

MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND RECREATION

PARK
ENFORCEMENT
MANUAL

LEGISLATIVE REFERENCE LIBRARY
STATE OF MINNESOTA

FOREWORD

This handbook is designed to assist the employee engaged in State Park Law Enforcement, in exercising the authority of the Park Officer Commission. The handbook covers only the more important topics applicable to State Park Enforcement, and is not intended to be a complete course of instruction. It is generally advisory, but its provision are mandatory where so stated.

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I. INTRODUCTION

The following guidelines are provided as an aid to park officers in the performance of their law enforcement duties. These guidelines are not to be considered absolute or imperative. The use of these guidelines is not mandatory, they are not intended to replace an officer's personal judgment and discretion.

Enforcement of Park Rules is necessary to provide adequate protection to park visitors, natural resources, public property and private property. The objective of any law enforcement program is to gain compliance with that which is considered an acceptable standard of conduct and behavior. Park rules have been promulgated, not only to serve as a guide to help determine what is

considered an acceptable standard of conduct, but to provide, when necessary, legal rules for the enforcement of such standards.

The goal of the Division of Parks and Recreation in the enforcement of park rules is to provide uniform, fair, and equal treatment, to all people who visit Minnesota State Parks and Recreation areas. Uniform, fair, and equal treatment, does not mean that all similar incidents or situations require exactly the same action on the part of the park officer charged with the responsibility of enforcing the park rules.

II. PHILOSOPHY

A high degree of judgment, discretionary ability, dignity, and intelligence must be exercised in performing law enforcement duties. The key word in exercising the enforcement rule is "DISCRETION". The enforcement office must use discretion wisely and even-handedly so as to make the enforcement action fit the incident or violation.

State Parks' enforcement as it relates to achieving visitor compliance with State Park rules, is to be in close contact with visitors to assist and inform, in order to help prevent a violation or rule oversight. Park officers are responsible for advising and assisting visitors at all times.

People of all economic, social, and political persuasions have a right to visit and enjoy Minnesota State Parks. Not only is uniformity of action required, but also knowing the importance of the use of tact, diplomacy, and courtesy in all aspects of law enforcement. The ability to deal effectively with people is an important skill as well as an absolute necessity in effective enforcement.

A. LOW KEY ENFORCEMENT — Low key law enforcement is an attitude. Except in cases that are clearly malicious, willful, or deliberate acts, violations of regulations by visitors must be initially assumed to have occurred because of inadvertence, lack of understanding, or misinformation. Initial actions must, to the fullest extent possible, be handled through warnings applied in a firm but tactful, friendly and dignified manner, and without officiousness.

Recognition of personal dignity is highly valued and enforcement actions must preserve it for every park visitor in all circumstances. The rule that has been violated must be clearly identified to the park visitor, and he should be given an explanation of the purpose it serves.

Enforcement activity must have education and information as a primary objective as a means of gaining voluntary compliance with our rules. Every visitor should leave with a better understanding of park objectives and with the feeling that the State Park Service is not only fair in its treatment of visitors, but desires to promote their enjoyment of the park.

The principal purpose of park rules, in addition to protecting, maintaining and preserving the State

Parks' natural resources, is to preserve the peace and maintain public order in the parks. Thus, all park rules should be understood in terms of these principal objectives.

It must be remembered that what a single individual may do without serious consequences may become increasingly harmful when repeated by others. It may be necessary through tact and gentle discipline to politely caution visitors for even minor infractions to avoid repetition.

If violation of a rule seems to be leading to an actual breach of the peace, it should be more strictly enforced than inadvertent violations not intended to be disruptive of the peace and public order.

Above all it must be remembered that people visit our parks to relax and have fun. Overly selective and rigid enforcement of park rules against particular types of visitors can result in unfair deprivation to such visitors of the recreational experience that they have the right to enjoy.

However, when a visitor individual persists in violating a park rule after having been warned, or when found to deliberately, maliciously or criminally violate the law, or when he has placed the safety of others in jeopardy, he will be treated fairly and firmly, and appropriate law enforcement action must be taken commensurate with the violation.

Remember, as a park officer, you can escalate the force needed to deal with a particular situation, but don't over-use the authority or force you possess, because instead of solving problems you will be creating them.

B. ATTITUDE OF ENFORCEMENT OFFICERS — The following attitude should be the guideline for any law enforcement activity we engage in.

Each park officer has the continuing obligation to be well informed on pertinent Federal and State laws, Department policies, directives and procedures, and related technical information governing the professional conduct of Law Enforcement Officers.

"The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement he shall strive to make the best possible application of science to the solution of crime, and in the field of human relationships,

shall strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office, and hold police work to be an honorable profession rendering valuable service to his community and his country."

(Author Unknown)

III. AUTHORITY

A. LAWS

1. M.S.A. 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.

2. M.S.A. 84.029 Recreational Areas on Public Lands, 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 land or leased land under his jurisdiction.

Each employee of the Department of Natural Resources while engaged in his employment in connection with such recreational areas, has and possesses the authority and powers of a peace officer when so designated by the commissioner.

B. OPERATIONAL ORDER NO. 66

Subject: Parks and Recreation Law Enforcement Certification.

Purpose: To establish authority for DNR training and certification for the personnel of the Division

of Parks and Recreation to accept law enforcement responsibilities. These responsibilities are limited to the enforcement of Park Rules, Commissioner's Orders, Minnesota Statutes, and all other applicable law relating to misdemeanor and gross misdemeanor violations within the statutory boundaries of State Parks, Recreational Areas, Monuments, and Waysides.

Procedure: To be certified to accept law enforcement responsibilities, personnel of the Division of Parks and Recreation, as identified by Minnesota Statute 85.04, must complete a Law Enforcement Basic curriculum as developed and approved by the Director of Parks and Recreation, the Director of Enforcement, and the Training Director. Periodic refresher courses must be completed as determined necessary by the aforementioned Directors. An individual's certification may at any time be revoked at the discretion of the Director of Parks and Recreation.

Joseph N. Alexander
Commissioner of Natural Resources
July, 1979

IV. OFFICER CONDUCT

A. MISCONDUCT OF PUBLIC OFFICER OR EMPLOYEE — M.S.A. 609-43 — A public officer or employee who does any of the following for which no other sentence is specifically provided by law, may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.

1. Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of his office or employment within the time or in the manner required by law; or

2. In his capacity as such officer or employee does an act which he knows is in excess of his lawful authority or which he knows he is forbidden by law to do in his official capacity; or

3. Under pretense or color of official authority intentionally and unlawfully injures another in his person, property, or rights; or

4. In his capacity as such officer or employee, makes a return, certificate, official report, or other like document which to his knowledge is false in any respect.

B. APPEARANCE CODE — It is recognized that changing times have affected the standards of acceptability regarding personal grooming in today's society. Personnel of the division have rights as individual employees and the division has rights as an employer responsible for serving the public. It is essential to ensure proper grooming of our Parks division employees.

Recent Supreme Court rulings have upheld the right of governmental agencies to enforce grooming standards. Therefore, we cannot condone or approve of extremes of behavior, dress, or personal appearance.

The following guidelines shall apply to all Parks enforcement employees:

1. The wearing of the standard uniform is a job requirement while on official duty.

2. The uniforms are required and designed for standardization to identify authority and to assist the employees in carrying out his/her duties which requires enforcing the park rules involving public use and behavior.

3. Length of hair at the back of neck of male employees shall not be below the top of the shirt collar. The hair style shall be the individual's choice provided it is neat, clean, and well groomed under normal work conditions.

4. Female employees' hair shall be neat, clean and well groomed and styled to individuals' choice. Excessive hair length shall be prohibited.

5. Wigs or hairpieces, when meeting hair lengths prescribed in items 3 and 4, may be worn for cosmetic reasons.

6. Facial hair such as beards and goatees are prohibited. Sideburns and mustaches shall be neatly trimmed with sideburns maintained at a length not exceeding the ear lobe and mustaches no longer than bottom of the upper lip and corner of the mouth.

7. Decorative jewelry shall not be visible on outside of the uniform but may be worn on the body provided it is not excessive in nature or hinders the safety or work conditions of the employee.

It shall be the responsibility of the employee's supervisor to enforce the above standards. The guiding principle must be good judgment, reasonable uniformity, and common sense. Standards are generally established to control excessive and extreme conditions. A neat, clean, and moderate appearance is fundamental to the image of a Parks division employee serving the public.

C. UNIFORM CODE — Uniforms are necessary and desirable in many public services, so that the public can readily identify the service agency represented by the uniform, not only to aid them in seeking information, but also as a means of recognizing the official capacity of the wearer. Uniforms are not issued for the purpose of furnishing clothing for the employee. Therefore, only those employees whose work assignments require an identification with the Department within the following criteria will be issued uniforms:

1. Department identification where contact with the public is a regular and essential part of the job.

2. Department identification where enforcement of the law is an essential part of the job.

The wearing of uniforms by designated DNR personnel identifies them to the public as representatives of the Department of Natural Resources. A neat, well-groomed appearance has a definite public relations value. Therefore, it is essential that DNR personnel maintain an appearance that reflects well on both the Department and the individual himself/herself.

Supervisors are co-responsible for ensuring compliance of this policy. Employees who violate and/or supervisors who knowingly condone non-compliance shall be subject to disciplinary action.

The wearing of the official uniform is governed by the following rules:

1. The uniform will be worn in its entirety, excepting as provided in the following rules. No part of it will be worn with articles not a part of the uniform.

2. The uniform will be worn while on duty at the region, area or district office, working in public use areas, or while on public relations assignments, meetings, employee funerals, and conducting administrative or supervisory functions. There may be extenuating circumstances where the nature of the work would not be compatible with the wearing of the uniform. Regional Supervisors will establish guidelines to cover these situations.

3. The uniform will not be worn when engaged in personal activities or while engaged in any activity which is out of character with the dignity and respect that the uniform should reflect to the public.

4. All articles of the uniform shall be given proper care, and kept clean and in good repair at the employees' expense.

5. When the long-sleeved shirt is worn, it must be worn with the tie. The sleeves must be down and the cuffs buttoned.

6. A tie is optional with the short-sleeved shirt. If the short-sleeved shirt is worn without a tie, the collar should not be buttoned.

7. The pocket flaps of all shirts and jackets should be buttoned or snapped at all times. Bulky materials or items shall not be placed in pockets to produce a bulging or sagging appearance.

8. The wearing of a uniform cap or hat is optional. However, unofficial headgear should not be worn with the uniform.

9. Shoes or boots will be furnished by the employee, must be kept clean, and be compatible to the uniform.

10. Only officially approved insignia or decorations should be attached worn on the uniform and in all cases must be attached at the location designated.

11. When an employee is separated from the Department of Natural Resources, the uniform must be returned to the immediate supervisor. If the field supervisor determines the uniform not worth returning, he will ensure all shoulder patches and other identification is removed.

12. Jacket liners shall not be worn as an outer garment.

D. COMPLAINTS — Complaints are high priority items and a little time devoted to them at once may save much hard work later on. A complaint implies dissatisfaction. We should take great pains to avoid and correct unhappy situations. As a park officer on the front line there are three things you should do:

1. **Get the Facts:** Listen to the whole story and assure the complainant the matter will be investigated and thank him sincerely for taking the trouble to tell you about it.

2. **Satisfy the Complainant:** Try to solve the problem on the spot. If this is not possible, obtain it in writing and assure him he is not being given the "run around" and something will be done. Never argue. No one has ever won an argument with a dissatisfied visitor and you won't either.

3. **Follow Through:** Pass on all complaints to your supervisor and be sure to put the most important ones in writing.

E. BRIBES, GIFTS, GRATUITIES OR REWARDS — It is improper for park officers to solicit or accept from any person, business or organization any gift for the benefit of the park officer or the Department, if it may reasonably be inferred that the person, business or organization:

1. Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty, or

2. Has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

For the purpose of this rule, the word "gift" shall include money, tangible or intangible personal property, loan, promise, service or entertainment.

