in section 86A.05, subdivision 4, these trails must utilize abandoned railroad rights-of-way where possible.

(c) The trail shall be developed primarily for riding and hiking.

(d) Under no circumstances shall the commissioner acquire any of the right-of-way of the Chicago Great Western Railroad until the abandonment of the line of railway described in this subdivision has been approved by the Interstate Commerce Commission.

**Subd. 5. Glacial Lakes Trail, Kandiyohi, Pope, and Douglas counties.** (a) The trail shall originate at Kandiyohi county park on the north shore of Green Lake in Kandiyohi county and thence extend northwesterly to Sibley state park, thence northwesterly to Glacial Lakes state park in Pope county, thence northeasterly to Lake Carlos state park in Douglas county, and there terminate.

(b) The trail shall be developed primarily for riding and hiking.

**Subd. 6. Minnesota Valley Trail, Hennepin, Dakota, Scott, Carver, Sibley and Le Sueur counties.** (a) The trail shall originate at Fort Snelling state park and thence extend generally southwesterly along the Minnesota river valley through Hennepin, Dakota, Scott, Carver, Sibley, and Le Sueur counties to the city of Le Sueur, and there terminate. The trail shall include the following state waysides: (a) Rice lake wayside, in Scott county; (b) Carver rapids wayside, in Scott county; (c) Lawrence wayside, in Scott county; (d) Belle Plaine wayside, in Carver, Scott, and Sibley counties; (e) Blakeley wayside, in Scott county; and (f) Rush river wayside, in Sibley county.

(b) The trail shall be developed primarily for riding and hiking. Motorized vehicles are prohibited from that portion of the trail on the north side of the Minnesota river, lying between Fort Snelling state park and Rice lake wayside.

(c) In establishing, developing, maintaining, and operating the trail the commissioner shall cooperate with local units of government and private individuals and groups whenever feasible.

**Subd. 7. Blufflands Trail System, Fillmore and Houston counties.** (a) The Root River trail shall originate at Chatfield in Fillmore county, and thence extend easterly in the Root river valley to the intersection of the river with Minnesota trunk highway No. 26 in Houston county, and extend to the Mississippi river.

(b) Additional trails shall be established that extend the Blufflands Trail System to include La Crescent, Hokah, Caledonia, and Spring Grove in Houston county and Preston, Harmony, Fountain, Wykoff, Spring Valley, Mabel, Canton, and Ostrander in

Fillmore county and Winona in Winona county. In addition to the criteria in section 86A.05, subdivision 4, these trails must utilize abandoned railroad rights-of-way where possible.

(c) The trails shall be developed primarily for nonmotorized riding and hiking.

**Subd. 8. Sakatah Singing Hills Trail, Blue Earth, Le Sueur, and Rice counties.** (a) The trail shall originate at mile post 4.1 of the Chicago and Northwestern Railway Company right-of-way in the junction of Benning, Blue Earth county, and shall extend in a northeasterly direction along the railroad right-of-way to mile post 46.01 of the Chicago and Northwestern Railway at a point commonly known as Faribault Junction in Rice county, a distance of approximately 42 miles, and there terminate.

(b) The trail shall be developed primarily for riding and hiking. Motorized vehicles, except snowmobiles, are prohibited from the trail.

**Subd. 9. [Repealed, 1973 c 684 s 3]**

**Subd. 10. Luce Line Trail.** (a) The trail shall originate at Gleason Lake in Plymouth Village, Hennepin county, and shall follow the route of the Chicago Northwestern Railroad.

(b) The trail shall be developed for multiuse wherever feasible. The department shall cooperate in maintaining its integrity for modes of use consistent with local ordinances.

(c) In establishing, developing, maintaining, and operating the trail, the commissioner shall cooperate with local units of government and private individuals and groups. Before acquiring any parcel of land for the trail, the commissioner of natural resources shall develop a management program for the parcel and conduct a public hearing on the proposed management program in the vicinity of the parcel to be acquired. The management program of the commissioner shall include but not be limited to the following: (a) fencing of portions of the trail where necessary to protect adjoining landowners; and (b) the maintenance of the trail in a litter free condition to the extent practicable.

(d) The commissioner shall not acquire any of the right-of-way of the Chicago Northwestern Railway Company until the abandonment of the line described in this subdivision has been approved by the interstate commerce commission. Compensation, in addition to the value of the land, shall include improvements made by the railroad, including but not limited to, bridges, trestles, public road crossings, or any portion thereof, it being the desire of the railroad that such improvements be included in the conveyance. The fair market value of the land and improvements shall be recommended by two independent appraisers mutually agreed upon by the parties. The fair market value thus recommended shall be reviewed by a review appraiser agreed to by the parties, and the fair market value thus determined, and supported by appraisals, may be the purchase price. The commissioner may exchange lands with landowners abutting the right-of-way described in this section to eliminate diagonally-shaped separate fields.

**Subd. 11. Willard Munger Trail, Ramsey, Anoka, Washington, Chisago, Pine, and Carlton counties.** (a) The trail shall originate in the vicinity of Arden Hills, Ramsey county, and thence extend northeasterly, traversing Anoka and Washington counties to the vicinity of Taylors Falls in Chisago county; thence northwesterly and northerly to St. Croix state park in Pine county; thence northerly to Jay Cooke state park in Carlton county, and there terminate.

(b) The trail shall be developed primarily for riding and hiking.

**Subd. 12. Heartland Trail, Hubbard and Cass counties.** (a) The trail shall originate at mile post 90.92 at Park Rapids in Hubbard county and shall extend in an easterly direction along the Burlington Northern Railroad right-of-way through Walker in Cass county. The trail shall then continue in a northerly direction along the Burlington Northern Railroad right-of-way to Cass Lake in Cass county, and there terminate.

