

## CHAPTER 84

## DEPARTMENT OF NATURAL RESOURCES

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**84.01 DEPARTMENT OF NATURAL RESOURCES; COMMISSIONER APPOINTMENT.**

*[For text of subs 1 and 2, see M.S.2002]*

Subd. 3. **Employees; delegation.** Subject to the provisions of Laws 1969, chapter 1129, and to other applicable laws the commissioner shall organize the department and employ up to three assistant commissioners, each of whom shall serve at the pleasure of the commissioner in the unclassified service, one of whom shall have responsibility for coordinating and directing the planning of every division within the agency, and such other officers, employees, and agents as the commissioner may deem necessary to discharge the functions of the department, define the duties of such officers, employees, and agents and to delegate to them any of the commissioner's powers, duties, and responsibilities subject to the control of, and under the conditions prescribed by, the commissioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

*[For text of subs 4 and 5, see M.S.2002]*

**History:** 2003 c 28 art 1 s 2

**84.026 CONTRACTS AND GRANTS FOR PROVISION OF NATURAL RESOURCES SERVICES.**

The commissioner of natural resources is authorized to enter into contractual or grant agreements with any public or private entity for the provision of statutorily prescribed natural resources services by or for the department. The contracts or grants shall specify the services to be provided and the amount and method of reimbursement. Funds generated in a contractual agreement made pursuant to this section shall be deposited in the special revenue fund and are appropriated to the department for purposes of providing the services specified in the contracts. All contractual and grant agreements shall be processed in accordance with the provisions of section 16C.05. The commissioner shall report revenues collected and expenditures made under this section to the chairs of the committees on appropriations in the house and finance in the senate by January 1 of each odd-numbered year.

**History:** 2003 c 28 art 1 s 3

**84.027 POWERS AND DUTIES.**

*[For text of subs 1 to 12, see M.S.2002]*

Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to designate prohibited exotic species, regulated exotic species, unregulated exotic species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

*[For text of subs 14 and 15, see M.S.2002]*

**History:** 2003 c 128 art 1 s 12

**84.028 COMMISSIONER OF NATURAL RESOURCES, SPECIFIC ASSIGNMENTS.**

*[For text of subd 1, see M.S.2002]*

Subd. 2. **Development and planning duties.** The overall coordination of acquisition and development programs, comprehensive planning activities, including statewide recreational planning programs required by state or federal law, and not the responsibility of the commissioner of employment and economic development, are under the control and supervision of the commissioner.

[For text of subd 3, see M.S.2002]

**History:** 1Sp2003 c 4 s 1

#### 84.029 RECREATIONAL AREAS ON PUBLIC LAND.

Subdivision 1. **Establishment, development, maintenance and operation.** In addition to other lawful authority, the commissioner of natural resources may establish, develop, maintain, and operate recreational areas, including but not limited to trails and canoe routes, for the use and enjoyment of the public on any state-owned or leased land under the commissioner's jurisdiction. The commissioner may employ and designate individuals according to section 85.04 to enforce laws governing the use of recreational areas.

[For text of subd 2, see M.S.2002]

**History:** 2003 c 128 art 1 s 13

#### 84.085 ACCEPTANCE OF GIFTS.

Subdivision 1. **Authority.** (a) The commissioner of natural resources may accept for and on behalf of the state any gift, bequest, devise, or grants of lands or interest in lands or personal property of any kind or of money tendered to the state for any purpose pertaining to the activities of the department or any of its divisions. Any money so received is hereby appropriated and dedicated for the purpose for which it is granted. Lands and interests in lands so received may be sold or exchanged as provided in chapter 94.

(b) The commissioner of natural resources, on behalf of the state, may accept and use grants of money or property from the United States or other grantors for conservation purposes not inconsistent with the laws of this state. Any money or property so received is hereby appropriated and dedicated for the purposes for which it is granted, and shall be expended or used solely for such purposes in accordance with the federal laws and regulations pertaining thereto, subject to applicable state laws and rules as to manner of expenditure or use providing that the commissioner may make subgrants of any money received to other agencies, units of local government, private individuals, private organizations, and private nonprofit corporations. Appropriate funds and accounts shall be maintained by the commissioner of finance to secure compliance with this section.

