

CHAPTER 85

DIVISION OF PARKS AND RECREATION

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85.013 STATE MONUMENTS, RECREATION AREAS, AND WAYSIDES.

Subdivision 1. **Names, acquisition; administration.** (a) 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.

(b) Any land that now is or hereafter becomes tax-forfeited land and is located within the described boundaries of a state recreation area as defined by session laws is hereby withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from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.

[For text of subds 2a to 23, see M.S.2002]

History: 2003 c 24 s 1; 1Sp2003 c 13 s 2,9, subds 1,2

85.015 STATE TRAILS.

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

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, Bellechester, 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 Surface Transportation Board or the former Interstate Commerce Commission.

[For text of subds 5 to 8a, see M.S.2002]

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 Surface Transportation Board or the former 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.

[For text of subds 11 to 24, see M.S.2002]

History: 2003 c 2 art 4 s 2,3

85.0156 MISSISSIPPI WHITEWATER TRAIL.

Subdivision 1. Creation. An urban whitewater trail is created along the Mississippi River in the St. Anthony Falls area in Minneapolis. The trail must be primarily developed for whitewater rafters, canoers, and kayakers.

[For text of subds 2 and 3, see M.S.2002]

History: 1Sp2003 c 13 s 3

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 employment and economic development, the Minnesota Historical Society, and local units of government shall cooperate with and assist the commissioner in preparing the registry.

History: 1Sp2003 c 4 s 1

85.04 ENFORCEMENT DIVISION EMPLOYEES.

Subdivision 1. Peace officer employment. The commissioner of natural resources may employ peace officers as defined under section 626.84, subdivision 1, paragraph (c), to enforce laws governing the use of state parks, state monuments, state recreation areas, and state waysides.

Subd. 2. Other employees. Until August 1, 2004, the commissioner of natural resources may designate certain employees to enforce laws governing the use of state parks, state monuments, state recreation areas, state waysides, and state forest sub-areas. The designation by the commissioner is not subject to rulemaking under chapter 14.

History: 2003 c 128 art 1 s 42

85.052 SPECIAL USES OF STATE PARKS.

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

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 a physically handicapped person:

- (1) with a motor vehicle that has special plates issued under section 168.021, subdivision 1; or
- (2) who possesses a certificate issued under section 169.345, subdivision 3.

[For text of subd 4, see M.S.2002]

History: 2003 c 128 art 1 s 43

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 January 1 of the calendar year that the permit is valid. A separate motorcycle permit may be prepared and provided by the commissioner.

(b) An annual state park permit must be affixed when purchased and may be used from the time it is affixed for a 12-month period. 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.

[For text of subs 2 to 7, see M.S.2002]

History: 2003 c 128 art 1 s 44

85.055 STATE PARK PERMIT FEES.

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

- (1) an annual use of state parks is \$25;
- (2) a second vehicle state park permit is \$18;
- (3) a state park permit valid for one day is \$7;
- (4) a daily vehicle state park permit for groups is \$5;
- (5) an employee's state park permit is without charge; and
- (6) a state park permit for handicapped persons under section 85.053, subdivision 7, clauses (1) and (2), is \$12.

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

[For text of subds 1a and 2, see M.S.2002]

History: 2003 c 128 art 1 s 45

85.20 VIOLATIONS OF RULES; LITTERING; PENALTIES.

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

Subd. 6. **Littering; penalty.** (a) No person shall drain, throw, or deposit upon the lands and waters within any unit of the outdoor recreation system as defined in section 86A.04 any substance, including cigarette filters and debris from fireworks, 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 a successor agency of the former Interstate Commerce Commission, shall not permit articles to be thrown or discarded from the vehicle upon any lands or waters within any unit of the outdoor recreation system.

(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 unit of the outdoor recreation system. 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: 2003 c 2 art 4 s 4; 2003 c 28 art 1 s 9

85.22 STATE PARKS WORKING CAPITAL FUND.

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

Subd. 5. **Exemption.** Purchases made from the state parks working capital fund are exempt from competitive bidding, notwithstanding chapter 16C.

History: 2003 c 28 art 1 s 10