(b) The trail shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in

lands for the Heartland Trail may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the governor. The governor shall consult with the legislative advisory commission before granting approval. Recommendations of the legislative advisory commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

**Subd. 13. Arrowhead Region Trails, in Cook, Lake, St. Louis, Koochiching and Itasca counties.** (a)(1) The Taconite Trail shall originate at Ely in St. Louis county and extend southwesterly to Tower in St. Louis county, thence westerly to McCarthy Beach state park in St. Louis county, thence southwesterly to Grand Rapids in Itasca county and there terminate;

(2) The Northshore Trail shall originate in Duluth in St. Louis county and extend northeasterly to Two Harbors in Lake county, thence northeasterly to Grand Marais in Cook county, thence northeasterly to the international boundary in the vicinity of the north shore of Lake Superior, and there terminate;

(3) The Grand Marais to International Falls Trail shall originate in Grand Marais in Cook county and extend northwesterly, outside of the Boundary Waters Canoe Area, to Ely in St. Louis county, thence southwesterly along the route of the Taconite Trail to Tower in St. Louis county, thence northwesterly through the Pelican Lake area in St. Louis county to International Falls in Koochiching county, and there terminate.

(b) The trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Arrowhead Region Trails may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the governor. The governor shall consult with the legislative advisory commission before granting approval. Recommendations of the legislative advisory commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

**Subd. 14. State trail, Ramsey and Washington counties.** (a) The trail shall originate at milepost 446.19 on the Soo Line Railroad right-of-way in the Southeast Quarter of Section 19, Township 29 North, Range 22 West, Ramsey County, and shall extend in an easterly and northeasterly direction along the Soo Line Railroad right-of-way to milepost 438.33 in the Southwest Quarter of Section 5, Township 29 North, Range 21 West, in Washington County, and there terminate.

(b) The trail shall be developed primarily for hiking and nonmotorized riding.

(c) In addition to the authority granted in Minnesota Statutes, section 85.015, subdivision 1, lands and interests in lands for the trail may be acquired by eminent domain.

(d) The commissioner of natural resources, after consulting with all local units of government affected by the trail, and with the commissioner of transportation and the metropolitan council, shall prepare a master plan for the trail. After completion of the master plan, any land or interest in land not needed for the trail may be disposed of by the commissioner of natural resources as follows:

(1) by transfer to the department of transportation, the historical society, or another state agency;

(2) by sale at not less than the purchase price to a city, town, school district, park district, or other political subdivision whose boundaries include or are adjacent to the land, for public purposes only, after written notice to each of these political subdivisions; or

(3) if no offer to purchase is received from any political subdivision within one year after the completion of the master plan, then by public sale, at not less than the purchase price, upon notice published in the manner provided in section 92.14, and otherwise in the same manner as trust fund lands are sold, so far as applicable.

All proceeds derived from sales of unneeded land and interest in land shall be deposited in the state bond fund. For the purposes of United States Code, title 23, sec-

tion 138, and title 49, section 1653(f), any land or interest in land not needed for the trail and transferred to another state agency, or sold, does not constitute permanent park, recreation area, or wildlife or waterfowl refuge facility land.

Subd. 15. **Paul Bunyan Trail, Crow Wing, Cass, Hubbard, and Beltrami counties.** The trail shall originate in the city of Baxter in Crow Wing county and shall extend in a northerly direction along the Burlington Northern Railroad right-of-way, intersecting the Heartland State Trail southeast of the city of Walker in Cass county. The trail shall continue on the Heartland State Trail through the city of Walker, then in a northwesterly direction along the Burlington Northern Railroad right-of-way to the city of Bemidji in Beltrami county and there terminate.

Subd. 16. **Superior Vista Trail; St. Louis and Lake counties.** The trail shall originate at the city of Duluth and shall extend in a northeasterly direction along the shoreline of Lake Superior to the city of Two Harbors. The trail shall be designed for bicycles and hikers, shall utilize existing highway and railroad right-of-way where possible, and shall be laid out in a manner to maximize the view of Lake Superior while traversing the length of the trail.

Subd. 17. **Shooting Star Trail, Mower county.** (a) The trail shall originate in the city of LeRoy and extend in a northwesterly direction through Lake Louise state park and the cities of Taopi, Adams, Rose Creek, and Lyle, to the city of Austin.

(b) Additional trails shall be established to connect with the Bluffland trail system in Fillmore county and the trail from Riceville, Iowa.

(c) The trail shall be developed primarily for hiking and nonmotorized riding.

Subd. 18. **Prairie Wildflower Trail, Mower, Dodge, Steele and Rice counties.** (a) The trail shall follow an abandoned railroad line originating in the city of Austin and extending northwesterly through Blooming Prairie and Owatonna to the city of Fari-bault.

(b) The trail shall be developed primarily for hiking and nonmotorized riding.

**History:** 1971 c 859 s 6-8; Ex1971 c 3 s 96; 1973 c 684 s 1,2; 1973 c 743 s 1; 1974 c 407 s 1,2; 1975 c 113 s 1; 1975 c 271 s 6; 1980 c 458 s 12; 1982 c 639 s 30,31; 1983 c 344 s 23; 1986 c 444; 1988 c 436 s 1; 1988 c 628 s 4; 1988 c 679 s 1,2; 1991 c 254 art 2 s 13; 1992 c 456 s 1; 1993 c 285 s 4; 1994 c 391 s 1-3; 1994 c 632 art 2 s 21; 1994 c 643 s 47

### 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

### 85.016 BICYCLE TRAIL PROGRAM.

The commissioner of natural resources shall establish a program for the development of bicycle trails utilizing the state trails authorized by section 85.015, other state parks and recreation land, and state forests. "Bicycle trail," as used in this section, has the meaning given in section 169.01. The program shall be coordinated with the local

park trail grant program established by the commissioner of trade and economic development pursuant to section 116J.406, with the bikeway program established by the commissioner of transportation pursuant to section 160.265, and with existing and proposed local bikeways. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the metropolitan council. The commissioner shall provide technical assistance to local units of government in planning and developing bicycle trails in local parks. The bicycle trail program shall, as a minimum, describe the location, design, construction, maintenance, and land acquisition needs of each component trail and shall give due consideration to the model standards for the establishment of recreational vehicle lanes promulgated by the commissioner of transportation pursuant to section 160.262. The program shall be developed after consultation with the state trail council and regional and local units of government and bicyclist organizations.