Park officers may solicit for bona fide charities or organizations in fund raising capacities if off duty and they do not identify or represent themselves as Minnesota State Parks Officers or solicit in such a manner so that it could be reasonably inferred they are sponsored, represented or working for the Department. Park officers shall not accept rewards from any person, business or organization for any acts done in the performance of their duties.

F. LANGUAGE — A park officer shall not use rude or insulting language or conduct offensive to the public.

G. ALCOHOL AND DRUGS

1. Park officers shall not store or bring into any Department facility or vehicle alcoholic beverages or non-prescription drugs except those which are to be held as evidence or inventories as found property, personal property or recovered goods. By definition, "non-prescription" excludes commercially available, over-the-counter chemicals which are for the use of the individual officer such as aspirin, over-the-counter cold tablets and similar substances.

2. Park officers shall not use any controlled substances, narcotics or hallucinogens except when prescribed by a physician or dentist. When the use of such prescribed substances on duty affects the officer's physical or mental capacity, the officer shall notify his superior.

3. Park officers shall not consume alcoholic beverages while on duty. A park officer shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree, or have an odor of intoxicants on his breath.

4. Park officers, while off duty, shall not consume alcoholic beverages in a public place or establishment while wearing any part of the Minnesota State Park Officer's uniform recognizable to the public.

H. INSUBORDINATION

1. A park officer shall not refuse to obey a proper order from a supervisor.

2. A park officer shall not fail to completely comply with all proper orders, directives, or regulations which come from a superior, whether written or oral.

I. NEGLECT OF DUTY — A park officer shall not:

1. Fail to take proper action when necessary at any time when in uniform on Park property and/or fail to make a written report of same to his/her supervisor.

2. Sleep on duty.

3. Fail to properly supervise subordinates or recommend disciplinary action or take other appropriate action against subordinates when necessary.

4. Fail to conduct a proper, thorough and complete investigation, including all paper work, of any incident or situation requiring such action.

5. Fail to report any known hazardous condition.

6. Fail to properly patrol his assigned area and/or be absent from this area unless authorized by a superior.

7. Fail to respond to any radio call to him.

8. Fail to lock his patrol vehicle when unattended.

9. Fail to properly care for assigned equipment and vehicles or allow same to be lost or damaged due to neglect or carelessness.

V. RULES AND LAWS

A. RULES

1. Parks, Forest Campgrounds and Forest Day Use Areas

A. Authority and scope.

1. These rules apply to those state parks, recreational areas, historic sites, waysides, forest campgrounds and forest day use areas which are under the control of or operated by the Commissioner of Natural Resources.

2. The purpose of these rules is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

3. These rules shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of these areas including, but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

4. These rules are authorized by Minn. Stat. §§ 84.03, 85.05, 89.031 and 89.21.

B. Penalty. Any person who violates any of these rules is guilty of a misdemeanor and subject to immediate removal from the park, forest campground or forest day use area and to appropriate legal action.

C. Definitions. For the purpose of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the meanings given them.

1. "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

2. "State park" means all of those areas over which the Commissioner of Natural Resources has regulatory authority within the confines of any legislatively designated state park, state recreation area, state wayside, or state historic site.

3. "Forest day use area" means a posted area to be used for day time activities such as picnic areas, swimming beaches, boat accesses and the like.

4. "Forest campground" means those areas developed and maintained by the Commissioner on state lands administered by the Division of Forestry for camping and related recreational activities.

5. "Person" means any individual, partnership, corporation or association.

6. "Intoxicating liquor" means intoxicating liquor as defined in Minn. Stat. § 340.07 and intoxicating malt liquors as defined in Minn. Stat. § 340.401.

7. "Shelter" means equipment used to sleep in or on, excluding sleeping bags. Examples are tents, trailers, pick-up campers, buses, station wagons, motor homes and boats.

8. "Beach" means that part of a body of water and shore designated for swimming and sunning.

9. "Motor vehicle" means any self-propelled vehicle including but not limited to automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (ATV's), but not including snowmobiles.

10. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

11. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boats during the duck hunting season, (b) rice boats during the harvest season, or (c) seaplanes.

D. When open.

1. State parks.

a. State parks will be open each day of the year from 8:00 a.m. to 10:00 p.m., except trails otherwise posted, and during emergencies.

b. After 10:00 p.m. until 8:00 a.m., no person shall enter or remain in a state park unless he is a member of a registered camping party, or a registered cabin or lodge guest. Park managers may, at their discretion, allow entry earlier than 8:00 a.m.

2. Forest campgrounds and forest day use areas.

a. Forest campgrounds and forest day use areas will be open officially from the first Saturday in May through the second Sunday in September. Except for unusual circumstances such as fire emergencies and site rehabilitation, the public shall be allowed access to these areas during the entire year.

b. Forest day use areas will be open from 6:00 a.m. to 10:00 p.m.

E. Personal conduct.

1. A person's conduct shall be as prescribed in Minn. Stat. § 609.72.

2. No person shall use a public address system, amplifier or power equipment, or otherwise make noise of a volume tending reasonably to arouse alarm, anger, or resentment in other park users, without prior permission from the park manager or forest officer.

3. It is unlawful for any person to consume intoxicating liquors.

4. A person's possession and use of drugs shall be in accordance with state laws.

F. Public safety; hunting.

1. While in a state park, or while in a forest campground or forest day use area during the official open season for these areas, it is unlawful for any person to:

a. possess explosives of any kind;

b. possess a firearm, including an air gun, unless the firearm is unloaded both in barrel and magazine and completely contained in a gun case expressly made for that purpose, which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened, or unless unloaded and contained in the trunk of a car with the trunk door closed;

c. possess a bow and arrows, unless either unstrung or completely contained in a case or contained in the trunk of a car with the trunk door closed;

d. use or display any other type of weapon including but not limited to slingshots, switchblade knives, and traps.

2. When hunting or trapping is authorized in a state park, the restrictions of F.1. above on firearms, bows and arrows and traps are waived to the extent necessary to allow the authorized activity.

G. Environmental protection. The environment is for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any state property, including but not limited to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, geological formations, signs, or facilities, except edible fruit, mushrooms and wild animals legally taken and vegetation unavoidably damaged or destroyed by the ordinary uses of these areas as specifically permitted by these rules. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained. Damaging rock with rock-climbing equipment is forbidden.

H. Fires and refuse.

1. It is unlawful to build a fire except in a fire-place or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or rest area if such use does not create a hazard or danger to the area or to others.

2. The Commissioner may limit or ban fires when he declares that a forest fire emergency exists. Such declaration will be posted conspicuously at the entrance of the area affected.

3. Where firewood is provided at no charge its use shall be within reasonable limits.

4. Minn. Stat. § 85.20, subd. 6, and § 609.68, forbidding littering, are incorporated in this rule by reference.

5. Where refuse receptacles are provided, they shall only be used for refuse generated at the area. Refuse is to be removed from areas where receptacles are not provided.

I. Pets. Pets are permitted, provided no person shall allow any dog, cat, or other pet animal to enter any building or beach; or permit any dog, cat, or other pet animal to be unrestrained. Such animals shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended, and such animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

J. Picnicking. Picnicking is not permitted except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

K. Camping area.

1. State parks.

a. Camping is permitted only at assigned sites in designated camping areas.

b. A person may not camp in the same state park for more than 14 days aggregate during the period of June 15 through Labor Day, provided, however, that the park manager may in his discretion allow camping for such additional days as he may prescribe when conditions of nonuse so warrant.

c. Each camping party must register.

(1) A senior responsible person of a camping party may register for the group, giving the number in the group. Names may be requested.

(2) Registration must be in person.

(3) The rental period must begin with the day of registration, and must be paid in full at registration. The registration may be cancelled if the site is not personally occupied the first night.

(4) Camping permits shall expire at 4:00 p.m.

d. A campsite may be occupied by:

(1) Any group of six or less using one shelter for sleep; or by

(2) A family using one shelter, and an additional shelter with prior approval of the park manager. A family consists of a father and/or mother accompanied by any of the following: their parents, their children, and their blood relatives.

2. Forest campgrounds and forest day use areas.

a. A nominal charge per campsite per night shall be collected in certain forest campgrounds. The determination of camping fees shall be based upon the nature and cost of facilities provided. Campers must pay the camping fee immediately upon occupying a campsite.

b. Camping is permitted only in designated camping areas within the prescribed limitations for the particular camping area.

c. Each camping party must register. The senior responsible person of a camping party may register for the group giving the number therein.

d. Camping shall be limited to a total period of fourteen days in any one forest campground during the period from the first Saturday in May through the second Sunday in September, provided, however, that the forest officer of any forest campground in his discretion, allow camping for such longer periods as he may prescribe when conditions or nonuse so warrant.

e. At all fee camping areas the campsite must be occupied by a member of the party on the first night of the permit.

f. Camping permits in fee campgrounds shall expire at 4:00 p.m.

g. Setting up camp between the hours of 10:00 p.m. and 6:00 a.m. is prohibited.

h. Any group desiring to occupy more than two campsites must obtain prior approval from the forest officer.

i. Only one individual, family or group shall occupy a single campsite. A group other than a family cannot exceed eight people.

3. It shall be unlawful for any person to install or affix in a permanent manner any camping facility, equipment, or structure.

4. The placement of tent stakes or anchors in the ground for the erection of tents is permitted. Digging or excavating is prohibited.

5. A watercraft used for shelter or sleeping which is tied on water frontage constitutes camping and is subject to these rules.

6. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it shall be unlawful to make noise at a level above that of a quiet conversation.

L. Boating.

1. Boating conforming to Minnesota laws and rules is permitted on waters within or adjacent to state parks, forest campgrounds and forest day use areas.

2. On any lake entirely within a state park, no person shall waterski or surf, or operate a watercraft in excess of 10 miles per hour, unless the lake is otherwise designated and posted.

M. Fishing.

1. Fishing conforming to Minnesota laws and rules is permitted in the waters adjacent to state parks, forest campgrounds, and forest day use areas.

2. If a fish cleaning facility is provided, no person shall clean fish and dispose of the remains except at that place.

N. Beaches; swimming — state parks.

1. No person shall swim in a state park except at beaches designated for such use, and as directed by the lifeguard, if one is present.

2. It is unlawful on a beach:

- a. To allow any dog or other pet to enter;
- b. To possess glass containers;
- c. While in the water, to use air mattresses, inner tubes and other flotation devices not approved by the Coast Guard;
- d. To use the beach before sunrise or after sunset;
- e. To enter with any boat, canoe or raft;
- f. To fish;
- g. To swim beyond boundary buoy or marker;
- h. To engage in any activity which is hazardous and could cause injury to others;
- i. To use any soap, detergent or shampoo; and
- j. To change clothes except in structures designated for such use.

O. Motor vehicle permits — state park.

1. Requirements for motor vehicle permits for entry into state parks shall be as stated in Minn. Stat. § 85.05, subd. 2 (a) and (c).

2. The permit shall be affixed by its own adhesive to the lower right-hand corner of the windshield.

P. Motor vehicle use; boats, trailers, fish house.

1. Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within state parks, forest campgrounds and forest day use areas. The operator must have a valid driver's license.

2. The motor vehicle may be operated only on designated roads and parking areas, and may be parked only in designated parking areas. It may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

3. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner.

4. Within forest campgrounds and forest day use areas:

a. No person shall leave standing, whether attended or unattended a motor vehicle, trailer, or boat in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, or winter sport facility.

b. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored or abandoned. This paragraph shall not apply, however, to the temporary storage of such items by a person who remains in the immediate vicinity.

c. Any vehicle, trailer, boat, fish house, or any other equipment or material left for a period longer than thirty days shall be deemed abandoned and shall be transferred to the custody of the Commissioner of Administration for disposal pursuant to Minn. Stat. § 16.0231.

