

ery is possible. All moneys recovered shall be deposited in the ~~special compensation~~ *general revenue fund. There shall be no payment from the special compensation fund if there is liability for the injury under the provisions of Minnesota Statutes, Section 176.215, by an insurer or self-insurer.*

*Subd. 2. Upon a warrant prepared by the commission and approved by the state auditor, and in accordance with the terms of the order awarding compensation, the state treasurer shall pay compensation to the employee or his dependent from the special compensation fund. The workmen's compensation commission shall certify to the state treasurer and to the legislature at the end of each biennium the total amount of compensation paid from the special compensation fund under subdivision 1, including the necessary expenses and salary which the attorney general incurs in investigating, defending and in maintaining any cause of action against any employer. The state treasurer shall upon proper certification reimburse the special compensation fund from the general revenue fund the total amount certified as paid under this section, and the funds required for the purpose of making such reimbursement are hereby annually appropriated.*

Sec. 2. *This act is effective upon enactment.*

Approved May 12, 1969.

#### CHAPTER 373—S. F. No. 887

*An act relating to actions involving tax titles and limiting the time in which a claim adverse to the state or its successor in interest respecting the land may be asserted; creating a tax forfeited land assurance account in the state treasury; appropriating money; amending Minnesota Statutes 1967, Section 284.28.*

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

Section 1. Minnesota Statutes 1967, Section 284.28, is amended to read:

**284.28 Tax titles; adverse claims; limitations; tax forfeited land assurance account.** Subdivision 1. *(a) Notwithstanding the provisions of any other law to the contrary, no cause of action or defense, claiming that the forfeiture to the state of any land for non-*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

payment of taxes is invalid because of any jurisdictional defect, shall be asserted or maintained upon any claim adverse to the state, or its successor in interest, respecting any lands claimed to have been forfeited to the state for taxes, unless such cause of action or defense is asserted in an action commenced within ~~15 years~~ *one year* after the filing of the county auditor's certificate of forfeiture, as provided by Minnesota Statutes, Section 281.23, Subdivision 8, and acts supplementary thereto, or by any other law ~~hereafter enacted~~ *after the effective date of this amendatory act* providing for the filing and recording of such certificates; provided, that if such certificate of forfeiture was filed before the ~~passage of this section~~ *effective date of this amendatory act*, such cause of action or defense may be asserted in an action commenced within one year after the ~~passage of this section or within 15 years of the date of filing of the county auditor's certificate of forfeiture, whichever is later~~ *effective date of this amendatory act*. Any person under disability to sue when such certificate was filed or when this section was passed, as the case may be, may assert such cause of action or defense in an action commenced at any time within one year after the removal of the disability.

(b) *Notwithstanding the provisions of any other law to the contrary, no cause of action or defense, claiming that any auditor's certificate of sale or state assignment certificate arising from the non-payment of taxes on a parcel of land is invalid because of any jurisdictional defect, shall be asserted or maintained upon any claim adverse to the holder of the certificate or his successors in interest, or to the state or its successor in interest, respecting any such land, unless such cause of action or defense is asserted in an action commenced within one year after the filing of proof of service of the auditor's notice of expiration of the time for redemption, as provided by Minnesota Statutes, Section 281.21, and acts supplementary thereto, or by any other law enacted after the effective date of this amendatory act providing for notice of expiration of time for redemption and the filing thereof; provided, that if proof of filing of the notice of expiration of time for redemption was filed before the effective date of this amendatory act, such action or defense may be asserted in an action commenced within one year after the effective date of this amendatory act.*

Subd. 2. In cases where the lands are and ever since the time of filing the auditor's certificate of forfeiture under section 281.23, subdivision 8, or filing of service of notice of expiration of redemption under section 281.21, have been in the actual, open, continuous, and exclusive possession of the owner, or his successors in interest, claiming adversely to the state or its successors in interest, the running of the period of limitations provided in subdivision 1 shall be suspended

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as to such owner, or his successors in interest, during the time of such possession, but no longer.