**History:** 1976 c 166 s 7; 1976 c 199 s 17; 1977 c 421 s 3; 1981 c 356 s 102,248; 1983 c 289 s 115 subd 1; 1984 c 558 art 4 s 10; 1987 c 255 s 1; 1987 c 312 art 1 s 26 subd 2

### 85.017 TRAIL REGISTRY.

The commissioner of natural resources shall compile and maintain a current registry of cross-country skiing, hiking, horseback riding and snowmobiling trails in the state and shall publish and distribute the information in the manner prescribed in section 86A.11. The metropolitan council, the commissioner of trade and economic development, the Minnesota historical society, and local units of government shall cooperate with and assist the commissioner in preparing the registry.

**History:** 1977 c 421 s 4; 1981 c 356 s 103; 1983 c 289 s 115 subd 1; 1987 c 312 art 1 s 26 subd 2

### 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.

**Subd. 4. Nonmotorized use trails.** No motorized vehicle shall be operated on a trail designated for nonmotorized use.

**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.

**Subd. 6. Exceptions.** The following motor vehicles are exempt from the provisions of subdivisions 3 to 5:

- (a) military, fire, emergency or law enforcement vehicles used for official or emergency purposes;
- (b) vehicles registered to the county, state or federal government;
- (c) vehicles authorized by permit, lease or contract;
- (d) vehicles owned by private persons engaged in the upkeep and maintenance of the trail systems under the direction of the local unit of government that manages the trail; and
- (e) vehicles registered to or operated with the permission of a land owner on whose lands the trail system has been constructed, but only with respect to operation on the land of that owner.

**Subd. 7. Streets and highways.** This section does not apply to any portion of a trail located on any street or highway as defined in section 169.01.

**Subd. 8. Enforcement.** The provisions of this section may be enforced by officers of the department of natural resources as provided in sections 97A.201 to 97A.235.

**History:** 1981 c 215 s 2; 1984 c 609 s 5; 1986 c 386 art 4 s 17; 1986 c 452 s 16; 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. 4a. Grants for natural and scenic areas.** The commissioner shall administer a program to provide grants to units of government for the acquisition and betterment of natural and scenic areas such as blufflands, prairies, shorelands, wetlands, and wooded areas. A grant may not exceed 50 percent of the costs of acquisition and betterment of land acquired under this subdivision.

**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; 1994 c 643 s 48

**85.02** [Repealed, 1943 c 60 s 12]

### **85.021 ACQUISITION OF LAND, MINNESOTA VALLEY TRAIL.**

**Subdivision 1. Acquisition of entire tract.** The commissioner of natural resources on determining that it is necessary to acquire any interest in a part of a tract or parcel of real estate for purposes of the Minnesota valley trail, may acquire in fee the whole or any additional parts of the tract or parcel that the commissioner deems to be in the best interests of the state.

**Subd. 2. Conveyance of excess.** Within one year after acquiring excess real estate pursuant to subdivision 1, the commissioner of natural resources shall notify the governor that the excess real estate is available for sale. The commissioner shall then publish notice of sale for three successive weeks in a newspaper of general circulation in the territory from which bids are likely to be received. After receipt of sealed bids, and upon recommendation of the commissioner of natural resources, the governor shall convey the excess real estate by quitclaim deed in a form approved by the attorney general in the name of the state to the highest responsible bidder. The deed may contain restrictive clauses limiting the use of the real estate in the interest of preserving the integrity of the trail when the commissioner finds that the restrictions are reasonably necessary.

**Subd. 3. Leasing.** The commissioner may lease for the term between the acquisition and sale thereof and for a fair rental rate and upon terms and conditions that the

commissioner deems proper, any excess real estate acquired under the provisions of this section and any real estate acquired in fee for natural resources purposes and not presently needed therefor. All rents received from the leases shall be paid into the state treasury.

**History:** 1975 c 144 s 2; 1980 c 458 s 13,14; 1986 c 444

**85.03** [Repealed, 1969 c 524 s 5]

**85.04 EMPLOYEES AS PEACE OFFICERS.**

All supervisors, guards, custodians, keepers, and caretakers of state parks, state monuments, state recreation areas, and state waysides shall have and possess the authority and powers of peace officers while in their employment.

**History:** (6461) 1923 c 430 s 9; 1969 c 525 s 1

**85.041** [Repealed, 1980 c 384 s 3]

**85.045 ADOPT-A-PARK PROGRAM.**

Subdivision 1. **Creation.** The Minnesota adopt-a-park program is established. The commissioner shall coordinate the program through the regional offices of the department of natural resources.

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.

Subd. 3. **Agreements.** (a) The commissioner shall enter into informal agreements with business and civic groups or individuals for volunteer services to maintain and make improvements to real and personal property in state parks, monuments, historic sites, and trails in accordance with plans devised by the commissioner after consultation with the groups.

(b) The commissioner may erect appropriate signs to recognize and express appreciation to groups and individuals providing volunteer services under the adopt-a-park program.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the adopt-a-park program.

(d) This section is not subject to chapter 14.

Subd. 4. **Worker displacement prohibited.** The commissioner may not enter into any agreement that has the purpose of or results in the displacement of public employees by volunteers participating in the adopt-a-park program under this section. The commissioner must certify to the appropriate bargaining agent that the work performed by a volunteer 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.

**History:** 1991 c 242 s 1; 1993 c 172 s 36

**85.05** [Repealed, 1987 c 253 s 5]

**85.0505 SALE OF WINE AT DOUGLAS LODGE IN ITASCA STATE PARK.**

Wine may be sold and consumed by the drink at the restaurant in Douglas Lodge in Itasca State Park, subject to other laws relating to the sale of intoxicating liquor.

**History:** 1987 c 128 s 6

**85.051** [Repealed, 1989 c 335 art 4 s 109]



**85.052 SPECIAL USES OF STATE PARKS.**

Subdivision 1. **Rules.** The commissioner may make rules for the use of state parks including:

- (1) special parking space for automobiles or other motor-driven vehicles in a state park or state recreation area;
- (2) special parking spurs, campgrounds for automobiles, sites for tent camping, and special auto trailer coach parking spaces, for the use of the individual charged for the space;
- (3) improvement and maintenance of golf courses already established in state parks, and charging reasonable use fees;
- (4) state park pageant areas that may be established in a state park to have historical or other pageants conducted by the commissioner of a state agency or other public agency; and
- (5) providing water, sewer, and electric service to trailer or tent campsites and charging a reasonable use fee.