Q. Snowmobiles — state parks.

1. No person shall operate a snowmobile in a state park unless on trails and areas posted and designated for such use, under conditions of snow cover considered adequate for protection of the park by the park manager.

2. Within state parks no snowmobile shall be operated before 8:00 a.m. or after 10:00 p.m., except as otherwise posted.

R. Non-motorized use.

1. People on foot may go anywhere that is not posted otherwise.

2. No person shall ride or lead or have a horse except on trails and areas designated for such.

3. People riding bicycles may go where motor vehicles are allowed, and on trails and areas designated for such use.

S. Restricted areas. It shall be unlawful to enter by any means a posted restricted area.

T. Aircraft. It is unlawful for any person to land any aircraft on lands or waters totally within the boundaries of any state park except by permit, or on a designated airport, or landing strip, or in making an emergency landing, conducting rescue operations, or in conducting or assisting in the conducting or assisting in the conduct of official business of the United States of America, the State of Minnesota, or the county in which the park is located.

U. Protection from peddling and soliciting. It is unlawful for any person to engage in or solicit business of any nature whatsoever from visitors, except for authorized concessions, without the prior written consent of the park manager or forest officer.

V. Suspension of rules. In situations of emergency the Commissioner may provide temporary exceptions to the general rules for a specific state park, forest campground or forest day use area by posting notice of such exception at said unit.

W. Repeal of preceding rules 6 MCAR §§ 1.001 and 1.010. Previous rules 6 MCAR §§ 1.001 and 1.010, governing state parks, forest campgrounds and forest day use areas, are repealed.

2. Scientific and Natural Areas

NR 300 Scientific and Natural Areas

(a) Statement of Policy and Purposes

(1) The legislature has provided for creation and establishment of Scientific and Natural Areas for the purpose of preserving, protecting and managing lands or waters possessing

inherent natural values, including soils, waters or sediments, sites of scientific value, habitats of rare or endangered species of plants and animals, places of historic or prehistoric interest and scenic beauty, and areas uniquely suitable for teaching natural history and conservation.

(2) The purpose of these rules is to provide for the use and protection of Scientific and Natural Areas for educational and research purposes in such manner and by such means as will leave them conserved for future generations.

(3) The following rules and regulations notwithstanding, the Commissioner of Natural Resources, his agents and employees, those persons operating under contract with the Department of Natural Resources, and law enforcement officers, may take such steps as may be necessary to enforce these rules and regulations, and to establish, maintain, manage, and operate Scientific and Natural Areas. The following rules and regulations notwithstanding, the Commissioner of Natural Resources also may suspend any one or more of such rules and regulations by written permit to a specific applicant or applicants for scientific or educational purposes.

(b) Definitions. For the purposes of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the following meanings:

(1) "Commissioner" means the commissioner of the Department of Natural Resources.

(2) "Controlled substance" means a drug, substance, or immediate precursor found in Schedules I through V of Minnesota Statutes, Section 152.02.

(3) "Intoxicating liquor" for the purposes of these rules means liquors which are intoxicating pursuant to Minnesota Statutes, Section 340.07, and malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2% alcohol by weight.

(4) "Marijuana" means the substance marijuana as it is defined in Minnesota Statutes, Section 152.01.

(5) "Motor Vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle including, but not be limited to, automobiles, trucks, dunebuggies, minibikes, motorcycles, trail bikes, all terrain vehicles (AVT's), and snowmobiles.

(6) "Person" means any individual, partnership, corporation, or association.

(7) "Scientific and Natural Area" means any area so designated by the Commissioner of Natural Resources under the authority of Minnesota Statutes, Section 84.033.

(8) "Watercraft" means any contrivance used or designed for navigation or travel on or under water, except a sea-plane.

(9) "Wildlife" means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

NR 301 Use of Scientific and Natural Areas

(a) Scientific and Natural Area Visitation. Each Scientific and Natural Area is open to the public under such restrictions or limitations as the commissioner may impose for the area for the purpose of protecting and preserving the area. These restrictions or limitations may include but are not limited to the following: (1) restrictions on travel within an area; (2) restrictions on hours of visitation, and (3) limitations on numbers of persons within the area at any given time, through issuance of permits or other methods determined necessary by the commissioner. The

commissioner may provide exceptions to the general rules in a specific Scientific and Natural Area as may be necessary to the following: (1) establishment, maintenance, management, or operation of the area; or (2) authorize activities which are not inconsistent with the purpose for which an area is established. The commissioner shall impose such restrictions, limitations, or exceptions by Commissioner's Order, filed with the Secretary of State and posted in conspicuous places at the Scientific and Natural Area.

(b) Environmental Protection

(1) It is unlawful for any person to destroy, injure, damage, molest, or remove any natural resources within Scientific and Natural Areas, including but limited to, trees, vegetation, ruins, relics, birds, fish, animals, other wildlife, or geological formations.

(2) It is unlawful for any person, excepting state agents acting in their official capacity, to destroy, damage, deface or remove any public property, or private property belonging to another, including but not limited to, signs, and research, testing or monitoring equipment, within Scientific and Natural Areas.

NR 302 Restricted Uses and Acts

(a) Camping and Picnicking. Camping and picnicking are not permitted in Scientific and Natural Areas.

(b) Fires and Refuse

(1) Fires are not permitted in Scientific and Natural Areas.

(2) It is unlawful for any person to burn or otherwise dispose of garbage, refuse, sewage, or trash of any kind, within a Scientific and Natural Area except in designated receptacles or facilities.

(c) Boating, Fishing, Other Water Uses

(1) It is unlawful to operate or use any watercraft within any Scientific and Natural Area.

(2) It is unlawful for any person to fish or swim in any waters within any Scientific and Natural Area.

(d) Motor Vehicle Operation. It is unlawful to operate any motor vehicle within any Scientific and Natural Area.

(e) Aircraft. It is unlawful for any person to land any aircraft on lands or waters or fly over at disturbing levels within the boundaries of any Scientific and Natural Area.

(f) Pets and Horses. It is unlawful to bring or allow horses or other pet animals into any Scientific and Natural Area.

(g) Personal Behavior. It is unlawful for any person to engage in any violent, immoral, abusive, loud, obscene, or other conduct creating or tending to create a breach of the peace or to disturb the educational or research values and resources of Scientific and Natural Area lands and waters.

(h) Intoxicating Liquors

(1) It is unlawful for any person to consume intoxicating liquors within a Scientific and Natural Area.

(2) It is unlawful for any person under the influence of intoxicating liquors to be within a Scientific and Natural Area.

(i) Drugs. It is unlawful for any person to use, be in possession of, or be under the influence of marijuana or any controlled substance within a Scientific and Natural Area, unless such use, possession, or influence is pursuant to and in compliance with a prescription from a licensed physician.

(j) Hunting, Firearms, Public Safety

(1) It is unlawful for any person to display or have in his possession within a Scientific and Natural Area, a firearm or a gun unless unloaded in both barrels and magazine and cased.

(2) It is unlawful for any person to have in his possession within a Scientific and Natural Area explosives of any kind.

(3) It is unlawful for any person to use or display within a Scientific and Natural Area any other type of weapon, including but not limited to, slingshots, switch blade knives, bow and arrows, and traps.

(k) Protection from Peddling and Soliciting

(1) It is unlawful for any person to engage in or solicit business of any nature whatsoever from persons in a Scientific and Natural Area.

(2) It is unlawful for any person to advertise in any manner within a Scientific and Natural Area any private activity or function.

NR 303 Penalties

Any person who shall violate any of the provisions of these regulations shall be guilty of a misdemeanor and be punished by a fine of not more than \$300, or by imprisonment for not more than 90 days, or both.

Filed with the Secretary of State and Commissioner of Administration August 15, 1973.

3. Wild, Scenic and Recreation Rivers System

NR 80 Public Use of Waters and Lands within Wild, Scenic, and Recreational River Land Use Districts

(a) Policy

(1) In order to protect the rights of private landowners, to ensure quietude, to prohibit trespassing, to prevent littering, and to maintain the essential quality of Wild, Scenic and Recreational Rivers and their land use districts, the Commissioner and local governments shall adopt measures to manage the use and enjoyment of the rivers and their land use districts by the public.

(2) The public use and enjoyment of Wild, Scenic, and Recreational Rivers and their land use districts is limited to the public waters and designated publicly owned lands and interests in land within the land use districts. Private lands which may be located within the Land Use District do not become public in any sense. As otherwise provided in NR 78, private landowners may grant scenic easements in their land to the State of Minnesota. However, unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

(3) The restrictions set forth in NR 80 (b) shall not apply to persons who have been authorized by the Commissioner or by the appropriate local government to possess such items for the sole purpose of removing such items from the area.

(b) Restrictions

(1) Pursuant to Minnesota Statutes, Section 609.68, whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, public lands, or without the consent of the owner, private lands or water or ice thereon, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.

(2) No person shall discharge a firearm while traveling on or using a Wild, Scenic, or Recreational River, except for the purpose of hunting during those times and in those areas in which hunting for protected animals is allowed.

(3) No person traveling over or using publicly owned lands within Wild, Scenic, or Recreational River Land Use Districts shall use trail bikes, all-terrain vehicles, or vehicles of a similar nature, provided that snowmobiles may be provided for in accordance with the management plan. This provision shall not apply to the lawful use of such vehicles on public roads and public streets.

(4) Overnight camping, fires or campfires shall not be allowed on publicly owned lands within Wild, Scenic, or Recreational River Land Use Districts, except in areas posted or designated by the Commissioner for such purposes.

(5) No person traveling on or using a Wild, Scenic, or Recreational River shall enter upon private lands within the land use district unless he has permission from the landowner, lessee, or occupant.

(6) Anyone violating any of the provisions of NR 80 (b) shall be guilty of a misdemeanor.

(c) Water Surface Zoning. Any regulations which may be necessary to reduce conflicts among users of a particular river, or between users and nearby residents, shall be promulgated as part of the management plan for the river, or as amendments thereto. The boundaries of such areas shall be described with particularity in the management plan.

4. State Recreational Trails

NR 20 – State Recreational Trails

(a) Purpose. It is the purpose of these statewide rules and regulations to provide for public use of designated state recreational trails while protecting the quality of the trail environment to promote long term trail use and enjoyment.

(b) Jurisdiction and Scope. These rules and regulations are promulgated under the authority of Minnesota Statutes, Section 84.03, and Minnesota Statutes, Section 84.86, and apply to state recreational trails, which are (aa) those trails established by the Legislature in Minnesota Statutes, Section 85.015 when designated by the Commissioner of Natural Resources by order filed with the Secretary of State; and (bb) those other trails designated by the Commissioner by order filed with the Secretary of State after a public hearing conducted pursuant to Minnesota Statutes, Chapter 15, in a county through which the proposed trail passes. These rules and regulations shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of such trails, including but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

(c) Severability. The provisions of these rules and regulations shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

(d) Definitions. For the purpose of these rules and regulations, the terms defined in this section have the meanings given them.

(1) "Bicycle" means any land based vehicle powered by human muscle.

(2) "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agent.

(3) "Drug" means any drug, controlled substance, or immediate precursor found in Schedules I through V of Minnesota Statutes, Section 152.02, and marijuana, as defined in Minnesota Statutes, Section 152.01, Subd. 9.

(4) "Horseback riding" includes all modes of human travel produced at least in part by non-human muscle.

(5) "Intoxicating liquor" for the purposes of these rules means liquors which are intoxicating pursuant to Minnesota Statutes, Section 340.07, and malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2% alcohol by weight.

(6) "Motor vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (ATV's).

(7) "Person" means any individual, partnership, corporation or association.

(8) "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

(9) "Special event" means an organized rally, race, exhibit, demonstration or other similar activity of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.

(10) "Trail" means all of that land contained within the area designated as a state recreational trail by the Commissioner.

(11) "Treadway" means that part of the trail constructed for travel.