(c) The commissioner may accept for and on behalf of the permanent school fund a donation of lands, interest in lands, or improvements on lands. A donation so received shall become state property, be classified as school trust land as defined in section 92.025, and be managed consistent with section 127A.31.

[For text of subd 2, see M.S.2002]

**History:** 2003 c 28 art 1 s 4; 2003 c 128 art 1 s 14

**84.0887** [Repealed, 2003 c 128 art 1 s 176]

#### 84.091 AQUATIC VEGETATION IN PUBLIC WATERS.

[For text of subd 1, see M.S.2002]

Subd. 2. **License required; exception.** (a) Except as provided in paragraph (b), a person may not harvest, buy, sell, transport, or possess aquatic plants without a license required under this chapter. A license shall be issued in the same manner as provided under the game and fish laws.

(b) A resident under the age of 18 years may harvest wild rice without a license, if accompanied by a person with a wild rice license.

Subd. 3. **License fees.** (a) The fees for the following licenses, to be issued to residents only, are:

(1) for harvesting wild rice:

- (i) for a season, \$25; and
- (ii) for one day, \$15;
- (2) for buying and selling wild ginseng, \$5;
- (3) for a wild rice dealer's license to buy and sell 50,000 pounds or less, \$70; and
- (4) for a wild rice dealer's license to buy and sell more than 50,000 pounds, \$250.
- (b) The fee for a nonresident one-day license to harvest wild rice is \$30.
- (c) The weight of the wild rice shall be determined in its raw state.

**History:** 2003 c 128 art 1 s 15,16

**NOTE:** The amendments to subdivisions 2 and 3 by Laws 2003, chapter 128, article 1, sections 15 and 16, are effective March 1, 2004. Laws 2003, chapter 128, article 1, sections 15 and 16, the effective dates.

#### 84.0911 WILD RICE MANAGEMENT ACCOUNT.

Subdivision 1. **Account established.** The wild rice management account is established as an account in the game and fish fund.

Subd. 2. **Receipts.** Money received from the sale of wild rice licenses issued by the commissioner under section 84.091, subdivision 3, paragraph (a), clauses (1), (3), and (4), and subdivision 3, paragraph (b), shall be credited to the wild rice management account.

Subd. 3. **Use of money in account.** Money in the wild rice management account is annually appropriated to the commissioner and shall be used for management of designated public waters to improve natural wild rice production.

**History:** 2003 c 128 art 1 s 17

**NOTE:** The amendment to this section by Laws 2003, chapter 128, article 1, section 17, is effective March 1, 2004. Laws 2003, chapter 128, section 17, the effective date.

#### 84.153 PROPERTY; LEASING, RENTING.

(a) The commissioner is hereby authorized at public or private vendue and at such prices and under such terms and conditions as the commissioner may prescribe, to lease any buildings or lands not now authorized to be leased, acquired in the name of the state of Minnesota by any of the several divisions of the department which are not presently needed for the uses and purposes of any of the divisions of the department. The purposes for which such leases may be executed shall be in the furtherance of the interests of conservation and such uses shall not result in any permanent injury to the land. No such lease shall be made for a term to exceed two years and shall contain a provision for cancellation at any time by the commissioner upon three months written notice. All money received from these leases shall be credited to the fund from which the property was acquired, except an amount equal to the cost of maintenance of the leased property shall be credited to the fund charged with the cost of maintenance. Money credited for leased property maintenance is appropriated to the commissioner for that purpose.

(b) The commissioner is hereby authorized to rent or lease to employees of the various divisions of the department such cabins, buildings, or living quarters as are now or may hereafter be constructed upon state-owned lands under the control of the several divisions of the department, when this occupancy is found to be necessary or beneficial to the work of the department. These leases or rental agreements shall be upon a month to month basis and provide for surrender by the lessee upon demand at any time the lessee's services with the state may be terminated, without the necessity of any written notice. All receipts from rents shall be paid in to the commissioner of finance and credited to the fund charged with the cost of maintenance of such buildings and are hereby appropriated for such use.

(c) All instruments and transactions so negotiated shall be approved as to form, validity, and execution by the attorney general.

(d) Hunting of wild game is prohibited on any land which has been posted by the lessee to prohibit hunting. Such prohibition shall apply to all persons including the lessee.