Subd. 2. **State park pageants.** The commissioner may stage state park pageants in a state park, municipal park, or on other land near or adjoining a state park and charge an entrance or use fee for the pageant. All receipts from the pageants must be used in the same manner as though the pageants were conducted in a state park.

Subd. 3. **Fee for certain parking and campsite use.** (a) An individual using spaces in state parks under subdivision 1, clause (2), shall be charged daily rates determined and set by the commissioner in a manner and amount consistent with the type of facility provided for the accommodation of guests in a particular park and with similar facilities offered for tourist camping and similar use in the area.

(b) The fee for special parking spurs, campgrounds for automobiles, sites for tent camping, and special auto trailer coach parking spaces is one-half of the fee set in paragraph (a) on Sunday through Thursday of each week for:

- (1) an individual age 65 or over who is a resident of the state and who furnishes satisfactory proof of age and residence;
- (2) a physically handicapped person with a motor vehicle that has special plates issued under section 168.021, subdivision 1; or
- (3) a physically handicapped person who possesses a certificate issued under section 169.345, subdivision 3.

Subd. 4. **Deposit of fees.** (a) Fees paid for special state park uses under this section shall be deposited in the state treasury and credited to the general fund.

(b) Gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and be credited to the general fund.

**History:** 1987 c 253 s 1; 1989 c 335 art 4 s 106

**85.053 STATE PARK PERMITS.**

Subdivision 1. **Form, issuance, validity.** (a) The commissioner shall prepare and provide state park permits for each calendar year that state a motor vehicle may enter and use state parks, state recreation areas, and state waysides over 50 acres in area. State park permits must be available and placed on sale by October 1 of the year preceding the calendar year that the permit is valid.

(b) A state park permit may be affixed when purchased and used from the time it is affixed until the end of the calendar year for which it is issued. State park permits in each category must be numbered consecutively for each year of issue.

(c) State park permits shall be issued by employees of the division of parks and recreation as designated by the commissioner. State park permits also may be consigned to and issued by agents designated by the commissioner who are not employees of the division of parks and recreation. All proceeds from the sale of permits and all unsold permits consigned to agents shall be returned to the commissioner at such times

as the commissioner may direct, but no later than the end of the calendar year for which the permits are effective. No part of the permit fee may be retained by an agent. An additional charge or fee in an amount to be determined by the commissioner, but not to exceed four percent of the price of the permit, may be collected and retained by an agent for handling or selling the permits.

**Subd. 2. Requirement.** Except as provided in section 85.054, a motor vehicle may not enter a state park, state recreation area, or state wayside over 50 acres in area, without a state park permit issued under this section. Except for vehicles permitted under subdivision 7, paragraph (a), clause (3), the state park permit must be affixed to the lower right corner windshield of the motor vehicle and must be completely affixed by its own adhesive to the windshield.

**Subd. 2a. Split Rock Lighthouse state park.** Notwithstanding subdivision 2, the commissioner of natural resources may negotiate with the Minnesota historical society a special fee structure for the Split Rock Lighthouse state historic site within Split Rock Lighthouse state park.

**Subd. 3. Second vehicle permits.** The commissioner shall prescribe and issue second vehicle state park permits for persons who own more than one motor vehicle and who request a second permit for the second vehicle on a form prescribed by the commissioner. The commissioner may issue an applicant only one second vehicle permit.

**Subd. 4. Two-day permits.** The commissioner shall prescribe a special state park permit for use of state parks, state recreation areas, or state waysides up to two days under conditions prescribed by the commissioner.

**Subd. 5. Daily vehicle permit for groups.** The commissioner shall prescribe a special daily vehicle state park permit for groups for use of state parks, state recreation areas, or state waysides for up to one day under conditions prescribed by the commissioner.

**Subd. 6. Employee's permit.** (a) The commissioner shall prescribe and issue an employee's state park permit to state employees, peace officers, and contractors, that must enter areas where state park permits are required to perform official duties. An employee, peace officer, or contractor must display the special permit on the motor vehicle in the same manner as state park permits are displayed.

(b) A motor vehicle displaying only an employee's state park permit may not enter a place where state park permits are required if the vehicle is used for purposes other than performing official duties.

**Subd. 7. Handicapped persons and persons over age 65.** (a) The commissioner shall prescribe and issue special state park permits for:

(1) an individual age 65 years or older who furnishes satisfactory proof of age and is a resident of the state;

(2) a physically handicapped person with a motor vehicle (i) that has special plates issued under section 168.021, subdivision 1, or (ii) who has a permanent disability certificate issued under section 169.345, subdivision 3, and who can demonstrate proof of ownership of the vehicle for which the state park permit is being purchased or proof of a leasehold interest in the vehicle for a term at least as long as the term of the permit; and

(3) a physically handicapped person who: (i) does not own or operate a motor vehicle; (ii) possesses a statement certified under section 169.345, subdivision 2a; and (iii) applies to the commissioner in writing.

(b) Except for vehicles permitted under paragraph (a), clause (3), the permit or the decal issued under this subdivision is valid only when displayed on a vehicle owned and occupied by the person to whom the permit is issued.

**History:** 1987 c 253 s 2; 1989 c 137 s 1; 1990 c 427 s 1; 1991 c 254 art 2 s 15; 1992 c 481 s 1; 1994 c 458 s 1,2

**85.054 STATE PARK PERMIT EXEMPTIONS.**

Subdivision 1. **State park open house day.** (a) A state park permit is not required for a motor vehicle to enter a state park, state monument, state recreation area, or state wayside, on one day each calendar year, which the commissioner may designate as state park open house day. The commissioner may designate two consecutive days as state park open house day, if the open house is held in conjunction with a special pageant described in section 85.052, subdivision 2.

(b) The commissioner shall announce the date of state park open house day at least 30 days in advance of the date it occurs.

(c) The state park open house day is to acquaint the public with state parks, recreation areas, and waysides.

Subd. 2. **Fort Snelling Memorial Chapel Island.** A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the Fort Snelling Memorial Chapel Island portion of Fort Snelling State Park.

Subd. 3. **Interstate Park.** A Minnesota state park permit is not required at Interstate Park if a valid, current, Wisconsin state park permit or sticker authorizing entry of a motor vehicle into Wisconsin state parks is appropriately displayed on the vehicle and the commissioner has entered into an agreement with appropriate officials of the state of Wisconsin that authorizes motor vehicles displaying Minnesota state park permits free entry into Interstate State Park of Wisconsin on a reciprocal basis.