(e) Use of a Trail

(1) Trail Uses. Subject to the limitations imposed by these regulations and other duly enacted statutes, rules and ordinances, or unless specifically prohibited by the Commissioner, trails may be used for snowmobiling and all non-motorized forms of recreation, including but not limited to hiking, bicycling, horseback riding, snowshoeing, cross-country skiing, camping and picnicking.

(2) Motor vehicles. No motor vehicle, other than a snowmobile, shall be operated within a trail, except upon a legal road or highway as those terms are defined in Minnesota Statutes, Section 160.02, Subdivision 7, and except as authorized by the Commissioner.

(3) Snowmobiles. No snowmobile shall be operated within a trail except upon treadways designated for such use and under conditions considered adequate for the protection of the trail by the Commissioner.

(4) Horses. No one shall ride, lead or drive a horse or other beast of burden upon a trail except upon treadways designated for such use.

(5) Trail hours. Any specific use of a trail may be limited to hours designated by the Commissioner and any use in violation of such limitation is unlawful.

(6) Traffic control

(aa) Trail signs shall be obeyed.

(bb) When on a trail treadway, all trail users must stay on the right half of the treadway when meeting or being passed by another trail user.

(cc) When passing another trail user traveling in the same direction a trail user must pass on the left half of the treadway and may pass only when such left half is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safety of any trail user approaching from the opposite direction or any trail user overtaken.

(dd) Any trail user who is about to enter onto or cross a trail treadway, shall yield the right of way to any trail user already on the treadway to be entered or crossed.

(ee) When at approximately the same time, two trail users are about to enter an otherwise unmarked treadway intersection from different treadways or are approaching an otherwise unmarked merger of two treadways from any two directions, the trail user on the left shall yield the right-of-way to the trail user on the right.

(7) Special events. No special events shall be held within a trail except with a written permit of the Commissioner previously obtained. Such permit may exempt the holder and other participants from the operation of any of the rules contained herein, and may be revoked or suspended by the Commissioner at any time.

(f) Use of Camping and Rest Areas

(1) Camping

(aa) Overnight camping is restricted to designated camping areas.

(bb) The duration of the stay of any person at said areas shall be no more than two consecutive nights except where otherwise posted.

(cc) A fee may be prescribed by order of the Commissioner for use of the camping areas and facilities, and if such a fee is prescribed, it shall be paid before the area of facility is used.

(dd) There shall be no digging or trenching within the camping or rest areas.

(ee) No persons or group of persons shall unreasonably exclude others from campgrounds or rest areas.

(2) Fires. It is unlawful to build a fire within a trail except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves may be used within a camping or rest area if such use does not create a hazard or danger to the trail or to others.

(g) Hunting and Trapping

(1) Hunting. No firearm or bow and arrow shall be discharged within the trail at any time, except for the purpose of lawful hunting during the period from September 15th to March 30th only. No rifle, shotgun with slug, or bow and arrow shall be discharged upon, over or across the trail treadway at any time.

(2) Trapping. The Commissioner may forbid the placement of any manner of animal trap in any area of a trail by order.

(h) Protecting the Trail

(1) Environment. No person shall disturb, destroy, injure, damage or remove any property within trails including but not limited to vegetation, ruins, wildlife, geological formations, signs, or facilities except edible fruit and wild animals legally taken under the provisions of Section (g) subdivisions (1) and (2) of

these rules, and vegetation unavoidably damaged or destroyed by the ordinary uses of the trail as specifically permitted by these regulations. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained.

(2) Bill posting. No persons shall post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence or enclosure in a trail.

(3) Obstructions. No person shall place or cause to remain within any trail, any snowmobile, trailer, horse, bicycle or other object so as to obstruct the free use and enjoyment of said trail. Any such obstruction shall be removed at the owners expense. If not claimed and payment of expenses offered within a reasonable time, which in no case shall be more than thirty days, it shall be disposed of according to the provisions of Minnesota Statutes, Section 16.0231 concerning the disposal of lost or abandoned property.

(4) Refuse. No person shall burn or dispose of garbage, refuse, litter or trash within a trail except in receptacles provided for that purpose.

(i) Protecting Other Users

(1) Personal conduct. Within a trail, no person, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others, or provoke an assault, shall breach the peace by engaging in the following conduct:

(aa) Brawling, fighting or other violent conduct directed toward another; or

(bb) Offensive, obscene, or abusive language or boisterous and noisy conduct which might be reasonably expected to arouse alarm, anger or resentment in others.

(2) Intoxication. No person while within a trail shall be in a state of intoxication brought about by the consumption of intoxicating liquor.

(3) Drugs. No person shall use, be in the possession of, or be under the influence of drugs within a trail unless such use, possession or influence is pursuant to and in compliance with a prescription from a licensed physician.

(4) Pets. No person shall allow any pet animal to be unrestrained or unattended except dogs used for hunting during legal hunting seasons in accordance with Section (g) paragraph 1 of these rules. Such pets shall be restrained by a leash not exceeding six feet.

(5) Peddling. No person shall peddle or solicit business of any nature, within a trail, or use any of the lands or structures as a base for commercial operations.

(6) Safety. While being ridden or operated within a trail, horses, bicycles and snowmobiles must be under the control of the operator at all times.

(j) Adjacent Land

(1) Access. A trail shall not be used as an access to private lands without the consent of the landowner, lessee, occupant or his agent.

(2) Posting. Failure to post private lands does not imply such consent for trail users.

(k) Other Laws

(1) Safety regulations. All uses of trails will be subject to:

(aa) Commissioner's Orders;

(bb) Snowmobile rules, regulations and safety laws; and

(cc) Bicycle rules, regulations and state laws.

(2) Conflict with other laws

(aa) Each component of the designated State Recreational Trail System shall be subject to the provisions of these rules and regulations, provided that in the event of conflict with some other law, rule or regulation of this state, the more restrictive provision will apply.

(bb) No regulation or ordinance adopted by a local unit of government, may be inconsistent with these rules and regulations, except that local regulations or ordinances concerning the use of firearms, bows and arrows, and traps may be more restrictive than these rules and regulations.

(l) Suspension of Rules. The Commissioner may provide exceptions to the general rules for a specific trail by order filed with the Secretary of State, if such exceptions authorize activities which are not inconsistent with the purposes for which the trail is established or better serve the public interest.

(m) Penalty. Any person who shall violate any rules promulgated herein shall be guilty of a misdemeanor and subject to arrest.

Filed June 13, 1975

B. LAWS

1. Legislative, Chapter 3, Settlement of Claims

3.736 [TORT CLAIMS.] Subdivision 1. [GENERAL RULE.] The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant.

Subd. 2. [PROCEDURE.] Claims of various kinds shall be considered and paid only in accordance with the statutory procedures provided. Where there is no other applicable statute, a claim shall be brought pursuant to this section as a civil action in the courts of the state.

Subd. 3. [EXCLUSIONS.] Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) Any loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or regulation;

(b) Any loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) Any loss in connection with the assessment and collection of taxes;

(d) Any loss caused by snow or ice conditions on any highway or other public place, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) Any loss caused by wild animals in their natural state;

(f) Any loss other than injury to or loss of property or personal injury or death;

(g) Any loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, and appurtenances, fixtures and attachments to land that the state has neither affixed nor improved;

(h) Any loss arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or from the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces, except that the state is liable for conduct that would entitle a trespasser to damages against a private person.

(i) Any loss of benefits or compensation due under a program of public assistance or public welfare, except where state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(j) Any loss based on the failure of any person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

(k) Any loss based on the usual care and treatment, or lack of care and treatment, of any person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(l) Any loss, damage or destruction of property of a patient or inmate of a state institution.

The state will not pay punitive damages.

Subd. 4. **[LIMITS.]** The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case.

(b) \$500,000 for any number of claims arising out of a single occurrence. If the amount awarded to or settled upon multiple claimants exceeds \$500,000, any party may apply to any district court to apportion to each claimant his proper share of the \$500,000. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the occurrence.

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

Subd. 4a. **[SECURITIES CLAIMS LIMITS.]** The total liability of the state and its employees acting within the scope of their employment on any claim of whatever matter arising from the issuance and sale of securities by the state shall not exceed:

(a) \$100,000 to any one person or

(b) \$500,000 to all claimants in respect of the securities of the same series.

The foregoing limitations in clauses (a) and (b) shall not affect the obligation of the issuing state entity to pay the indebtedness under the securities in accordance with their terms and from the sources pledged to their payment.

Subd. 5. **[NOTICE REQUIRED.]** Except as provided in subdivision 6, every person, whether plaintiff, defendant or third party plaintiff or defendant, who claims compensation from the state or a state employee acting within the scope of his employment for or on account of any loss or injury shall present to the attorney general of the state, or in the case of a claim against the university of Minnesota, to the person designated by the regents of the university as the university attorney, and any state employee from whom the claimant will seek compensation, within 180 days after the alleged loss or injury is discovered, a notice stating the time,

place and circumstances thereof, the names of any state employees known to be involved, and the amount of compensation or other relief demanded. Actual notice of sufficient facts to reasonably put the state or its insurer on notice of a possible claim complies with the notice requirements of this section. Failure to state the amount of compensation or other relief demanded does not invalidate the notice, but the claimant shall furnish full information available regarding the nature and extent of the injuries and damages within 15 days after demand by the state. The time for giving the notice does not include the time during which the person injured is incapacitated by the injury from giving the notice.

Subd. 6. **[CLAIMS FOR WRONGFUL DEATH; NOTICE.]** When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in the death. If the person for whose death the claim is made has presented a notice that would have been sufficient had he lived, an action for wrongful death may be brought without any additional notice.

Subd. 7. **[PAYMENT.]** A state agency, including any entity defined as part of the state in section 3.732, subdivision 1, clause (1), incurring a tort claim judgment or settlement obligation or whose employees acting within the scope of their employment incur the obligation shall seek approval to make payment by submitting a written request to the commissioner of finance. The request shall contain a description of the tort claim precipitating the request, specify the amount of the obligation and be accompanied by copies of judgments, settlement agreements or other documentation relevant to the obligation for which the agency is seeking payment. Upon receipt of the request and review of the claim, the commissioner of finance shall determine the proper appropriation from which to make payment. If there is sufficient money in an appropriation or combination of appropriations to the agency for its general operations and management to allow the claim to be paid from that source without unduly hindering the operation of the agency, the commissioner shall direct that payment be made from that source. Claims relating to activities paid for by appropriations of dedicated receipts shall be paid from those appropriations if practicable. If the commissioner determines that an agency has sufficient money in these appropriations to pay only part of a claim, the commissioner shall pay the remainder of the claim from the money appropriated to him for this purpose. If the commissioner determines that the agency does not have sufficient money to pay any part of the claim, the commissioner shall pay all of the claim from money appropriated to him for this purpose. On January 1 and July 1 of each year, the commissioner of finance shall transmit to the legislature and to the chairmen of the house appropriations and senate finance committees copies of all requests in the preceding six months together with a report on the payments made with respect to each request. Payment shall be made only upon receipt of a written release by the claimant in a form approved by the attorney general, or the person designated as the university attorney, as the case may be.

No attachment or execution shall issue against the state.

Subd. 8. **[LIABILITY INSURANCE.]** A state agency, including any entity defined as a part of the state in section 3.732, subdivision 1, clause (1), may procure insurance against liability of the agency and its employees for damages resulting from the torts of the agency and its employees. The procurement of this insurance constitutes a waiver of the defense of governmental immunity to the extent of the liability stated in the policy but has no effect on the liability of the agency and its employees beyond the coverage so provided.