Subd. 3. Any person, partnership, corporation, or claimant failing to commence an action or assert a defense within the time prescribed by subdivision 1 shall be conclusively presumed to have abandoned all right, title, and interest in the lands described in the county auditor's certificate of forfeiture *or notice of expiration of redemption*, which certificate of forfeiture when filed under Minnesota Statutes, Section 281.23, Subdivision 8, *or notice of expiration of redemption when filed under section 281.21*, shall constitute notice of the forfeiture of the lands affected to all persons having or claiming an interest therein. *If no action or defense is asserted and lis pendens recorded within the time prescribed by subdivision 1, a certificate of sale or state assignment certificate recorded with the register of deeds has the force and effect of a patent, after the expiration of the period prescribed by subdivision 1, subject to the rights of persons described in subdivision 2 and any rights set forth in the certificate of sale or state assignment certificate.*

Subd. 4. Subdivision 1 shall not apply to any action or proceeding pending at the effective date ~~hereof~~ *of this amendatory act.*

Subd. 5. ~~The limitations prescribed in subdivision 1 shall apply only to jurisdictional defects occurring in tax forfeiture proceedings.~~ *Any person, partnership, corporation, or claimant who, without negligence on his part, sustains any loss or damage by reason of any omission, mistake, or misfeasance of any public officer or employee in the performance of his duties under the laws relating to forfeiture of lands for taxes which results in a jurisdictional defect and who is thereby wrongfully deprived of any land or of any interest therein, is precluded from bringing an action for the recovery of such land, or of any interest therein, or from enforcing any claim or lien upon the same, but may institute an action in the district court to recover compensation for such loss or damage out of the assurance account provided in subdivision 6. The right provided by this subdivision to institute action to recover compensation from the assurance account does not apply to persons having the right to recover compensation pursuant to Minnesota Statutes, Section 508.76.*

Subd. 6. *There is established in the state treasury a tax forfeited land assurance account. This account is composed of money appropriated by the legislature for this purpose and all money deposited in the state treasury and credited to the account pursuant to this subdivision. Money in the state treasury credited to the tax forfeited land assurance account from all sources is annually appropriated to*

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*the state treasurer for the purpose of paying claims ordered by the district court to be paid from the fund. At the time of sale of a parcel of tax forfeited land, the county auditor shall charge and collect in full an amount equal to three percent of the total sale price of land, which amount is in addition to the total sale price of the land. Before filing a notice of expiration of time for redemption, in cases where an auditor's certificate of sale or a state assignment certificate has been issued, the county auditor shall charge and collect in full from the holder of the certificate an amount equal to three percent of the appraised value of the property for tax purposes. The amounts so collected by the auditor shall be deposited in the state treasury and credited to the tax forfeited land assurance account. No person shall recover from the assurance account any sum greater than the fair market value of the land or interest in land at the time of filing of the county auditor's certificate of forfeiture or notice of expiration of redemption, less the amount of all delinquent taxes, penalties, costs, and interest which would have been due and owing if the person was redeeming the parcel of land.*

*Subd. 7. In any action brought to recover loss or damage from the tax forfeited land assurance account, the state treasurer, in his official capacity, shall be named as defendant. If the assurance account is insufficient to pay the amount of any judgment, in full, the unpaid balance thereof shall bear interest at the legal rate and be paid out of the first money coming into the assurance fund from any legislative appropriation and the collection of money by county auditors. The attorney general or, at the attorney general's request, the county attorney of the county in which the land or a major part of it lies, shall defend the state treasurer in all such actions.*

*Subd. 8. Any action or proceeding to recover damages out of the assurance fund shall be commenced within six years after the expiration of the period within which claims may be asserted pursuant to subdivision 1, and not afterwards. If, within this six year period or the period within which claims may be asserted pursuant to subdivision 1, the person entitled to bring such action or proceeding is under legal disability, such person, or anyone claiming under him, may commence such action or proceeding within two years after such disability is removed.*

**Sec. 2. Effective date.** *This act is effective January 1, 1970.*

Approved May 12, 1969.

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