**History:** 2003 c 112 art 2 s 50

#### 84.415 UTILITY LICENSES, PERMITS.

[For text of subs 1 to 4, see M.S.2002]

Subd. 5. **Fee.** In the event the construction of such lines causes damage to timber or other property of the state on or along the same, the license or permit shall also provide for payment to the commissioner of finance of the amount thereof as may be determined by the commissioner.

All money received under such licenses or permits shall be credited to the fund to which other income or proceeds of sale from such land would be credited, if provision therefor be made by law, otherwise to the general fund.

**History:** 2003 c 112 art 2 s 50

#### 84.523 BWCA; MANAGEMENT OF MINERALS AND RELATED RESOURCES.

[For text of subs 1 to 5, see M.S.2002]

Subd. 6. **State-owned lands.** Acquired lands owned by the state within the Boundary Waters Canoe Area defined in subdivision 1 are designated as state wilderness areas under section 86A.05, subdivision 6.

**History:** 1Sp2003 c 13 s 1

#### 84.771 OFF-HIGHWAY VEHICLE DEFINITION.

For the purposes of sections 84.771 to 84.930, "off-highway vehicle" means an off-highway motorcycle, as defined under section 84.787, subdivision 7; an off-road vehicle, as defined under section 84.797, subdivision 7; or an all-terrain vehicle, as defined under section 84.92, subdivision 8.

**History:** 2003 c 128 art 1 s 18

#### 84.773 RESTRICTIONS ON OPERATION.

A person may not intentionally operate an off-highway vehicle:

- (1) on a trail on public land that is designated for nonmotorized use only;
- (2) on restricted areas within public lands that are posted or where gates or other clearly visible structures are placed to prevent unauthorized motorized vehicle access; or
- (3) except as specifically authorized by law or rule adopted by the commissioner, in: type 3, 4, 5, and 8 wetlands or unfrozen public waters, as defined in section 103G.005; in a state park; in a scientific and natural area; or in a wildlife management area.

**History:** 2003 c 128 art 1 s 19

#### 84.775 OFF-HIGHWAY VEHICLE CIVIL CITATIONS.

Subdivision 1. **Civil citation; authority to issue.** (a) A conservation officer or other licensed peace officer may issue a civil citation to a person who operates:

- (1) an off-highway motorcycle in violation of sections 84.773; 84.777; 84.788 to 84.795; or 84.90;
- (2) an off-road vehicle in violation of sections 84.773; 84.777; 84.798 to 84.804; or 84.90; or
- (3) an all-terrain vehicle in violation of sections 84.773; 84.777; 84.90; or 84.922 to 84.928.

(b) A civil citation shall require restitution for public and private property damage and impose a penalty of no more than \$100 for the first offense, no more than \$200 for the second offense, and no more than \$500 for third and subsequent offenses. If the peace officer determines that there is damage to property requiring restitution, the commissioner must send a written explanation of the extent of the damage and the cost of the repair by first class mail to the address provided by the person receiving the citation within 15 days of the date of the citation.

Subd. 2. **Appeals.** Civil citations issued under subdivision 1 may be appealed according to section 116.072, if the recipient of the citation requests a hearing by notifying the commissioner in writing within 30 days after receipt of the citation or, if applicable, within 15 days after the date of mailing the explanation of restitution. For the purposes of this section, the terms "commissioner" and "agency" as used in section 116.072 mean the commissioner of natural resources. If a hearing is not requested within the 30-day period, the citation becomes a final order not subject to further review.

Subd. 3. **Enforcement.** Civil citations issued under subdivision 1 may be enforced under section 116.072, subdivision 9. Penalty amounts must be remitted within 30 days of issuance of the citation.

Subd. 4. **Allocation of penalty amounts.** Penalty amounts collected from civil citations issued under this section must be paid to the treasury of the unit of government employing the officer that issued the civil citation. Penalties retained by the commissioner shall be credited as follows: to the off-highway motorcycle account under section 84.794 for citations involving off-highway motorcycles; to the off-road vehicle account under section 84.803 for citations involving off-road vehicles; or to the all-terrain vehicle account under section 84.927 for citations involving all-terrain vehicles. Penalty amounts credited under this subdivision are dedicated for the enforcement of off-highway vehicle laws.

Subd. 5. **Selection of remedy.** A peace officer may not seek both civil and misdemeanor penalties for offenses listed in subdivision 1.