Subd. 9. **[INDEMNIFICATION.]** The state of Minnesota shall defend, save harmless, and indemnify any employee of the state against expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the employee of the state in connection with any tort claim or demand, or expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the employee of the

state in connection with any claim or demand arising from the issuance and sale of any securities by the state, whether groundless or otherwise, arising out of an alleged act or omission occurring heretofore or hereafter during his period of employment if the employee provides complete disclosure and cooperation in the defense of the claim or demand and if the employee was acting within the scope of his employment. Except for elected employees, an employee of the state shall be conclusively presumed to have been acting within the scope of his employment if the employee's appointing authority issues a certificate to that effect. This determination may be overruled by the attorney general. The determination of whether an employee of the state was acting within the scope of his employment shall be a question of fact to be determined by the trier of fact based upon the circumstances of each case (i) in the absence of a certification, (ii) if a certification is overruled by the attorney general, (iii) if an unfavorable certification is made, or (iv) with respect to an elected official. The absence of the certification or an unfavorable certification shall not be evidence relevant to such a determination. It is the express intent of this provision to defend, save harmless, and indemnify any employee to the state against the full amount of any final judgment rendered by a court of competent jurisdiction arising from a claim or demand described herein, regardless of whether the limitations on liability specified in subdivision 4 or 4a hereof are, for any reason, found to be inapplicable. This subdivision does not apply in case of malfeasance in office or wilful or wanton actions or neglect of duty.

Subd. 10. **[JUDGMENT AS BAR.]** The judgment in an action under this section is a complete bar to any action by the claimant, by reason of the same subject matter, against the state employee whose act or omission gave rise to the claim.

Subd. 11. **[STATUTE OF LIMITATION.]** The statute of limitations for all tort claims brought against the state shall be as set forth in chapter 541 and other applicable laws.

3.84 [MISDEMEANOR.] A person who knowingly and wilfully presents, or attempts to present, a false or fraudulent claim; or a state officer who knowingly and wilfully participates, or assists, in the preparation or presentation of a false or fraudulent claim is guilty of a misdemeanor. If a person convicted of such offense is a state officer, he also forfeits his office.

2. Department of Agriculture, Chapter 17, Wild Flowers

17.23 [CONSERVATION OF CERTAIN WILD FLOWERS.] Subdivision 1. **[PROHIBITION.]** No person within the state shall buy, sell, offer or expose for sale, the state flower (*Cypripedium reginae*), or any species of lady slipper (*Cypripedidae*), or any member of the orchid family, trillium of any species, lotus (*Nelumbolutea*), gentian (*Gentiana*), arbutus (*Epigaea repens*), or any species of lilies (*Lilium*), or any thereof, dug, cut, plucked, pulled, or gathered in any manner from any public land or from the land of any private owner without the written consent of such owner or other occupant of such land, and then only upon written permission of the commissioner, and for scientific and herbarium purposes; except, that any persons may upon their own lands cultivate for sale and sell these flowers by registering the purpose to do the same with the commissioner.

Subd. 2. **[PROSECUTION.]** The commissioner is hereby authorized, and it shall be his duty, to administer this section, and when, by investigation, complaint or otherwise, it shall be made to appear that any person has violated any of the provisions of subdivision 1, it shall be his duty to assemble the facts and transmit the same to the attorney general, or, in the discretion of the commissioner, he may act through the county attorney of the county in which the violation was committed, whose duty it shall be to forthwith institute proceedings and prosecute the same against any person or persons charged with such violation. It is hereby made the duty of the county attorney to prosecute any and all cases submitted to him by the commissioner or the attorney general.

Subd. 3. **[PUNISHMENT.]** Any person who violates any of the provisions of subdivision 1 shall be guilty of a misdemeanor; and, upon conviction, shall be fined not less than \$10 and the costs of such prosecution nor more than \$50 and the costs of such prosecution, or in default of payment thereof shall be imprisoned in the county jail for not less than ten nor more than 30 days for each and every such conviction. All fines and money thus collected shall be deposited in the state treasury.

3. Department of Natural Resources

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 his jurisdiction. Each employee of the department of natural resources, while engaged in his employment in connection with such recreational areas, has and possesses the authority and power of a peace officer when so designated by the commissioner.

Subd. 2. **[ACQUISITION OF LAND FOR TRAILS.]** The commissioner may acquire, by gift, purchase, or lease, easements or other interests in land for trails, and recreational uses related to trails, where necessary to complete trails established primarily in state forests, state parks, or other public land under the jurisdiction of the commissioner, when railroad right-of-ways are abandoned, when the use of township roads is compatible with vehicular travel, and when needed to complete trails established by the legislature.

84.03 [ADDITIONAL DUTIES AND POWERS.] So far as practicable the commissioner shall collect and arrange statistics and other information in reference to the lands and general and special resources of the state.

He is hereby authorized and empowered to take such measures as he may deem advisable to advertise, both within and without the state, sales of all state lands, and to secure, compile, and issue such valuable statistics of the resources of the state.

He may adopt and promulgate reasonable rules and regulations, not inconsistent with law, governing the use and enjoyment of state land reserved from sale, state parks, state water access sites, state trails, state monuments, state scientific and natural areas, state wilderness areas, and recreational areas owned by other state, local and federal agencies and operated under agreement by the department of natural resources, which shall have the force and effect of law. A reasonable fee may be fixed, charged, and collected by the commissioner for the privilege of the use of any or all of the foregoing privileges and facilities.

The commissioner, on or before November 15 of each even numbered year, shall report to the legislature his acts and doings, with recommendation for the improvement or conservation of state parks, state water access sites, state trails, and state monuments, state scientific and natural areas, state forests, state wildlife management areas, public hunting grounds, public shooting grounds, food and cover planting areas, wildlife lands, recreational or public hunting areas, state wild and scenic rivers, state wilderness areas, and all other recreational lands under the jurisdiction of the department of natural resources, and for desirable accessions thereto, such report to include an inventory of the tracts and parcels of land, and rights, interests, and easements therein, held by the state or withdrawn from sale for any of these purposes, with the value thereof, and a list of the name, location, size, and description of each state trail, state scientific and natural area, state wildlife management area, state water access site, and state wild, scenic, or recreational river designated by him, and each public hunting grounds, public shooting grounds, food and cover planting area, wildlife lands, and recreational or public hunting area acquired by him since his last report. He shall maintain a long range plan covering the use of the public domain under his jurisdiction.

4. Division of Parks and Recreation, Chapter 85

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.

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 chairman of the affected county board or boards and to each affected landowner.

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 administration for 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.

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.

85.041 [VOLUNTEERS IN NATURAL RESOURCES PROGRAM.] Subdivision 1. The commissioner of natural resources may recruit, train, and accept without regard to personnel laws, or rules, the services of individuals without compensation as volunteers for or in aid of interpretive functions, or other visitor services or activities in and related to the areas administered by the commissioner.

Subd. 2. The commissioner may provide for the incidental expenses of a volunteer, such as transportation, uniforms, lodging, and subsistence.

Subd. 3. Except as otherwise provided in this section, a volunteer is not a state employee and is not subject to the provisions of law relating to state employment, including but not limited to those relating to hours of work, rates of compensation, leave, unemployment compensation, and state employee benefits. A volunteer accepted under this section is a state employee for the purposes of section 176.011, subdivision 9, and the provisions of chapter 176, relating to workers' compensation apply to him.

85.05 [STATE PARK CAMP SITES.] Subdivision 1. **[RULES, FEES.]** The commissioner is hereby authorized to make rules and regulations for the use of state parks and charge appropriate fees for such uses, as hereinafter specified;

(1) Provide special parking space for automobile or other motor-driven vehicle in any state park or state recreation area;

(2) Provide special parking spurs and camp grounds for automobiles and sites for tent camping and special auto trailer coach parking spaces for the use of the individual charged for such space according to the daily rates which shall be determined and fixed by the commissioner of natural resources consistent with the type of facility provided for the accommodation of guests in any particular park and with similar facilities offered for tourist camping in the area;

(3) Improve and maintain golf courses already established in state parks, and charge reasonable fees for the use thereof;

(4) May charge a fee for entrance to any pageant grounds which may be created in any state park for the purpose of having historical or other pageants conducted by the commissioner of any other authorized agency.

When deemed necessary by the commissioner, for the purpose of better carrying out any such state park pageants, he may stage such pageants in any municipal park or other lands near or adjoining any state park, and all receipts from such pageants shall be used in the same manner as though the pageants were carried on in a state park;

(5). Provide water, sewer, and electric service to trailer or tent camp sites and charge a reasonable fee therefor.

Any individual age 65 or over who furnishes satisfactory proof of age shall be exempt from payment of the fees set pursuant to clauses 1 to 4 on Monday through Thursday of each calendar week.

Subd. 2. MS 1961 (Repealed, 1963 c 840 s 45)

Subd. 2 MS 1965 (Repealed, Ex1967 c 48 s 72)

Subd. 2. **[PERMITS FOR MOTOR VEHICLES.]**

(a) Except as provided in clauses (b), (c), (d) and (e), no motor vehicle shall enter or be permitted to enter any state park, state monument, state recreation area or state wayside over 50 acres in area unless it has affixed to its windshield in the lower right corner thereof a permit which is provided for hereinafter. The commissioner of natural resources shall procure permits in such form as he shall prescribe for each calendar year which by appropriate language shall grant permission to use any state park, state monument, state recreation area or state wayside over 50 acres in area. Permits for each calendar year shall be provided and placed on sale before October 1 next preceding, and may be affixed and used on or at any time after said date until the end of the calendar year for which issued. Such permits in each category shall be numbered consecutively for each year of issue. A fee of \$5 shall be charged for each permit issued, except that permits of appropriate special design may be sold individually at \$1.50 covering the use of state parks, state monuments, state recreation areas or state waysides under such conditions as the commissioner may prescribe for a designated period of not more than two days. The fee collected shall be deposited in the state park development account in the state treasury. Such permits shall be issued by such

Subd. 5. Whenever a petition signed by at least ten residents, asserting that they are licensed Minnesota hunters and that any described water area in the public waters of this state constitutes a substantial feeding and resting ground for migratory waterfowl, shall be presented to the commissioner, he, upon finding the correctness of the facts so asserted, and that suitable and adequate free access for the public to such lake exists near the hunting areas thereon, may by order designate not to exceed 13 lakes, including Lake Christina in Grant and Douglas counties, Lake Heron in Jackson county, Hole-in-the-Day Lake in Crow Wing county, Muskrat (Crane) Lake in Beltrami county, Marsh Lake in Big Stone, Swift, and Lac qui Parle counties, Lake Johanna in Pope county, and Squaw Lake in Itasca county, or any portions thereof, as a migratory waterfowl feeding and resting area, and such area shall thereupon be duly posted as a migratory waterfowl feeding and resting area. When so posted it shall be unlawful for any person to enter upon such migratory waterfowl feeding and resting area during the open migratory waterfowl season with any kind of motor propelled boat, raft, watercraft or aircraft. In addition, when so posted, it shall be unlawful to hunt migratory waterfowl on Muskrat (Crane) Lake in Beltrami county.

6. Prohibited Drugs, Chapter 152

152.01 [DEFINITIONS.] Subdivision 1. **[WORDS, TERMS AND PHRASES.]** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subd. 2. **[DRUG.]** The term "drug" includes all medicines and preparations recognized in the United States pharmacopoeia or national formulary and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Subd. 3. MS 1967 (Repealed, 1969 c 933 s 22)

Subd. 3. **[ADMINISTER.]** "Administer" means to deliver by, or pursuant to the lawful order of a practitioner a single dose of a controlled substance to a patient or research subject by injection, inhalation, ingestion, or by any other immediate means.

Subd. 4. MS 1967 (Repealed, 1969 c 933 s 22)

Subd. 4. **[CONTROLLED SUBSTANCE.]** "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of section 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

Subd. 5. (Repealed, 1971 c 937 s 22)

Subd. 6. **[PHARMACIST INTERN.]** The term "pharmacist intern" means a natural person, a graduate of the college of pharmacy, University of Minnesota, or other pharmacy college, approved by the board, or a person satisfactorily progressing toward the degree in pharmacy required for licensure, registered by the state board of pharmacy, for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist or a qualified applicant, awaiting licensure.