Subd. 4. **Jay Cooke state park.** A state park permit is not required and a fee must not be charged for motor vehicle entry or parking at the Veterans Memorial scenic overlook portion of Jay Cooke state park.

**History:** 1987 c 253 s 3; 1994 c 448 s 3

**85.055 STATE PARK PERMIT FEES.**

Subdivision 1. **Fees.** The fee for state park permits for:

- (1) an annual use of state parks is \$18;
- (2) a second vehicle state park permit is \$12;
- (3) a special state park permit valid up to two days is \$4;
- (4) a special daily vehicle state park permit for groups is \$2;
- (5) an employee's state park permit is without charge; and
- (6) a special state park permit for handicapped persons and persons over age 65 under section 85.053, subdivision 7, clauses (1), (2), and (3), is \$12.

The fees specified in this subdivision include any sales tax required by state law.

Subd. 2. **Fee deposit and appropriation.** The fees collected under this section shall be deposited in the state treasury and credited to the general fund.

**History:** 1987 c 253 s 4; 1988 c 686 art 1 s 55; 1989 c 335 art 4 s 22; 1991 c 254 art 2 s 16; 1994 c 458 s 3

**85.06 SCHOOLHOUSES IN CERTAIN STATE PARKS.**

The commissioner is hereby authorized to allow the construction and use of schoolhouses in any state park the area of which is not less than 3,000 acres.

**History:** (6472) 1919 c 368 s 1

**85.07 [Renumbered 85.012, subd 29]**

**NOTE:** For various provisions relating to the operation and management of Itasca state park, see Minnesota Statutes 1967, Section 85.07.

**85.071 [Renumbered 85.012, subd 21]**

**NOTE:** For provisions relating to the right of access by Villa Maria Academy across Frontenac state park and restricting the management and development of certain areas of the park, see Minnesota Statutes 1967, Section 85.071.

**85.08 [Renumbered 85.012, subd 28]**

**NOTE:** For provisions relating to cooperation with the state of Wisconsin in the operation of Interstate Park of the Dalles of St. Croix, see Minnesota Statutes 1967, Section 85.08.

# MINNESOTA STATUTES 1994

- 85.081 [Renumbered 85.012, subd 31]
- 85.082 [Renumbered 85.013, subd 9]
- 85.083 [Renumbered 85.012, subd 22]
- 85.085 [Renumbered 85.012, subd 49]
- 85.09 [Renumbered 85.012, subd 43]
- 85.10 [Alexander Ramsey state park transferred to Redwood Falls, 1957 c 230]
- 85.101 [Renumbered 85.012, subd 40]

NOTE: For provisions authorizing municipal contributions to acquisition and operation of McCarthy's Beach memorial state park, see Minnesota Statutes 1967, Section 85.01.

- 85.102 Subdivision 1. [Renumbered 85.012, subd 3]
  - Subd. 2. [Renumbered 85.012, subd 54]
  - Subd. 3. MS 1967 [Obsolete, 1969 c 524 s 4]

- 85.103 [Renumbered 85.10, subd 4]
- 85.11 [Renumbered 85.012, subd 17]
- 85.111 [Renumbered 85.012, subd 14]
- 85.12 [Horace Austin state park transferred to city of Austin, 1949 c 425 s 1; 1959 c 4 s 1,2]
- 85.122 [Renumbered 85.012, subd 42]
- 85.13 [Renumbered 85.012, subd 7]

NOTE: For provisions relative to dedication and platting of military cemetery within Birch Coulee memorial state park, see Minnesota Statutes 1967, Section 85.13.

- 85.14 [Renumbered 85.013, subd 23]

NOTE: For provisions relating to maintenance and control of Sam Brown memorial park by city of Browns Valley, see Minnesota Statutes 1967, Section 85.14.

- 85.15 [Renumbered 85.012, subd 13]
- 85.16 [Oronoco park conveyed to Olmsted county pursuant to Laws 1965 c 810 s 9]
- 85.161 [Renumbered 85.012, subd 33]

NOTE: For provisions authorizing conveyance of a portion of Lake Bemidji state park to the federal government for use as a veterans' hospital, see Minnesota Statutes 1967, Section 85.161.

- 85.162 [Renumbered 85.012, subd 45]

NOTE: For provisions authorizing forestry experimentations and restricting the management of certain areas in Nerstrand Woods state park, see Minnesota Statutes 1967, Section 85.162.

- 85.163 [Renumbered 85.012, subd 32]
- 85.164 [Renumbered 85.012, subd 11]
- 85.165 [Renumbered 85.012, subd 47]
- 85.17 [Renumbered 85.013, subd 14]
- 85.171 [Renumbered 85.012, subd 15]
- 85.172 [Renumbered 85.013, subd 7]
- 85.173 [Renumbered 85.013, subd 20]
- 85.174 [Renumbered 85.013, subd 5]
- 85.175 [Renumbered 85.013, subd 15]
- 85.176 [Renumbered 85.012, subd 60]
- 85.177 [Renumbered 85.012, subd 27]
- 85.178 [Renumbered 85.012, subd 12]
- 85.179 [Renumbered 85.012, subd 55]
- 85.18 Subdivision 1. MS 1967 [Obsolete, 1969 c 524 s 4]
  - Subd. 2. [Renumbered 85.012, subd 5]
  - Subd. 3. [Renumbered 85.012, subd 9]
  - Subd. 4. [Renumbered 85.012, subd 16]

# MINNESOTA STATUTES 1994

127

## DIVISION OF PARKS AND RECREATION

- Subd. 5. [Renumbered 85.012, subd 38]
- Subd. 6. [Renumbered 85.012, subd 44]
- Subd. 7. [Renumbered 85.012, subd 8]
- Subd. 8. [Pomme de Terre recreation reserve conveyed to city of Morris pursuant to Laws 1965 c 810 s 9]
- Subd. 9. [Renumbered 85.013, subd 26]
- Subd. 10. [Renumbered 85.012, subd 34]
- Subd. 11. [Renumbered 85.012, subd 25]
- 85.181** [Renumbered 85.012, subd 51]
- 85.182** [Renumbered 85.012, subd 4]
- 85.183** [Renumbered 85.012, subd 6]

NOTE: For provisions relative to financing the county share of the cost of acquisition of Big Stone Lake state park, see Minnesota Statutes 1967, Section 85.183.