**History:** 2003 c 128 art 1 s 20

#### **84.777 OFF-HIGHWAY VEHICLE USE OF STATE LANDS RESTRICTED.**

(a) Except as otherwise allowed by law or rules adopted by the commissioner, effective June 1, 2003, notwithstanding sections 84.787 to 84.805 and 84.92 to 84.929, the use of off-highway vehicles is prohibited on state land administered by the commissioner of natural resources, and on county-administered forest land within the boundaries of a state forest, except on roads and trails specifically designated and posted by the commissioner for use by off-highway vehicles.

(b) Paragraph (a) does not apply to county-administered land within a state forest if the county board adopts a resolution that modifies restrictions on the use of off-highway vehicles on county-administered land within the forest.

**History:** 2003 c 128 art 1 s 21

#### **84.780 OFF-HIGHWAY VEHICLE DAMAGE ACCOUNT.**

(a) The off-highway vehicle damage account is created in the natural resources fund. Money in the off-highway vehicle damage account is appropriated to the commissioner of natural resources for the repair or restoration of property damaged by the operation of off-highway vehicles in an unpermitted area after August 1, 2003, and for the costs of administration for this section. Before the commissioner may make a payment from this account, the commissioner must determine whether the damage to the property was caused by the unpermitted use of off-highway vehicles, that the applicant has made reasonable efforts to identify the responsible individual and obtain payment from the individual, and that the applicant has made reasonable efforts to prevent reoccurrence. By June 30, 2005, the commissioner of finance must transfer the remaining balance in the account to the off-highway motorcycle account under section 84.794, the off-road vehicle account under section 84.803, and the all-terrain vehicle

account under section 84.927. The amount transferred to each account must be proportionate to the amounts received in the damage account from the relevant off-highway vehicle accounts.

(b) This section expires July 1, 2005.

**History:** 2003 c 128 art 1 s 22

#### 84.788 REGISTRATION.

*[For text of subd 1, see M.S.2002]*

**Subd. 2. Exemptions.** Registration is not required for off-highway motorcycles:

(1) owned and used by the United States, the state, another state, or a political subdivision;

(2) registered in another state or country that have not been within this state for more than 30 consecutive days; or

(3) registered under chapter 168, when operated on forest roads to gain access to a state forest campground.

**Subd. 3. Application; issuance; reports.** (a) Application for registration or continued registration must be made to the commissioner or an authorized deputy registrar of motor vehicles in a form prescribed by the commissioner. The form must state the name and address of every owner of the off-highway motorcycle.

(b) A person who purchases from a retail dealer an off-highway motorcycle shall make application for registration to the dealer at the point of sale. The dealer shall issue a temporary ten-day registration permit to each purchaser who applies to the dealer for registration. The dealer shall submit the completed registration applications and fees to the deputy registrar at least once each week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, a 60-day temporary receipt and shall assign a registration number that must be affixed to the motorcycle in a manner prescribed by the commissioner. A dealer subject to paragraph (b) shall provide the registration materials and temporary receipt to the purchaser within the ten-day temporary permit period.

(d) The commissioner shall develop a registration system to register vehicles under this section. A deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of off-highway motorcycles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements.

(e) In addition to other fees prescribed by law, a filing fee of \$4.50 is charged for each off-highway motorcycle registration renewal, duplicate or replacement registration card, and replacement decal and a filing fee of \$7 is charged for each off-highway motorcycle registration and registration transfer issued by:

(1) a deputy registrar and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or kept if the deputy is not a public official; or

(2) the commissioner and must be deposited in the state treasury and credited to the off-highway motorcycle account.

*[For text of subs 4 to 10, see M.S.2002]*

**History:** 2003 c 128 art 1 s 23,24

#### 84.791 EDUCATION AND TRAINING.

*[For text of subs 1 to 3, see M.S.2002]*

**Subd. 4. Off-highway motorcycle safety courses; reciprocity with other states.** The commissioner may enter into reciprocity agreements or otherwise certify off-highway

motorcycle environment and safety education and training courses from other states that are substantially similar to in-state courses. Proof of completion of a course subject to a reciprocity agreement or certified as substantially similar is adequate to meet the safety certificate requirements of sections 84.787 to 84.796.