Subd. 7. "Manufacturing", in places other than a pharmacy, means and includes the production, quality control, and standardization by mechanical, physical, chemical, or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling, or by other process, of drugs.

Subd. 8. **[DISPENSE.]** "Dispense" means to deliver one or more doses of a controlled substance in a suitable container, properly labeled, for subsequent administration to, or use by a patient or research subject.

Subd. 9. **[MARIJUANA.]** "Marijuana" means all parts of the plant of any species of the genus *Cannabis*, including all agronomical varieties, whether growing or not; the seeds thereof;

the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

Subd. 10. **[NARCOTIC DRUG.]** "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, coca leaves, and opiates;

(2) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(3) A substance, and any compound, manufacture, salt, derivative, or preparation thereof, which is chemically identical with any of the substances referred to in clauses (1) and (2), except that the words "narcotic drug" as used in this chapter shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.

Subd. 11. **[OPIATE.]** "Opiate" means any dangerous substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having such addiction forming or addiction sustaining liability.

Subd. 12. **[OPIUM POPPY.]** "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

Subd. 13. **[PERSON.]** "Person includes every individual, copartnership, corporation or association of one or more individuals.

Subd. 14. **[POPPY STRAW.]** "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

Subd. 15. **[IMMEDIATE PRECURSOR.]** "Immediate precursor" means a substance which the state board of pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

Subd. 16. **[SMALL AMOUNT.]** "Small amount" as applied to marijuana means 1.5 ounces avoirdupois or less. This provision shall not apply to the resinous form of marijuana.

Subd. 17. **[APPROPRIATE STATE AGENCY.]** "Appropriate agency" means either the bureau of criminal apprehension, the state board of pharmacy, state highway patrol, county sheriffs and their deputies, or city police departments in municipalities containing 25,000 or more inhabitants.

152.02 [SCHEDULES OF CONTROLLED SUBSTANCES; ADMINISTRATION OF CHAPTER.] Subdivision 1. There are established five schedules of controlled substances, to be known as Schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section by whatever official name, common or usual name, chemical name, or trade name designated.

Subd. 2. The following items are listed in Schedule I:

(1) Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation: Acetylmethadol; Allylprodine; Alphacetylmethadol; Alphameprodine; Alphamethadol; Benzethidine; Betacetylmethadol; Betameprodine; Betamethadol; Betaprodine; Clonitazene; Dextromoramide; Dextromoramide; Dextrophan; Diampromide;

employees of the division of parks and recreation as the commissioner of natural resources may designate in writing and as hereinbefore provided.

(b) The commissioner shall issue without charge an employee's motor vehicle permit to any state employee who, for the purpose of performing official duties, must enter places where park stickers are required. The employee shall display his employee's permit on his motor vehicle in the same manner as state park stickers are displayed. A motor vehicle displaying only an employee's permit may not enter a place where park stickers are required if the vehicle is used for purposes other than those authorized by this clause.

(c) The commissioner shall issue without charge a motor vehicle permit to any individual of the age of 65 years or over who furnishes satisfactory proof of age. Such permit or the decal evidencing its issuance shall be valid only when displayed upon the vehicle owned and occupied by the person to whom issued.

(d) No state park permit is necessary for entry of a motor vehicle into 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 for the purpose of acquainting the public with state parks, monuments, recreation areas, and waysides. The commissioner shall announce the date of state park open house day at least 30 days in advance of the open house.

(e) No state park permit is necessary, nor shall any fee, including a parking fee, be charged, for entry of a motor vehicle into that part of Fort Snelling state park commonly known as Fort Snelling Memorial Chapel island.

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.

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 wilfully cut, injure, or destroy any live tree, shrub, timber, evergreen, or ornamental plant of any kind, or who shall wilfully injure, remove, destroy, deface, or mutilate any guide-board, guide-post, furniture, fixture, improvement, monument, tablet, or other property of the state of any kind, or who shall wilfully violate, or fail to comply with, any rule or regulation of the commissioner adopted and promulgated in accordance with the provisions of Laws 1923, Chapter 430, shall be guilty of a misdemeanor.

Subd. 6. **[LITTERING; PENALTY.]** 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. A person violating the provisions of this subdivision shall be guilty of 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.

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.

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, 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.

5. Game Refuges, Chapter 99

99.26 [GAME REFUGES; PROTECTION.] Subdivision 1. Except as otherwise permitted by chapters 97 to 102, no person shall take any wild animal, except fish, upon any state game refuge, nor carry any firearm thereon unless unloaded and contained in a case or unloaded and broken down.

Subd. 2. Whenever the commissioner shall find that any species of protected wild animal on any refuge, including state parks, has attained an abundance in excess of the capacity of such refuge to support it, or causing substantial damage to agricultural or forest crops in the vicinity, or is threatening the well-being and continued production of that species or of other protected wild animals, or when he has determined that there is a harvestable surplus of wild animals, he may include such refuge or any part thereof in the open territory prescribed for the taking of such species, during the succeeding regular open season, and may prescribe any reasonable regulations for the hunting or trapping thereof.

Subd. 3. Removal or defacement of any state department of natural resources sign, except under the authority of the commissioner, is prohibited.

Subd. 4. Whenever a petition, signed by ten residents, asserting that they are licensed Minnesota hunters and that any duly established game refuge or any portion thereof is primarily a migratory waterfowl refuge, shall be presented to the commissioner, the commissioner, upon finding the correctness of the facts so asserted, shall, by order, designate such game refuge or any portion thereof as a migratory waterfowl refuge, and such refuge or portion thereof shall thereupon be duly posted as a migratory waterfowl refuge. When so posted, it shall be unlawful for any person to enter upon any such migratory waterfowl refuge during the open season for the taking of migratory waterfowl, unless accompanied by a state conservation officer or refuge patrolman.

Diethylambutene; Dimenoxadol; Dimepheptanol; Dimethylambutene; Dioxaphetyl butyrate; Dipipanone; Ethylmethylthiambutene; Etonitazene; Etoxadrine; Furethidine; Hydroxypethidine; Ketobemidone; Levomoramide; Levophenacilmorphan; Morpheridine; Noracymethadol; Norlevorphanol; Normethadone; Norpipanone; Phenadoxone; Phenampromide; Phenomorphan; Phenoperidine; Piritramide; Proheptazine; Properidine; Racemoramide; Trimeperidine.

(2) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation: Acetorphine; Acetyldihydrocodeine; Acetylcodeine; Benzylmorphine; Codeine methylbromide; Codeine-N-Oxide; Cyprenorphine; Desomorphine; Dihydromorphine; Etorphine; Heroin; Hydromorphinol; Methyl-desorphine; Methylhydromorphine; Morphine methylbromide; Morphine methylsulfonate; Morphine-N-Oxide; Myrophine; Nicocodeine; Nicomorphine; Normorphine; Pholcodine; Thebacon.

(3) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: 3,4-methylenedioxy amphetamine; 4-bromo-2,5-dimethoxyamphetamine; 2,5-dimethoxyamphetamine; 4-methoxyamphetamine; 5-methoxy-3,4-methylenedioxy amphetamine; Bufotenine; Diethyltryptamine; Dimethyltryptamine; 3,4,5-trimethoxy amphetamine; 4-methyl-2,5-dimethoxyamphetamine; Ibogaine; Lysergic acid diethylamide; marijuana; Mescaline; N-ethyl-3-piperidyl benzilate; N-methyl-3-piperidyl benzilate; Psilocybin; Psilocyn; Tetrahydrocannabinols; 1-(1-(2-thienyl) cyclohexyl) piperidine; n-ethyl-1-phenyl-cyclohexylamine; 1-(1-phenylcyclohexyl) pyrrolidine.

(4) Peyote, providing the listing of peyote as a controlled substance in schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian Church, and members of the American Indian Church are exempt from registration. Any person who manufactures peyote for or distributes peyote to the American Indian Church, however, is required to obtain federal registration annually and to comply with all other requirements of law.

(5) Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: Mecloqualone.

Subd. 3. The following items are listed in Schedule II:

(1) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, including the following: raw opium, opium extracts, opium fluidextracts, powdered opium, granulated opium, tincture of opium, apomorphine, codeine, ethylmorphine, hydrocodone, hydromorphone, metopon, morphine, oxycodone, oxymorphone, thebaine.

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (a), except that these substances shall not include the isoquinoline alkaloids of opium.

(c) Opium poppy and poppy straw.

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or

preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, or unless listed in another schedule, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation: Alphaprodine; Anileridine; Bezitramide; Dihydrocodeine; Dihydromorphinone; Diphenoxylate; Fentanyl; Isomethadone; Levomethorphan; Levorphanol; Metazocine; Methadone; Methadone — Intermediate; 4-cyano-2-dimethylamino-4, 4-diphenylbutane; Moramide — Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid; Pethidine; Pethidine — Intermediate — A, 4-cyano-1-methyl-4-phenylpiperidine; Pethidine — Intermediate — B, ethyl-4-phenylpiperidine-4-carboxylate; Pethidine — Intermediate — C, 1-methyl-4-phenylpiperidine-4-carboxylic acid; Phenazocine; Piminodine; Racemethorphan; Racemorphan.

(3) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(b) Methamphetamine, its salts, isomers, and salts of its isomers;

(c) Phenmetrazine and its salts;

(d) Methylphenidate.

(4) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Methaqualone

(b) Amobarbital

(c) Secobarbital

(d) Pentobarbital

(e) Phencyclidine

(f) Phencyclidine immediate precursors:

(i) 1-phenylcyclohexylamine

(ii) 1-piperidinocyclohexanecarbonitrile.

Subd. 4. The following items are listed in Schedule III:

(1) Any material, compound, mixture, or preparation which contains any quantity of Amphetamine, its salts, optical isomers, and salts of its optical isomers; Phenmetrazine and its salts; Methamphetamine, its salts, isomers, and salts of isomers; Methylphenidate; and which is required by federal law to be labeled with the symbol prescribed by 21 Code of Federal Regulations Section 1302.03 and in effect on February 1, 1976 designating that the drug is listed as a Schedule III controlled substance under federal law.

(2) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(a) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(b) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approval by the food and drug administration for marketing only as a suppository.

(c) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative or barbituric acid, except those substances which are specifically listed in other schedules: Chlorhexadol; Glutethimide; Lysergic acid; Lysergic acid amide; Methyprylon; Sulfondiethylmethane; Sulfonethylmethane; Sulfonmethane.

7. Motor Vehicles, Chapter 168

168.011 [DEFINITIONS.] Subdivision 1. [WORDS, TERMS, AND PHRASES.] Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subd. 4. [MOTOR VEHICLE.] "Motor vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails, except snowmobiles and mobile homes.

8. State Fire Marshall, Chapter 299F, Control of Explosives

299F.74 [PERMIT REQUIRED.] No person shall have in his possession explosives, unless said person shall have obtained a valid license as provided in section 299F.73, or unless said person shall have obtained a valid permit for the use of explosives as hereinafter provided. The transportation of an explosive by a common carrier for hire shall not be deemed to be possession of an explosive for purposes of this section.

299F.80 [POSSESSION WITHOUT A PERMIT.] Subdivision 1. Except as provided in subdivision 2, whoever has in his possession explosives without a valid license or permit may be sentenced to imprisonment for not more than three years.

Subd. 2. Whoever has in his possession, dynamite or other explosives commonly used for agricultural, forestry, conservation, industry or mining purposes, without a valid license or permit, with intent to use the same for legitimate agricultural, forestry, conservation, industry or mining purposes, and in only such quantities as are reasonably necessary for such intended use, may be sentenced to imprisonment for not more than 90 days or to a payment of a fine of not more than \$300 or both.

299F.83 [NEGLIGENT DISCHARGE.] Whoever, acting with gross disregard for human life or property, negligently causes an explosive, explosive device, or incendiary device, to be discharged may be sentenced to imprisonment for not more than ten years.

