

Section 1. Minnesota Statutes 1953, Section 123.41, is amended to read:

123.41. **Compensation.** For their services performed under the provisions of sections 123.33 to 123.57 the chairman of the board of education shall be paid one-half of one percent of the cash disbursements for the year but not to exceed \$300 in any one year and expenses including seven cents per mile for distance actually traveled by him in performance of his duties not exceeding the total sum of \$400 in any one year from such mileage and expenses; the treasurer of the board shall be paid *two* percent, and the clerk *two* percent, of the cash disbursements for the year, but the compensation to be paid to the treasurer and clerk in counties having less than 55 schools in its unorganized territory shall not exceed in any one year the total sum of \$1,200 for treasurer, and \$1,500 for clerk, but only after all reports required by law have been made in conformity thereto. This section shall not apply to counties having a population of more than 200,000.

Approved April 29, 1957.

---

CHAPTER 861—S. F. No. 1784

[Coded in part]

*An act relating to real and personal property escheated or abandoned to the state; appropriating money in connection therewith; amending Laws 1955, Chapter 194, Section 1; and amending Minnesota Statutes 1953, Sections 11.08; 94.09, 94.10, 94.12, 94.15 and 94.16; 525.841 and 48.527.*

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

Section 1. Laws 1955, Chapter 194, Section 1, is amended to read:

[525.161] **Probate; no surviving spouse or kindred, notices to attorney general.** When it appears from the petition for administration of the estate, or otherwise, in an estate pending in the probate court for settlement that the intestate left surviving no spouse or kindred, *the court shall give notice of such fact and notice of all subsequent hearings in such estate to the attorney general forthwith; and the attorney general shall protect the interests of the state during the course of administration. The residue which is decreed to escheat to the state shall be transmitted to the attorney general, together with a certified copy of the final decree of distribution, and he shall file a receipt for same with the probate court.*

*All moneys, stocks, bonds, notes, mortgages and other securities, and all other personal property so escheated shall then be given into the custody of the state treasurer, who shall notify the state auditor thereof and immediately credit the moneys received to the general revenue fund. The treasurer shall hold such stocks, bonds, notes, mortgages and other securities, and all other personal property, subject to such investment, sale or other disposition as the state board of investment may direct pursuant to section 11.08. The attorney general shall immediately report to the state executive council all real property received in the individual escheat, and any sale or disposition of such real estate shall be made in accordance with sections 94.09 to 94.16, inclusive.*

Sec. 2. Minnesota Statutes 1953, Section 11.08, is amended to read:

**11.08 Escheated property; report, sale.** The state auditor shall report immediately to the state board of investment all *personal* property other than money received by the state of Minnesota as escheated property. When the state board of investment shall determine that it is for the best interest of the state to sell such property it shall direct the state treasurer to sell the same to the highest bidder in such manner and upon such terms and conditions as it may prescribe. *All moneys received from such sale shall be credited to the general revenue fund of the state.*

Sec. 3. Minnesota Statutes 1953, Section 94.09, is amended to read:

**94.09. Certain other lands; how sold; appraisal.** All tracts or lots of real property belonging to the State of Minnesota or that may hereafter accrue to the state, including tracts or lots which have escheated to the state, may be disposed of in the following manner; provided, sections 94.09 to 94.16 shall not apply to school or other trust fund lands, belonging to the state, or that may hereafter accrue to the state, under and by virtue of any act of Congress. The sale or disposition of this real estate shall be under the supervision of the *executive council, which* may authorize and direct a sale when in *its* judgment it would be advantageous to do so. *The executive council* shall appoint three appraisers, who shall appraise the real property to be sold. As compensation for their services these appraisers shall *each* receive \$10.00 per day. The sale shall be at public auction and made by the *secretary of the executive council*, or such person as he may direct for that purpose.

Sec. 4. Minnesota Statutes 1953, Section 94.10, is amended to read:

94.10. **Notice of sale.** Before any sale shall be made, the *executive council, through its secretary*, shall publish a notice thereof at least once in each week for four successive weeks in a newspaper published in the city or county in which the real property to be sold is situated, which notice shall specify the time and place in the county at which the sale will commence, a description of the lots or tracts to be offered, and a general statement of the terms of sale. Each tract or lot shall be sold separately and no lot shall be sold for less than the price thereof as specified in the report of the appraisers.

Sec. 5. Minnesota Statutes 1953, Section 94.12, is amended to read:

94.12. **Certificate of sale.** The *secretary of the executive council* shall make out and deliver to the purchaser thereof a certificate of purchase in which he shall certify the description of the real property sold and the price thereof, the consideration paid and to be paid therefor, the rate of interest, and time and terms of payment. This certificate shall be numbered and made assignable. The purchase certificate shall further set forth that in case of the non-payment of the annual interest due by the purchaser, or any person claiming under him, then the certificate, from the time of such failure, will be entirely void and of no effect and the state may *be repossessed* of the lot or tract and *may* re-sell the same as provided in sections 94.09 to 94.16.

Sec. 6. Minnesota Statutes 1953, Section 94.15, is amended to read:

94.15. **Patents.** *By and with the approval of the executive council*, the governor shall sign and cause to be issued under the seal and attestation of the state auditor patents for the lands described in such certificate of purchase whenever the same are presented to him, with the further certificate of the *secretary of the executive council* endorsed thereon certifying that the amount of principal and interest specified therein *and* all taxes due on the lands have been paid, and that the holder of the certificate is entitled to such patent.

Sec. 7. Minnesota Statutes 1953, Section 94.16, is amended to read:

94.16. **Funds, how disposed of.** All moneys received from the sale of such lands or lots shall be credited to the general revenue fund of the state.

Sec. 8. Minnesota Statutes 1953, Section 525.841, is amended to read:

525.841. **Escheat returned.** *In all such cases the state auditor shall be furnished with a certified copy of the probate court's order vacating the previous final decree and decreeing the escheated property to the persons entitled thereto, and upon notification of payment of the inheritance tax, the auditor shall draw his warrant on the state treasurer, or execute a proper conveyance to the persons designated in such final decree. In the event any escheated property has been sold pursuant to sections 11.08 or 94.09 to 94.16, then the warrant shall be for the appraised value as established during the administration of the decedent's estate. There is hereby annually appropriated from any moneys in the state treasury not otherwise appropriated an amount sufficient to make payment to all such designated persons. No interest shall be allowed on any amount paid to such persons.*

Sec. 9. Minnesota Statutes 1953, Section 48.527, is amended to read:

48.527. **Action by owner to recover escheated funds or property.** Any person claiming to be legally entitled to any of the funds or other property involved in any action commenced under the provisions of section 48.525, who did not appear in said action, may, within a period of 40 years after the entry of judgment therein, *apply for a refund of the funds or other property of which it was alleged he was the owner or depositor, and in case such person be an infant or under disability, the period of limitation is extended to one year from the removal of such disability. Such application for refund shall be made to the attorney general who shall advise the executive council of same, and upon good cause shown, the executive council is authorized to order such refund paid to such claimant from the general revenue fund without interest. A sufficient amount is hereby appropriated annually from any moneys in the state treasury not otherwise appropriated to pay any such refunds so ordered by said executive council.*

Sec. 10. This act shall be in effect from and after its enactment.

Approved April 29, 1957.

---

CHAPTER 862—S. F. No. 1863

[Not Coded]

*An act for the establishment of an interim commission on the upper Mississippi reservoirs.*

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