**History:** 2003 c 28 art 1 s 5

#### 84.798 REGISTRATION.

*[For text of subs 1 and 2, see M.S.2002]*

Subd. 3. **Application; issuance.** (a) Application for registration or continued registration must be made to the commissioner, or an authorized deputy registrar of motor vehicles in a form prescribed by the commissioner. The form must state the name and address of every owner of the off-road vehicle. Upon receipt of the application and the appropriate fee, the commissioner shall register the off-road vehicle and assign a registration number that must be affixed to the vehicle in accordance with subdivision 4.

(b) A deputy registrar of motor vehicles acting under section 168.33 is also a deputy registrar of off-road vehicles. The commissioner of natural resources in cooperation with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements. In addition to other fees prescribed by law, a filing fee of \$4.50 is charged for each off-road vehicle registration renewal, duplicate or replacement registration card, and replacement decal and a filing fee of \$7 is charged for each off-road vehicle registration and registration transfer issued by:

- (1) a deputy registrar and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official; or
- (2) the commissioner and must be deposited in the state treasury and credited to the off-road vehicle account.

*[For text of subs 4 to 9, see M.S.2002]*

**History:** 2003 c 128 art 1 s 25

#### 84.803 OFF-ROAD VEHICLE ACCOUNT; RECEIPTS AND ALLOCATIONS.

*[For text of subd 1, see M.S.2002]*

Subd. 2. **Purposes.** Subject to appropriation by the legislature, money in the off-road vehicle account may only be spent for:

- (1) administration, enforcement, and implementation of sections 84.773 to 84.805;
- (2) acquisition, maintenance, and development of off-road vehicle trails and use areas;
- (3) grant-in-aid programs to counties and municipalities to construct and maintain off-road vehicle trails and use areas;
- (4) grants-in-aid to local safety programs; and
- (5) enforcement and public education grants to local law enforcement agencies.

**History:** 2003 c 128 art 1 s 26

#### 84.82 SNOWMOBILE REGISTRATION.

*[For text of subd 1a, see M.S.2002]*

Subd. 2. **Application, issuance, reports, additional fee.** (a) Application for registration or reregistration shall be made to the commissioner or an authorized deputy registrar of motor vehicles in a format prescribed by the commissioner and shall state the legal name and address of every owner of the snowmobile.



(b) A person who purchases a snowmobile from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a temporary registration permit to each purchaser who applies to the dealer for registration. The temporary registration is valid for 60 days from the date of issue. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number assigned which shall be affixed to the snowmobile in a clearly visible and permanent manner for enforcement purposes as the commissioner of natural resources shall prescribe. The registration is not valid unless signed by at least one owner.

(c) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements.

(d) A fee of \$2 in addition to that otherwise prescribed by law shall be charged for:

(1) each snowmobile registered by the registrar or a deputy registrar and the additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2; or

(2) each snowmobile registered by the commissioner and the additional fee shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

*[For text of subs 3 to 10, see M.S.2002]*

**History:** 2003 c 28 art 1 s 6

#### **84.862 SNOWMOBILE TRAINING REQUIRED.**

*[For text of subs 1 and 2, see M.S.2002]*

Subd. 2a. **Certificates issued in other states.** If a person completes a safety course in another state that is recognized by the commissioner under a reciprocity agreement, evidence that the person has completed that course is acceptable in lieu of a certificate under this section.

*[For text of subd 3, see M.S.2002]*

**History:** 2003 c 28 art 1 s 7

#### **84.901 OFF-HIGHWAY VEHICLE SAFETY AND CONSERVATION PROGRAM.**

Subdivision 1. **Creation.** The commissioner of natural resources shall establish a program to promote the safe and responsible operation of off-highway vehicles in a manner that does not harm the environment. 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 off-highway vehicle clubs to assist, on a volunteer basis, in improving, maintaining, and monitoring of trails on state forest land and other public lands.

Subd. 3. **Agreements.** (a) The commissioner shall enter into informal agreements with off-highway vehicle clubs for volunteer services to maintain, make improvements to, and monitor trails on state forest land and other public lands. The off-highway vehicle clubs shall promote the operation of off-highway vehicles in a safe and responsible manner that complies with the laws and rules that relate to the operation of off-highway vehicles.

