

Section 1. Open season for rabbits and hare.—The open season for the taking of varying hare or snow shoe rabbit and cotton tail rabbit shall fall between September 16th and March 1st, both inclusive, subject however to such further restrictions as to time as shall be provided by order of the Director of Game and Fish with the approval of the Commissioner of Conservation. Provided, however, that the said varying hare or snow shoe rabbit and cotton tail rabbit may be taken or killed in any manner, at any time, by the actual occupant of any lands upon which the above named animals are causing any damage or injury whether said lands are located within a game refuge or otherwise.

Sec. 2. Violation a misdemeanor.—Any violation of this act or any order of the Director of Game and Fish promulgated hereunder, shall be a misdemeanor.

Approved April 21, 1939.

CHAPTER 382—S. F. No. 697

An act authorizing the exchange of state-owned lands for lands of the United States or privately-owned lands; establishing a method of procedure for such exchange and appropriating money therefor and repealing certain laws inconsistent herewith.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Land exchange commission created.—There is hereby created a Land Exchange Commission, in this act called the Commission, which shall consist of the Governor, the Attorney General and the State Auditor.

Sec. 2. May exchange land to consolidate holdings.—For the purpose of consolidating the holdings of land owned by the state the Commission may, by unanimous approval, exchange any lands to which the state now holds title or to which title shall be acquired by the state, including lands held in trust for any purpose, for lands of equal value and kind owned by the United States or lands owned by private citizens or corporations. Provided, however, that the lands so acquired shall be subject to the trust, if any, to which the lands exchanged therefor were subject. The Commission is hereby authorized to convey in behalf of the state, title by deed attested by the commissioner of conservation, to any such lands so exchanged, provided, however, that in the deed of conveyance there shall

be reserved to the state all minerals and all water power rights in the said state lands. Provided further that the exchange program under this act will be conducted in a manner that will not materially decrease but rather which will increase the state's total holdings of timber, and of water frontage desirable for public use and enjoyment.

Sec. 3. Commission may make terms of exchange.—Any exchange of land made under this act, may be made upon any condition as to payment of further compensation to the state which said commission may deem proper, and if payment of further compensation is required, such payment shall be made in such manner and upon such terms as the said commission shall determine, subject to the following limitations: if payment is not made at the time of the exchange, the unpaid balance shall be secured by contract for deed on the land of which the state is disposing, payable in ten equal annual installments with interest at 3 per cent per annum, payable annually, the first installment and the first interest to be due on December 1, following the date of the exchange.

Sec. 4. Owner may file proposal for exchange.—Any owner desiring to effect an exchange of lands hereunder shall file with the commissioner of conservation on a form furnished by said commissioner a proposal of exchange giving the legal description of his land and the state land for which he desires to exchange. With such proposal he shall present his affidavit describing fully any liens or encumbrances affecting the title thereto and that there is no person in possession of any part of said land claiming interest therein who has not joined in such request, and that no improvements have been made thereon for which any person has the right to assert a lien.

Sec. 5. Owner to furnish abstract of title.—Such proposal shall be reviewed by the Commissioner of Conservation and if he finds the proposed exchange would effect a desirable consolidation of state land holdings he shall require the applicant for exchange to furnish an abstract evidencing marketable title. Said commissioner shall thereupon cause an examination and appraisal to be made by men qualified as land or timber appraisers under existing laws, of the state lands to be exchanged and of the lands to be received and shall make a complete report thereon. Such report shall be in a form approved by the Commission and shall contain the legal description of the land, the location of the lands with reference to other state lands, a statement of the use for which his land is best suited, the value of the land exclusive of timber and improvements, the amount and value of timber including both

immature and mature timber, value of improvements on the land, total value of land, timber and improvements, reasons for making exchange and any other pertinent information.

Provided, however, that no land shall be exchanged hereunder unless the Attorney General shall have given his opinion in writing that the person offering to trade such land has good and marketable title to the land he agrees to trade, free and clear of any encumbrances or lien.

Provided, however, that the provisions of this act shall in no way affect, modify or invalidate Mason's Minnesota Statutes of 1927, Section 6463, and Laws 1933, Chapter 412.

The Commissioner of Conservation shall submit such report and the Attorney General's opinion to the Commission.

Sec. 6. Meetings of commission to be open to public.—The meetings of the commission at which it considers the exchange of lands under this act shall be open to the public and any person shall be permitted to state his objections to any such exchange. The commissioner shall set the date for any such meeting at least 15 days in advance. Lists of all lands considered for exchange shall be posted in the office of the county auditor of the county in which the lands are located for at least 10 days in advance of such meeting and a notice of such meeting shall be published in the legal newspaper for said county at least one week in advance thereof, in which notice it shall not be necessary to give the legal description of the lands proposed to be exchanged.

Sec. 7. Powers of commission.—The Commission shall approve or reject the exchange or authorize the making of a counter proposal. If approved the Commission shall prepare a deed conveying title to the state land and receive a deed to the land which is to be received in exchange. Such deeds shall be approved as to form and execution by the Attorney General.

Sec. 8. Appropriation.—There is hereby appropriated out of any money in the state treasury, not otherwise appropriated for the purposes of carrying out the provisions of this act, the sum of \$15,000.00.

Sec. 9. Laws repealed.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 4031-10 $\frac{1}{2}$, 4031-10 $\frac{1}{2}$ a, 4031-10 $\frac{1}{2}$ b, 4031-10 $\frac{1}{2}$ c, 4031-10 $\frac{1}{2}$ d, 4031-10 $\frac{1}{2}$ e, 4031-10 $\frac{1}{2}$ f, 4031-10 $\frac{1}{2}$ -g, 4031-10 $\frac{1}{2}$ h, 4031-10 $\frac{1}{2}$ i, 4031-10 $\frac{1}{2}$ j, 4031-10 $\frac{1}{2}$ k and 4031-10 $\frac{1}{2}$ L are hereby repealed.

Approved April 21, 1939.