9. Private Cemetery, Chapter 307

307.08 [DAMAGES; DISCHARGE OF FIREARMS; PENALTY.] Subdivision 1. Every person who shall wilfully destroy, mutilate, injure, or remove any tombstone, monument, or structure placed in any public or private cemetery or authenticated and identified Indian burial ground, or any fence, railing, or other work erected for protection or ornament, or any tree, shrub, or plant within the limits thereof, and every person who, without authority from the trustees or owner, shall discharge any firearms upon or over the

grounds of any public or private cemetery or authenticated and identified Indian burial ground, shall be guilty of a misdemeanor.

Subd. 2. Every authenticated and identified Indian burial ground shall be posted every 75 feet around its perimeter with signs listing the activities prohibited by subdivision 1 and the penalty for violation.

Subd. 3. The state archaeologist and the Indian affairs board shall authenticate and identify Indian burial grounds when requested by the political subdivision which has title to Indian burial grounds.

Subd. 4. The cost of authentication and identification shall be the responsibility of the political subdivision requesting said identification and authentication.

Subd. 5. The size, description and information on the sign must be approved by the Minnesota state historical society. The political subdivision which has title to the Indian burial ground must supply the signs and provide for their installation.

Subd. 6. The Indian affairs board must approve any request to relocate an authenticated and identified Indian burial ground.

10. Intoxicating Liquors, Chapter 340

340.069 [CITATION.] Sections 340.07 to 340.353, 340.355 to 340.407, 340.493, and 340.51 may be cited as the "intoxicating liquor act", and is a part of Minnesota Statutes 1965, Chapter 340.

340.07 [DEFINITIONS.] Subdivision 1. For the purposes of the intoxicating liquor act, except where the context otherwise requires, the terms defined in this section shall have the meanings given them.

Subd. 2. "Intoxicating liquor" and "liquor" mean ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent of alcohol by weight.

340.401 [DEFINITIONS.] Subdivision 1. [TERMS.] Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in subdivisions 2 to 9, for the purposes of sections 340.401 to 340.407, shall be given the meanings subjoined to them.

Subd. 2. [INTOXICATING MALT LIQUOR.] "Intoxicating malt liquors" means any liquor capable of being used for beverage purposes and which is produced wholly or in part from brewing of any grain or grains, or malt or malt substitute, containing in excess of 3.2 percent of alcohol by weight.

11. Crimes, Criminals, Chapter 609

609.68 [UNLAWFUL DEPOSIT OF GARBAGE, LITTER OR LIKE.] Whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, public lands, or, without the consent of the owner, private lands or water or ice thereon, is guilty of a misdemeanor.

609.72 [DISORDERLY CONDUCT.] Subdivision 1. Whoever does any of the following in a public or private place, knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, is guilty of disorderly conduct, which is a misdemeanor:

- (1) Engages in brawling or fighting; or
- (2) Disturbs an assembly or meeting, not unlawful in its character; or
- (3) Engages in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.

12. Statutes, Chapter 645

645.241 [PUNISHMENT FOR PROHIBITED ACTS.] When the performance of any act is prohibited by a statute, and no penalty

for the violation of the same shall be imposed in any statute, the doing of such act shall be a misdemeanor.

VI. PRIORITIES OF LAW ENFORCEMENT

Obviously, all law violations are not of equal seriousness. Driving 5 MPH over speed limit cannot realistically be considered as serious as robbery. The following priorities or degrees of seriousness are provided for guidance.

MOST SERIOUS TO LEAST SERIOUS

A. Protect people from people; i.e., assault or robbery.

B. Protect the people from the park; i.e., disrepaired guard rails, fallen wires.

C. Protect the park from the people; i.e., vandalism.

D. Enforce laws where neither other persons nor the park is in immediate danger.

Fixing a downed stop sign would have higher priorities than issuing parking tickets. Apprehending and subduing of a person threatening others with a weapon would have higher priority than repairing the downed stop sign. It would also be more important to have a stake out in a parking lot to catch car looters than it is to have a stake out at a remote beach for nude bathers.

VII. LEVELS OF LAW ENFORCEMENT

The lowest level of corrective action that will effectively handle the situation shall be used. The goal is to prevent violations through assistance and information. If this cannot be done, the violation must be stopped immediately and recurrence in the reasonable future prevented. Discretion together with guidance from the Department's enforcement philosophy and law enforcement priorities, must be used. The commonly used levels of action are:

A. VERBAL CONTACT — Education of violator, gaining concurrence by explaining reason for regulation or dangers of noncompliance.

This level would best serve the Department's philosophy; however, not all situations can be handled this way. A helpful measure may be "will verbal contact remedy the situation or is more needed?" "Will the violator comply with the rules or was it an intentional or wilful violation with knowledge of the rule and reason for the rule?"

B. VERBAL WARNING — This type of warning will probably be the most widely used in state park's enforcement. If a verbal warning will suffice, it should be used. It is merely a verbal warning to the violator of the infraction. The officer must be courteous at all times and clearly point out the violation and try in all cases to explain the reason for that particular rule. Try to end this type of warning confrontation in a friendly manner.

C. WRITTEN WARNING — The written warning may be used when the park officer feels that a verbal warning is not sufficient to correct the problem or when a verbal warning has already been given to a violator. Its use may also serve to allow a file to be kept on violations, violators and future enforcement patterns.

D. CITATION — This level is one at which formal enforcement is involved. Several things

should be kept in mind prior to its use.

1. Seriousness of violation.
2. Wilfulness or intent involved.
3. Will a lesser level of enforcement do the job adequately?
4. Do the facts you have substantiate such a formal charge? For instance, a violation based on an account of someone else who can supply few facts, which may not be capable of substantiation may not be a strong enough case for a citation.

All physical evidence pertinent to the violation must be secured and held for court. In cases where this is not possible, pictures are highly recommended. You, the officer, must witness the violation and be prepared to testify to the incident in court.

E. ARRESTS — For our purposes, a person should only be taken into custody if he is a threat to himself, others or when none of the above levels will stop the subject from continuing to violate in the same manner. Remember you are taking away this person's right of freedom, so the proper steps must be followed as listed in your Patrolman's Handbook. Once you place someone under arrest, you are responsible for that person until you release him to another authority in writing.

MAKING AN ARREST AND FORCE WHICH MAY BE USED

In effecting an arrest for a misdemeanor with or without a warrant, an officer may use only that force reasonably necessary to ensure compliance and no more. He may not inflict serious bodily injury nor use firearms in arresting for a misdemeanor. Under no circumstances shall deadly physical force be used to stop the flight of a fleeing misdemeanant.

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VIII. RELATIONS WITH OTHER LAW ENFORCEMENT AGENCIES

A "must" for every park officer is contact and close cooperative relations with all other law enforcement officers in the locality. Almost without exception, they are highly trained and competent, willing and eager to learn park problems and give their help. They can give the park officer assistance, not only in law enforcement, but help on traffic, handling crowds, first aid, public information, public attitudes and a host of other problems and phases of the work which constantly arises.

The prosecuting attorney is the chief law enforcement authority in the county. The prosecutor should be contacted once a year in early spring for a mutual review and appraisal of new developments. Wherever possible, this should be accomplished with the aid of the local conservation officer. Whenever a new prosecutor takes office, consultation should occur as soon as it is convenient.

The sheriff, his Deputies, State Patrol Officers, Conservation Officers and local officers are all very important to an effective enforcement program in any park. These officers generally know local conditions and people intimately and can give you information as to what trouble may be expected and how to handle certain groups. Invite all of these officers to visit the park; their presence has a beneficial effect. Arrange with them for mutual cooperation on accidents, fires, drownings, traffic control, etc.

Additionally, remember you don't always have to make a decision by yourself. All of these law enforcement agencies are available for advice if you are not sure of yourself. Certain situations do often require immediate actions, but as a follow up, talk with another officer about the situation. You will be more confident in similar situations in the future.

IX. RECORDS

The following are the forms and reports used in state park law enforcement:

- A. Permit violation
- B. Written warning
- C. Written citation
- D. Arrest report
- E. Confiscation tag
- F. Juvenile report
- G. Complaint or Information record

Disposition of:

- A. Permit violation — record kept in park.
- B. Written warning (NA-02515-01) — disperse as indicated on the warning copies.
- C. Written citation (NA-02516-01) — disperse as indicated on the citation.

D. Arrest report (Co. 107) — Dispersal as follows:

1. Send copies 1, 2 and 3 of arrest report to Regional Parks Supervisor along with Supervisor's copy of citation.

2. Copies 1 and 2 of the arrest report is then forwarded by the Regional Parks Supervisor to the Regional Enforcement Supervisor. The Enforcement Supervisor will then forward the information to the St. Paul enforcement liaison.

E. Juvenile report (Co. 105) — disperse as indicated on the juvenile report.

F. Seizure receipt (Co. 109) — confiscation tag — the hard copy is attached and retained on the seized article. The original is retained by either the officer or from whom the property is seized depending on the circumstances of the property seized (i.e., shotgun seized during hunting, violation in park, the original form will be retained by the violator). In confiscating and selling a deer carcass hit by a car, the original form will be retained by the officer.

G. Complaint or Information Record (Co. 145) — Original — retained in parks; Salmon — to Conservation Officer; and Yellow — to Regional Supervisor.

X. EQUIPMENT

A. VEHICLE — For enforcement work, the officer shall normally use the best vehicle assigned to his station, when available. The appearance and condition of the vehicle reflects on your attitude as an officer and many times will represent the first approach. The vehicle, as well as the officer's appearance, is important in conveying a professional attitude and indicating to the park visitor that the officer is doing a professional job of enforcement.

Vehicles must be kept clean, orderly and in good operating order. Even though a vehicle must be used part time for maintenance work, when used for enforcement, maintenance supplies, i.e., maps, brooms, paper towels, etc., should be removed or neatly stored in an appropriate compartment such as the trunk or pickup box.

When operating the vehicle, remember you must observe all traffic laws if you expect everyone else to. A red light mounted on the dash of a marked vehicle does not give you special driving privileges.

Vehicle stops — When using your vehicle to stop another vehicle routinely, the following procedure is recommended:

1. Choose the stopping point carefully, considering the visibility and allow adequate space for safe stopping.

2. Signal subject driver to stop. In some cases, just a couple of taps on the horn or hand signal will suffice, however, in certain cases and at night, the red light should be used. This is always discretionary.

3. Placement of vehicle. Place your vehicle immediately behind the stopped vehicle with your vehicle slightly to the left so that your left headlight will be aimed past the left side of the subject vehicle.

4. Approaching vehicle. Approach subject vehicle from the rear, stopping just behind the driver's window. This is the safest place to stand and minimizes the chance of injury to yourself if the subject should happen to be armed or violent.

5. Addressing the subject. Again this is discretionary. You may be able to simply talk to the person through the window; however, in some

cases, it may be advisable to ask the person to step out or come back to your vehicle; i.e., if there are several persons in the car interrupting the conversation.

B. CAMERA — If you have a camera assigned to you, it may be used for enforcement work. When it is not possible to preserve evidence for future references, take pictures. Adequate protection must be provided for your camera against dust, moisture and jarring. Always have adequate film on hand.

C. FLASHLIGHT — A flashlight should always be available in the patrol vehicle. If an enforcement type flashlight such as a Kel-lite is used by an officer, it should be used as intended. The flashlight is made to be used for protection from an offensive weapon or to exercise a minimal force in correcting a potentially explosive situation. It is not a club! The light is heavy enough to inflict serious injury if used flagrantly or improperly. Improper use could constitute deadly force.

Proper care of all flashlights involves keeping them free from moisture when in storage, installing new batteries after heavy use, and ensuring protective care when in vehicles. A spare bulb must be available when in use.

D. WRIST RESTRAINTS — These shall be used with discretion. If an arrested person gives an indication that he may become physically violent, his hands should be restrained behind him to protect other persons, the arrested person and for the arresting officer.

A knife or other sharp instrument should always be available to remove nylon wrist restraints when necessary.