(b) The off-highway vehicle clubs may provide assistance to the department in locating, recruiting, and training instructors for off-highway vehicle training programs.

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

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 off-highway safety and conservation 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:** 2003 c 128 art 1 s 27

#### 84.92 DEFINITIONS.

*[For text of subs 1 to 7, see M.S.2002]*

Subd. 8. **All-terrain vehicle.** "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 900 pounds.

**History:** 2003 c 128 art 1 s 28

#### 84.922 REGISTRATION.

*[For text of subs 1 and 1a, see M.S.2002]*

Subd. 2. **Application, issuance, reports.** (a) Application for registration or continued registration shall be made to the commissioner of natural resources, the commissioner of public safety or an authorized deputy registrar of motor vehicles in a form prescribed by the commissioner. The form must state the name and address of every owner of the vehicle.

(b) A person who purchases an all-terrain vehicle from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a temporary ten-day registration permit to each purchaser who applies to the dealer for registration. The dealer shall submit the completed registration application and fees to the deputy registrar at least once each week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, a 60-day temporary receipt and shall assign a registration number that must be affixed to the vehicle in a manner prescribed by the commissioner. A dealer subject to paragraph (b) shall provide the registration materials and temporary receipt to the purchaser within the ten-day temporary permit period. The commissioner shall use the snowmobile registration system to register vehicles under this section.

(d) Each deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of all-terrain vehicles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements.

(e) In addition to other fees prescribed by law, a filing fee of \$4.50 is charged for each all-terrain vehicle registration renewal, duplicate or replacement registration card, and replacement decal and a filing fee of \$7 is charged for each all-terrain vehicle registration and registration transfer issued by:

(1) a deputy registrar and shall be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official; or

(2) the commissioner and shall be deposited to the state treasury and credited to the all-terrain vehicle account in the natural resources fund.

*[For text of subds 2a to 4, see M.S.2002]*

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

- (1) for public use before January 1, 2005, \$23;
- (2) for public use on January 1, 2005, and after, \$30;
- (3) for private use, \$6; and
- (4) for a duplicate or transfer, \$4.

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

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

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

*[For text of subds 6 to 11, see M.S.2002]*

**History:** 2003 c 128 art 1 s 29,30

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

*[For text of subd 1, see M.S.2002]*

Subd. 3. **All-terrain vehicle safety courses; reciprocity with other states.** The commissioner may enter into reciprocity agreements or otherwise certify all-terrain vehicle environmental and safety education and training courses from other states that are substantially similar to in-state courses. Proof of completion of a course subject to a reciprocity agreement or certified as substantially similar is adequate to meet the safety certificate requirements of sections 84.92 to 84.929.

**History:** 2003 c 28 art 1 s 8

#### **84.926 VEHICLE USE ALLOWED ON PUBLIC LANDS BY THE COMMISSIONER.**

Notwithstanding section 84.777, on a case by case basis, the commissioner may issue a permit authorizing a person to operate an off-highway vehicle on individual public trails under the commissioner's jurisdiction during specified times and for specified purposes.

**History:** 2003 c 128 art 1 s 31

#### **84.927 ALL-TERRAIN VEHICLE ACCOUNT; RECEIPTS AND ALLOCATIONS.**

*[For text of subd 1, see M.S.2002]*

Subd. 2. **Purposes.** Subject to appropriation by the legislature, money in the all-terrain vehicle account may only be spent for:

- (1) the education and training program under section 84.925;
- (2) administration, enforcement, and implementation of sections 84.773 to 84.929;
- (3) acquisition, maintenance, and development of vehicle trails and use areas;
- (4) grant-in-aid programs to counties and municipalities to construct and maintain all-terrain vehicle trails and use areas;
- (5) grants-in-aid to local safety programs; and
- (6) enforcement and public education grants to local law enforcement agencies.

The distribution of funds made available through grant-in-aid programs must be guided by the statewide comprehensive outdoor recreation plan.

**History:** 2003 c 128 art 1 s 32

#### 84.928 OPERATION REQUIREMENTS; LOCAL REGULATION.

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

(b) A road authority as defined under section 160.02, subdivision 25, may after a public hearing restrict the use of all-terrain vehicles in the ditch or outside bank or slope of a public road right-of-way under its jurisdiction.