- 85.184** [Renumbered 85.012, subd 18]
- 85.185** Subdivision 1. MS 1967 [Obsolete, 1969 c 524 s 4]
  - Subd. 2. MS 1967 [Obsolete, 1969 c 524 s 4]
  - Subd. 3. [Renumbered 85.012, subd 41]
  - Subd. 4. [Renumbered 85.012, subd 24]
  - Subd. 5. [Renumbered 85.012, subd 23]
  - Subd. 6. [Renumbered 85.012, subd 19]
  - Subd. 7. [Renumbered 85.012, subd 58]
  - Subd. 8. [Renumbered 85.012, subd 50]
  - Subd. 9. [Renumbered 85.012, subd 36]
  - Subd. 10. [Renumbered 85.012, subd 37]
  - Subd. 11. [Renumbered 85.012, subd 48]
  - Subd. 12. [Renumbered 85.012, subd 39]
  - Subd. 13. [Renumbered 85.012, subd 2]
  - Subd. 14. [Renumbered 85.012, subd 46]
  - Subd. 15. [Renumbered 85.012, subd 56]

NOTE: Subdivisions 16 to 33 described additions to various state parks. Subdivisions 34 and 35 contained provisions relating to the acquisition and administration of park lands.

- 85.186** [Renumbered 85.012, subd 57]
- 85.1865** MS 1967 [Obsolete, 1969 c 524 s 4]

NOTE: For provisions relative to the maintenance of a mine in Tower Soudan state park, see Minnesota Statutes 1967, Sections 85.186 and 85.1865.

- 85.187** MS 1967 [Obsolete, 1969 c 524 s 4]

NOTE: For description of 1965 additions to various state parks, see Minnesota Statutes 1967, section 85.187 or Laws 1965, chapter 810, section 9 or Laws 1965, chapter 901, section 77.

- 85.1871** Subdivision 1. [Renumbered 85.012, subd 54 ]
  - Subd. 2. [Renumbered 85.012, subd 26]
  - Subd. 3. MS 1967 [Obsolete, 1969 c 524 s 4]

NOTE: For description of 1967 additions to various state parks, see Minnesota Statutes 1967, Section 85.1871, Subdivision 3.

- Subd. 4. [Renumbered 85.012, subd 30]
- 85.188** MS 1967 [Obsolete, 1969 c 524 s 4]

NOTE: For authority to convey certain state parks to local units of government, see Laws 1965, chapter 810, section 9.

- 85.189** MS 1967 [Obsolete, 1969 c 524 s 4]

NOTE: For authority to acquire by eminent domain land at Forestville, Frontenac and Grand Mounds state parks, see Laws 1965, chapter 810, section 9.

**85.19 MS 1967 [Obsolete, 1969 c 524 s 4]**

NOTE: Parks, recreation reserves, and monuments formerly designated in this section now designated by various subdivisions of sections 85.012 and 85.013, except for Gavin Heights scenic state wayside which was transferred to the city of Winona by Laws 1961, chapter 181, Kaplan Woods state park which was transferred to the city of Owatonna by Laws 1963, chapter 566, and Toqua Lakes state park which was transferred to Big Stone county pursuant to Laws 1965, chapter 810, section 9.

**85.191** [Renumbered 85.013, subd 28]**85.192** [Renumbered 85.013, subd 24]**85.193** [Renumbered 85.013, subd 16]**85.194** [Renumbered 85.013, subd 8]**85.195** [Renumbered 85.013, subd 10]**85.196** [Renumbered 85.012, subd 20]**85.197** [Renumbered 85.013, subd 21]**85.198** [Repealed, 1971 c 859 s 14]

NOTE: Minnesota Valley Trail formerly designated in this section, now designated in section 85.015, subdivision 6.

**85.20 VIOLATIONS OF RULES; LITTERING; PENALTIES.**

Subdivision 1. **Violation of rules.** Any person who, within the limits of any state park, state monument, state recreation area, state wayside, or area of state land reserved from sale, as provided by Laws 1923, chapter 430, shall willfully cut, injure, or destroy any live tree, shrub, timber, evergreen, or ornamental plant of any kind, or who shall willfully injure, remove, destroy, deface, or mutilate any guideboard, guidepost, furniture, fixture, improvement, monument, tablet, or other property of the state of any kind, or who shall willfully violate, or fail to comply with, any rule of the commissioner adopted and promulgated in accordance with the provisions of Laws 1923, chapter 430, shall be guilty of a misdemeanor.

Subd. 2. [Repealed, 1975 c 353 s 41]

Subd. 3. [Repealed, 1975 c 353 s 41]

Subd. 4. [Repealed, 1975 c 353 s 41]

Subd. 5. [Repealed, 1975 c 353 s 41]

Subd. 6. **Littering; penalty.** (a) No person shall drain, throw, or deposit upon the lands and waters within a state park any substance that would mar the appearance, create a stench, destroy the cleanliness or safety of the land, or would be likely to injure any animal, vehicle, or person traveling upon those lands and waters. The operator of a vehicle or watercraft, except a school bus or a vehicle transporting passengers for hire and regulated by the interstate commerce commission, shall not permit articles to be thrown or discarded from the vehicle upon any lands or waters within a state park.

(b) Violation of this subdivision is a misdemeanor. Any person sentenced under this subdivision shall in lieu of the sentence imposed be permitted, under terms established by the court, to work under the direction of the department of natural resources at clearing rubbish, trash, and debris from any state park. The court may for any violation of this subdivision order the offender to perform such work under terms established by the court with the option of a jail sentence being imposed.

(c) In lieu of enforcement under paragraph (b), this subdivision may be enforced by imposition of a civil penalty and an action for damages for littering under section 115A.99.

**History:** (6462, 6467-6, 6471, 6490, 6496, 6500, 6504, 6508) *RL s 2500,2503; 1905 c 297 s 5; 1911 c 259 s 5; 1911 c 355 s 5; 1913 c 361 s 5; 1923 c 430 s 10; 1933 c 396 s 6; 1969 c 525 s 3,4; 1975 c 168 s 1; 1985 c 248 s 70; 1994 c 412 s 1*

**85.205 RECEPTACLES FOR RECYCLING.**

The commissioner of natural resources must provide recycling conveniences at all state parks.