E. COMMUNICATION RADIO EQUIPMENT — Good radio equipment is essential to good law enforcement. Park's radio equipment should be kept in proper maintenance repair so it is available when needed. Proper radio procedures should be used at all times.

XI. DONT'S — THE HELPFUL VARIETY

DON'T LECTURE — It is calamitous from a public relations standpoint for an officer to lecture an offender. State Parks are not the property of the officer — it belongs to all the people. You are the protector — not the judge nor the high executioner. Do not humiliate an offender nor cause him to lose face.

DON'T THREATEN — Threats and accusations indicate weakness on your part. You may become irritated by having a violator get away from you, but if you go around making threats of future arrest, you are not only advertising your own inefficiency, but you are taunting the violator to continue his violations. Rather, you should remain silent and redouble your efforts as, per the old adage, "The pitcher which goes too often to the well is broken at last."

DON'T ARGUE — State Park visitors feel as positively about their outdoor recreation as their religions. Arguments will not change their viewpoint. Do not allow yourself to be drawn into an argument that is apt to become angry and bitter. The man who wins an argument usually loses a friend and usually without having convinced the other that his is wrong.

DON'T GIVE OUT SNAP JUDGMENTS — If you do not know the answer to a question, it is no disgrace to say so. It is much more sensible to do this than make a statement that later has to be retracted. The inexperienced law enforcement personnel are apt to give out snap decisions or to misquote the law, mainly because they feel it is a reflection on their knowledge and ability to consult a book. The experienced officer, on the other hand, will reserve a statement until he has referred to the law compilation if answering a doubtful, nonroutine question.

XII. POINTERS FOR TESTIFYING IN COURT

1. **TELL THE TRUTH.** In a lawsuit (as in other matters), honesty is the best policy. Telling the truth, however, means more than refraining from telling a deliberate falsehood. Telling the truth requires that a witness testify accurately about what he knows.

2. **DON'T GUESS.** If you don't know, say you don't know.

3. **UNDERSTAND THE QUESTION.** You can't possibly give a truthful and accurate answer unless you understand the question. If you don't understand the question, ask the lawyer to repeat it.

4. **TAKE YOUR TIME.** Give the question such thought as it requires to understand it and formulate your answer and then give the answer.

5. **ANSWER THE QUESTION THAT IS ASKED AND THEN STOP.** Don't volunteer information.

6. **MAKE SURE AN AUDIBLE ANSWER IS GIVEN,** so the court reporter can transcribe it in the record; don't nod your head yes or no.

7. **BEWARE OF QUESTIONS INVOLVING DISTANCE AND TIME.** If you make an estimate, make sure that everyone understands that you are estimating.

8. **DON'T FENCE OR ARGUE WITH THE LAWYER ON THE OTHER SIDE.** He has a right to question you, and if you give him some smart talk or evasive answers, you may be reprimanded by the judge.

9. **DON'T LOSE YOUR TEMPER,** no matter how hard you are pressed.

10. **BE COURTEOUS.** Being courteous is one of the best ways to make a good impression on the court and jury. Don't be afraid to answer "yes sir" and "no sir" and to address the judge as "Your Honor".

11. **STEER CLEAR OF JURORS DURING RECESSES.** Under no circumstances should you approach a juror even though it would be a matter wholly foreign to the case on trial.

12. **DON'T BE AFRAID OF QUESTIONS.** Answer them truthfully and accurately. For example, don't be afraid to admit that you have talked to the lawyer on your side, or to an investigator.

Source: Minnesota Bureau of Criminal Apprehension, Police Training Section

XIII. GLOSSARY OF TERMS

ADMISSION — A statement or admission of certain facts or elements of an offense from which guilt may be inferred.

AFFIDAVIT — A sworn, written statement.

ALIBI — A plea of having been, at the time of the act, in a place other than the one where the offense was committed.

ALLEGATION — An assertion unsupported and by implication regarded as unsupportable; a positive assertion of a party to a legal action of what he intends to prove.

APPEAL — An application to a higher court to review a decision of a lower court.

ARRAIGN — To bring a prisoner before the court to answer the charge against him.

ARREST — The seizing of a person and detaining him in custody by lawful authority.

ASSAULT — Intent to inflict bodily harm, threatening or actually attacking another.

BAIL — Security for appearance in court.

BENCH WARRANT — An order issued by a court for the arrest of an individual for contempt of court.

BURDEN OF PROOF — The duty of proving facts and allegations disputed in the trial of a case.

CIRCUMSTANTIAL EVIDENCE — Evidence whereby the existence of the principal fact is inferred from one or more circumstances which have been established directly.

CITATION — This word is often used in place of the words: summons, violation notice, notice to appear.

COMMON LAW — A system of laws which has evolved from early English days to the present consisting of old and accepted customs precedents and court decisions, old English statutes and other unwritten but accepted standards. In Minnesota the common law is still in effect except where the same ground is covered by statute.

COMPLAINANT — One who makes a complaint, knowledge of the facts of a violation.

CONFESSION — A statement by a person, either oral or written, admitting a certain offense. The statement must include all of the elements of the offense or it is not a confession but an admission.

CONFISCATE — To appropriate seized property.

CONSPIRACY — An unlawful combination or agreement to violate the law of the state.

CONTEMPT — A wilful disregard of the court.

CONTRABAND — Goods of which the importation or exportation is illegal.

CONVICT — To find guilty.

COUNSEL — One who gives legal advice.

CRIME — An act committed in violation of a penal law, against the state or a public order.

CUSTODY — Detention.

DEPOSITION — Oral testimony transcribed out of court before an officer authorized to take such testimony and report it to court. Used primarily where one is incapable of attending court to testify in person or where one is out of the court's jurisdiction and will not come back.

DOCKET — The courts calendar as pertaining to actions in that court.

DOMICILE — The place where a person has his legal home or place of permanent residence, not necessarily his present residence.

ESCAPE — The departure of a prisoner from custody before he is released by lawful authority.

EVIDENCE — All the means by which any alleged matter of fact, the truth of which is submitted to investigation, is established or disproved.

EXAMINATION — An inspection or investigation pertaining to court action. The term is used to

describe a preliminary hearing, usually before a lower court to determine whether or not there is sufficient cause to hold a person to answer to a given charge before a higher court.

EXECUTE — When used in connection with an order or process the term means to carry out, complete or dispose of properly or according to law.

EXONERATE — To free from suspicion, to show someone to be free of guilt.

EXPERT — A witness having special and unusual knowledge of a subject through extensive study or of experience with the subject.

EXTRADITION — The surrender by a state to another of a person accused of a crime committed in the latter, so that he may be tried there pursuant to the law of that state. (Exception — Misdemeanors)

FALSE IMPRISONMENT — Restraint imposed on one's liberty without proper legal authority.

FELONY — An indictable offense which is greater than a misdemeanor.

FRAUD — Deceit or wilful misrepresentation.

GUARDIAN — One who has the control or management of the person or property of another.

HEARING — An examination of principals and witnesses at a court proceeding.

HEARSAY EVIDENCE — Evidence which is not founded upon the personal knowledge of the witness.

IMPANEL — To draw a jury and enroll their names.

IMPRISONMENT — Restraint of a man's liberty.

INADMISSIBLE — Cannot be received into evidence because of a legal defect.

IRRELEVANT — Having no valid relationship to the point in issue.

ISSUE — A disputed fact or point of contention.

JUDICIAL — Relating to the court.

JUDICIAL NOTICE — The acceptance of the court of certain well established facts without proof.

JURISDICTION — Area of legal control or authority.

JURY — A body of men and/or women sworn to consider the evidence presented and to deliver a true verdict or decision in a judicial proceeding.

LARCENY — A crime against property, defined by common law. It is unlawful to take and carry away the personal property of another with intent to permanently deprive the owner thereof.

LIBEL — Defamatory writing.

LITIGATION — Contest in court.

MAGISTRATE — Generally applied to judges of the lower courts.

MALFEASANCE — Wrongful conduct, especially by a public official.

MISDEMEANOR — An offense less serious than a felony punishable by incarceration in the county jail, as opposed to the state prison for the commission of a felony.

MISTRIAL — An erroneous trial. A trial declared defective and void due generally to prejudicial error in the proceedings.

NEGLIGENCE — Want of care. The lack of ordinary responsible care.

OATH — Solemn affirmation or declaration made under a sense of responsibility to God for the truth.

OFFENSE — Legal use denotes a violation of the law or a public order.

OMISSION — Failing to perform what the law requires.

OPINION — A conclusion drawn by a person from the facts and inferences within the scope of his knowledge.

PERJURY — The wilful assertion under oath as to a matter of fact, to mislead the court, a false statement.

PLAINTIFF — One who brings an action.

PLEA — The defendant's answer by matter of fact to the plaintiff's declaration, charge or allegation.

PLEAD — To answer the indictment, to answer to an allegation.

POLICE POWER — The right of the state to enact and enforce laws and regulate behavior in the interest of the state.

POSSESSION — Having in one's own power or control.

PREJUDICE — A fore-judgment or a bias.

PREMEDITATION — Consideration or planning of an act before hand that shows intent to commit that act.

PRESUMPTION — A conclusion or inference, of law, or fact drawn from proven existence of some fact or facts.

PRIMA FACIE — On the face of it, facts are such as will prevail, if not rebutted or disproved.

PRIVILEGED COMMUNICATION — A communication between parties standing in a confidential relation to one another and which therefore need not be disclosed on the witness stand.

PROCESS — The means whereby the court enforces obedience of its orders.

PROOF — The establishing of the truth of an allegation by evidence; the evidence itself.

PROSECUTOR — One who brings an action against another in the name of the government.

PROXIMATE CAUSE — That which produces an event and without which the event could not have occurred.

QUASH — To annul, discharge; for example an indictment, a conviction or order.

QUESTION — An interrogatory; an issue to be decided by the court of law.

REBUT — To disprove, answer; to repel, or bar a claim, to contradict, to do away.

RECIPROCITY — Mutuality; a term specifically applied to treaty dealings between states.

RECOGNIZANCE — An obligation or acknowledgment of a debt enrolled in a court of law with a condition to void on the performance of a thing stipulated, for example, to appear before the proper court to answer charges.

RELEVANCY — A degree of connection between a fact tendered in evidence and the issue to be proved.

REMEDY — The legal means to recover a right or redress a wrong.

RESTRAINING ORDER — An injunction; power of limitations, or restrictions.

SCIENTER — The allegation in a pleading of knowledge; on the part of a defendant or person accused, which is necessary to charge upon him the consequence of the crime or tort, that the defendant did the thing in question wilfully.

SEIZURE — To take possession.

STARE DECISIS — To stand by decided cases.

STATUTE — A law enacted by legislative power in a county or state.

STIPULATION — A proviso, a bargain, or a condition.

SUBPOENA — A writ commanding attendance in a court under penalty.

SUMMONS — A notification to a party named therein to appear in court on, or before, a specified date, and answer the complaint in an action commenced against him.

SUPRA — Above, over; this word occurring by itself in a book, refers the reader to a previous part.

TESTIMONY — Statements made by a witness under oath or affirmation.

TORT — Injury or wrong; a wrongful action for which a civil action will lie, except one that involves a breach of contract.

TRIAL — The examination of cause; civil or criminal by a tribunal.

VENUE — The county in which an act is done; also where prosecution may be conducted.

VENUE, CHANGE OF — The sending of a case to be tried before the jury of another county, when circumstances render it impossible to have an impartial trial in the county where the cause of action arose.

VERDICT — The decision of a jury as reported to the court, on the matters submitted to them on the trial of a cause.

VIOLATION — An act contrary to another's right.

VOID — Of no force or effect; null.

VOLUNTARY — Acting without compassion.

WARRANT — An authority, a precept under hand and seal to some officer to arrest an offender.

WILFUL — Intentional, deliberate.

WITNESS — One who sees an act performed, one who gives evidence in a cause. The attendance of a witness on the trial of a cause in court is secured by the issuing of a subpoena.

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