(c) The commissioner may limit the use of a right-of-way for a period of time if the commissioner determines that use of the right-of-way causes:

- (1) degradation of vegetation on adjacent public property;
- (2) siltation of waters of the state;
- (3) impairment or enhancement to the act of taking game; or

(4) a threat to safety of the right-of-way users or to individuals on adjacent public property.

(d) The commissioner must notify the road authority as soon as it is known that a closure will be ordered. The notice must state the reasons and duration of the closure.

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

(f) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. This paragraph does not apply to an agent or employee of a road authority, as defined in section 160.02, subdivision 25, or the Department of Natural Resources when performing or exercising official duties or powers.

(g) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

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

*[For text of subs 1a to 6, see M.S.2002]*

**History:** 2003 c 128 art 1 s 33

#### 84.930 MOTORIZED TRAIL GRANTS-IN-AID.

(a) This section applies to grants-in-aid for motorized trail construction and maintenance under sections 84.794, 84.803, 84.83, and 84.927.

(b) If the commissioner of natural resources determines that a grant-in-aid recipient has violated any federal or state law or any of the terms of the grant agreement with the commissioner, the commissioner may withhold all grant payments for any work occurring after the date the recipient was notified of the violation and seek restitution for any property damage caused by the violation.

(c) A grant-in-aid recipient may appeal the commissioner's decision under paragraph (b) in a contested case hearing under section 14.58.

History: 2003 c 128 art 1 s 34

84.98 [Repealed, 2003 c 128 art 1 s 176]

84.99 [Repealed, 2003 c 128 art 1 s 176]

#### 84.991 MINNESOTA CONSERVATION CORPS.

Subdivision 1. **Transfer.** (a) The Minnesota Conservation Corps is moved to the Friends of the Minnesota Conservation Corps, an existing nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, doing business as the Minnesota Conservation Corps under the supervision of a board of directors.

(b) The expenditure of state funds by the Minnesota Conservation Corps is subject to audit by the legislative auditor and regular annual report to the legislature in general and specifically to the house of representatives and senate committees with jurisdiction over environment and natural resources policy and finance.

Subd. 2. **Staff; corps members.** (a) Staff employed by the Minnesota Conservation Corps are not state employees, but, at the option of the board of directors of the nonprofit corporation and at the expense of the corporation or its staff, employees who are in the employ of the Minnesota Conservation Corps on or before June 30, 2003, may continue to participate in state retirement and deferred compensation that apply to state employees.

(b) Employment as a Minnesota Conservation Corps member is noncovered employment for purposes of eligibility for unemployment benefits under chapter 268.

(c) The Minnesota Conservation Corps is authorized to continue to have staff and corps members participate in the state of Minnesota workers' compensation program through the Department of Natural Resources. Staff and corps members' claim and administrative costs must be allocated and set annually by the Department of Natural Resources in a manner that is consistent with how these costs are allocated across that agency's operations. The Friends of the Minnesota Conservation Corps shall establish and follow loss-control strategies that are consistent with loss-control activities of the Department of Natural Resources. In the event that the Friends of the Minnesota Conservation Corps becomes insolvent or cannot otherwise fund its claim and administrative costs, liability for these costs shall be assumed by the Department of Natural Resources.

(d) The Minnesota Conservation Corps is a training and service program and exempt from Minnesota prevailing wage guidelines.

Subd. 3. **State and other agency collaboration.** The Departments of Natural Resources, Agriculture, Public Safety, Transportation, and other appropriate state agencies must constructively collaborate with the Minnesota Conservation Corps.

Subd. 4. **Equipment and service purchases; state contracts.** The Minnesota Conservation Corps may purchase or lease equipment and services, including fleet, through state contracts administered by the commissioner of administration or the Department of Natural Resources.

Subd. 5. **Limitations on Minnesota Conservation Corps projects.** Each employing state or local agency must certify that the assignment of Minnesota Conservation Corps members will not result in the displacement of currently employed workers or workers on seasonal layoff, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay off, reduce the seasonal hours, or reduce the working hours of any employee for the purpose of using a corps member with available funds. The positions and job duties of corps members employed in projects shall be submitted to affected exclusive representatives prior to actual assignment.

Subd. 6. **Joint powers.** Section 471.59 relating to joint exercise of powers applies to the Minnesota Conservation Corps.

History: 2003 c 128 art 1 s 35