(a) State park managers must provide and maintain adequate receptacles for collection of food containers for recycling in all state parks.

(b) Appropriate recycling information must be available to all state park visitors.

(c) State park managers must post a notice of recycling availability at appropriate locations within each state park.

(d) State park managers must where practicable recycle the gathered recyclable materials, provide for the local unit of government to recycle the gathered materials, or contract with private nonprofit groups for recycling.

(e) Money collected by state park managers for recycling must be deposited in the state treasury and credited to the general fund.

**History:** 1989 c 205 s 1; 1990 c 594 art 3 s 3

### **85.21 STATE OPERATION OF PARK, MONUMENT, RECREATION AREA AND WAYSIDE FACILITIES; LICENSE NOT REQUIRED.**

The state, in its operation of state park, state monument, state recreation area, and state wayside facilities, shall not be required to obtain or pay for permits or licenses required by statute or by ordinance of governmental subdivisions of private operators in conducting or maintaining similar business or facilities.

**History:** 1945 c 370 s 1; 1969 c 525 s 5

### **85.22 STATE PARKS WORKING CAPITAL FUND.**

Subdivision 1. **Designation.** The revolving fund established under Laws 1941, chapter 548, section 37, subdivision E, item 4 is the state parks working capital account. The account is to be used to maintain and operate the revenue producing facilities and to operate the resource management and interpretive programs in the state parks within the limits in this section.

Subd. 2. [Repealed, 1965 c 901 s 72]

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.

Subd. 3. **Charges sufficient to defray expenses.** The commissioner of natural resources shall adjust the schedule of charges for operating facilities within state parks so as to produce income sufficient to defray all expenses required to provide proper operations of said facilities.

Subd. 4. [Repealed, 1965 c 901 s 72]

**History:** 1951 c 460 s 1-4; 1965 c 901 s 71; 1969 c 399 s 1; 1969 c 1129 art 10 s 2; 1981 c 356 s 276; 1Sp1985 c 13 s 199; 1986 c 444; 1989 c 335 art 4 s 23,24; 1991 c 254 art 2 s 17,18; 1993 c 172 s 37

### **85.23 COOPERATIVE LEASES OF AGRICULTURAL LANDS.**

On any agricultural lands however acquired, located within a state park, where the use of the lands would not conflict with normal park uses, cooperative farming leases on a sharecrop basis may be completed with nearby farmers to provide needed park services such as grassland restoration or development, weed control, and the provision of food plots, such as corn, for deer, pheasants and other wildlife species that are indigenous to the habitats existing in state parks and which are of value and interest to state park visitors and the general public.

The sharecropping leases may be entered into for state park lands in lieu of any rental arrangement established for use with respect to state lands in any other provision of law.

**History:** 1977 c 249 s 1

- 85.26 [Expired]  
 85.27 [Expired]  
 85.28 [Expired]  
 85.29 [Expired]  
 85.30 [Repealed, 1990 c 594 art 3 s 15]  
 85.31 [Expired]

### 85.32 CANOE AND BOATING ROUTES.

Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized in cooperation with local units of government and private individuals and groups when feasible to mark canoe and boating routes on the Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro and Crow rivers which have historic and scenic values and to mark appropriately points of interest, portages, camp sites, and all dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe and watercraft travelers.

Subd. 2. **Camp sites, rest areas, river accesses and portages, land acquisition.** The commissioner may, in cooperation with local units of government as provided in subdivision 1, acquire land by purchase, grant, gift, devise, exchange, lease or easement for camp sites, rest areas, river accesses and portages. The acquisition of any parcel of land pursuant to this subdivision shall not exceed 20 acres, unless it will or should require a land survey or a larger parcel will be in the best interest of the state, in which case the commissioner may acquire land not to exceed 40 acres or unless specifically authorized by the executive council. The commissioner may also develop and be responsible for the maintenance of campsites, rest areas, river accesses, and portages on the areas acquired, or in cooperation with local units of government, organizations, or individuals, along those rivers designated in subdivision 1.

Subd. 3. **Dedication, application of statute.** Areas acquired by easement or lease or areas designated and marked under this section shall not be subject to the provisions of section 160.06.

**History:** 1963 c 386 s 1; 1967 c 862 s 1-3; 1967 c 905 s 5; 1969 c 1129 art 10 s 2; 1975 c 37 s 1,2; 1976 c 24 s 1; 1976 c 346 s 3; 1977 c 224 s 1; 1983 c 116 s 1

### 85.33 ST. CROIX WILD RIVER AREA; LIMITATIONS ON POWER BOATING.

Subdivision 1. **Definition.** For the purposes of this section, "motorboat" means any contrivance used or designed for navigation on water which is propelled in any respect by machinery, including but not limited to detachable motors.

Subd. 2. **Purpose; rules above the mouth of the Snake river.** In furtherance of the public policy declared by Congress in Public Law Number 90-542 and Public Law Number 92-560 of maintaining the essentially wild and scenic character of certain rivers, including a part of the St. Croix, and as an exercise of state powers either recognized or granted by Public Law Number 90-542 and Public Law Number 92-560, the commissioner of natural resources may promulgate rules, in the manner provided by chapter 14, which limit or prohibit the operation or use of motorboats on that part of the St. Croix river north of the mouth of the Snake river, located in Section 31, Township 39 North, Range 19 West.

Subd. 3. **Rules below the mouth of the Snake River.** After October 1, 1974, if the commissioner of natural resources has not established rules relating to the use of watercraft on that part of the St. Croix River south of the mouth of the Snake River but north of the nine-foot navigational channel at mile 24.5, measured from the mouth of the St. Croix River, pursuant to the request of a local governmental unit in the manner provided by section 86B.205, subdivision 9, the commissioner may establish such rules pursuant to section 86B.205, subdivision 9, notwithstanding the absence of a request from a local governmental unit and notwithstanding the absence of approval of the rules by a majority of the counties affected.



Subd. 4. **Concurrent rules required.** Rules promulgated by the commissioner pursuant to this section are effective upon adoption of laws or rules providing for similar limitations or prohibitions on the operation and use of motorboats on the same reach of St. Croix river by the state of Wisconsin or its agencies. In exercising the authority granted by this section the commissioner may enter into necessary agreements with either the United States and its agencies, pursuant to section 84.025, or the state of Wisconsin and its agencies.

Subd. 5. **Penalty.** A person violating any of the provisions of this section or the rules promulgated thereunder by the commissioner is guilty of a misdemeanor.

**History:** 1973 c 557 s 1; 1982 c 424 s 130; 1985 c 248 s 70; 1986 c 444; 1990 c 391 art 8 s 16

#### 85.34 FORT SNELLING LEASE.

Subdivision 1. The commissioner of natural resources with the approval of the Executive Council may lease for purposes of restoration, preservation, historical and commercial use and development, that portion of Fort Snelling state park consisting of officer's row and the adjacent golf course and residential, storage and service buildings, all lying within an area bounded by Minneapolis-St. Paul International Airport, trunk highway numbered 5, Taylor avenue, Minnehaha avenue, and Bloomington Road. The lease shall be in a form approved by the attorney general and for a term of not to exceed 99 years.

Subd. 2. Admission to the property leased pursuant to subdivision 1 shall be exempt from any state park permit or admission fees imposed pursuant to law.

Subd. 3. The commissioner of public safety with the approval of the Executive Council may issue to the lessee or developer of the property leased pursuant to subdivision 1, an on-sale license for the sale of intoxicating liquor upon the leased property. The annual fee for the license issued pursuant to this subdivision shall be set by the commissioner of public safety at an amount comparable to the fee charged by municipalities in the surrounding area for a similar license. All provisions of chapter 340 shall apply to the sale of intoxicating liquor upon the leased property.

**History:** 1978 c 573 s 1

#### 85.40 DEFINITIONS.

Subdivision 1. **Scope.** For purposes of sections 85.40 to 85.45 the following terms have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subd. 3. **Cross-country ski grant-in-aid program.** "Cross-country ski grant-in-aid program" means a program administered by the department, as described in section 85.44.

Subd. 4. **Cross-country ski race.** "Cross-country ski race" means a timed skiing event organized for the participation of a large number of skiers at one time over a course prepared specifically for a ski race.

Subd. 5. **Cross-country ski trail.** "Cross-country ski trail" means a public pathway designated and promoted for cross country skiing, excluding trails that have not received state acquisition or betterment funds for recreational purposes.

Subd. 6. **Cross-country skiing.** "Cross-country skiing" means traveling across country over snow by human power on skis. "Cross-country skiing" does not require the use of lifts, tows, or other mechanical devices.

Subd. 7. **Department.** "Department" means the department of natural resources.

**History:** 1983 c 325 s 2; 1984 c 654 art 2 s 86

#### 85.41 USER FEES.

Subdivision 1. **On person.** While skiing on cross-country ski trails, a person

between the ages of 16 and 64 years shall carry in immediate possession a valid cross-country ski pass. A landowner who grants an easement for a grant-in-aid ski trail is not required to have a pass when skiing on the landowner's property.

**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 moneys 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.

**Subd. 3. Exemptions.** Participants in cross-country ski races and official school activities and residents of a state or local government operated correctional facility are exempt from the pass requirement in subdivision 1 if a special use permit has been obtained by the organizers of the event or those in an official capacity in advance from the agency with jurisdiction over the cross-country ski trail. Permits shall require that permit holders return the trail and any associated facility to its original condition if any damage is done by the permittee. Limited permits for special events may be issued and shall require the removal of any trail markers, banners, and other material used in connection with the special event.

**Subd. 4. Form.** The department shall provide forms and blanks to all agents authorized to issue passes by the commissioner. The pass shall be with the skier and available for inspection by any peace or conservation officer. The pass shall include the applicant's name and other information deemed necessary by the commissioner.

**Subd. 5. Agent's fee.** The fee for a cross-country ski pass shall be increased by the amount of an issuing fee of 50 cents per pass. The issuing fee may be retained by the seller of the pass. A pass shall indicate the amount of the fee that is retained by the seller. This subdivision does not apply to any pass sold by the state.

**History:** 1983 c 325 s 3; 1984 c 654 art 2 s 87-89; 1985 c 248 s 70; 1986 c 444; 1987 c 149 art 2 s 6; 1987 c 404 s 101; 1993 c 231 s 3

**85.42 USER FEE.**

The fee for an annual cross-country ski pass is \$5 for an individual pass or \$7.50 for a combination husband and wife pass. The fee for a three-year pass is \$14 for an individual pass or \$21 for a combination husband and wife pass. This fee shall be collected at the time the pass is purchased. Three-year passes are valid for three years beginning the previous July 1. Annual passes are valid for one year beginning the previous July 1. Passes are not transferable.

The cost for a daily cross-country skier pass is \$1. This fee shall be collected at the time the pass is purchased. The daily pass is valid only for the date designated on the pass form.

*History: 1983 c 325 s 4; 1987 c 404 s 102*

**85.43 DISPOSITION OF RECEIPTS; PURPOSE.**

Fees from cross-country ski passes shall be deposited in the state treasury and credited to a cross-country ski account and are appropriated to the commissioner of natural resources for:

(a) grants-in-aid for cross-country ski trails sponsored by local units of government and special park districts as provided in section 85.44; and

(b) maintenance, winter grooming, and associated administrative costs for cross-country ski trails under the jurisdiction of the commissioner.

*History: 1983 c 325 s 5; 1Sp1985 c 13 s 200; 1987 c 404 s 103*

**85.44 CROSS-COUNTRY SKI TRAIL GRANT-IN-AID PROGRAM.**

The commissioner shall establish a grant-in-aid program for local units of government and special park districts for the acquisition, development, and maintenance of cross-country ski trails. Grants shall be available for acquisition of trail easements but may not be used to acquire any lands in fee title. The department shall reimburse all public sponsors of grants-in-aid cross-country ski trails based upon criteria established by the department. Prior to the use of any reimbursement criteria, a certain proportion of the revenues shall be allocated on the basis of user fee sales location.

*History: 1983 c 325 s 6*

**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: 1983 c 325 s 7; 1987 c 404 s 104; 1993 c 231 s 4*