

Sec. 6. [30.101] **Application.** *Section 30.10 shall not apply to Minnesota grown potatoes sold at retail between July 1 and October 1 in any year.*

Sec. 7. *Minnesota Statutes 1967, Sections 30.11, 30.12, and 30.159 are repealed.*

Approved May 27, 1969.

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CHAPTER 829—S. F. No. 1966

[Coded]

*An act relating to minerals; authorizing the state to issue permits to prospect for, and leases to mine, certain minerals where mineral interests have been severed from the surface interests.*

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

Section 1. [93.52] **Minerals; severed interests; registration.** Subdivision 1. The purpose of this act is to identify and clarify the obscure and divided ownership condition of severed mineral interests in this state. Because the ownership condition of many severed mineral interests is becoming more obscure and further fractionalized with the passage of time, the development of mineral interests in this state is often impaired. Therefore, it is in the public interest and serves a public purpose to identify and clarify these interests.

Subd. 2. Except as provided in subdivision 3, from and after January 1, 1970, every owner of a fee simple interest in minerals, hereafter referred to as a mineral interest, in lands in this state, which interest is owned separately from the fee title to the surface of the property upon or beneath which the mineral interest exists, shall file for record in the register of deeds office or, if registered property, in the registrar of titles office in the county where the mineral interest is located a verified statement citing this act and setting forth his address, his interest in the minerals, and either (1) the legal description of the property upon or beneath which the interest exists, or (2) the book and page number, in the records of the register of deeds or registrar of titles, of the instrument by which the mineral interest is created or acquired. Every five years thereafter the owner, or his successor in interest, shall renew the filing of a verified statement which shall contain the information as above required.

Subd. 3. This act does not apply to the following owners of mineral interests: The United States of America, the state of Minne-

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sota, and any American Indian tribe or band owning reservation lands in this state.

**Sec. 2. [93.53] Persons acquiring interest after September 30, 1974.** Every person acquiring a mineral interest separate from the fee interest in the surface after September 30, 1974, shall file, in the same manner as required in section 1, a verified statement within 90 days after acquiring such interest notwithstanding the filing of a verified statement by the previous owner. Every five years thereafter the owner, or his successor in interest, shall renew the filing of a verified statement which shall contain the information as above required.

**Sec. 3. [93.54] Notice of expiration of five year period.** Not later than October 1 of each year, the register of deeds or registrar of titles shall mail notice of the expiration of the five year period to every owner of such interest whose five year period expires in the following calendar year. Notice shall be mailed to the address given in the latest recording of such interest and shall state the date of expiration of the five year period.

**Sec. 4. [93.55] Failure to file or refile.** If the owner of a mineral interest fails to file the verified statement required by section 1, before January 1, 1975, as to any interests owned on or before September 30, 1974, or within 90 days after acquiring such interests as to interests acquired after September 30, 1974, or if the owner fails to re-file such verified statement within five years after the last filing, the mineral may be leased by the commissioner of conservation as agent for the owner, his successor, and assigns, in the manner provided hereafter. The owner's failure to file the verified statement is deemed consent by the owner to such leasing.

**Sec. 5. [93.56] Issuance of permits to prospect for and leases to mine minerals.** From and after January 1, 1975, at the request of any person or public official the register of deeds or registrar of titles shall then determine if a statement has been filed with his office as required by sections 1 or 2. If a statement has not been so filed, he shall certify such fact to the commissioner of conservation. After receiving the register of deeds or registrar of titles certification, and after determining that the mineral interest is owned separately from the fee title to the surface property upon or beneath which the interest exists, the commissioner of conservation may, in his discretion, and after giving notice as required by this section, issue permits to prospect for and leases to mine the mineral which may exist within the mineral interest in the same manner as he issues permits and leases to prospect for and to mine the mineral interests which have been forfeited to the state under tax forfeiture laws. At least 90 days

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before issuing a permit to prospect for minerals, or, where no permit is issued, at least 90 days before issuing a lease to mine the minerals which may exist within this mineral interest, the commissioner of conservation shall notify, in the same manner as provided for the service of summons in an action to determine adverse claims under Minnesota Statutes, Chapter 559, any owners of the mineral interests which appear of record in the offices of the register of deeds or registrar of titles in the county where the mineral interest is located. The notice shall state that the minerals are subject to prospecting and mining pursuant to this act. In case notice is given by publication, the last publication shall be made at least 90 days before issuing the permit or lease. No permit or lease may be issued for a mineral interest if, before the expiration of the 90 day period described above, the owner of the interest either files with the register of deeds or registrar of titles a verified statement as provided in section 1, subdivision 2, or commences an action to determine the ownership of the mineral interest. If, as a result of such action, it is subsequently determined by a final judgment or decree that the mineral interest or a part thereof is owned other than by the state, the state may not issue a permit or lease in regard to such interest pursuant to this act unless the owner subsequently fails to comply with the filing requirements of this act within 90 days after the final judgment or decree is filed by the court. No permit or lease issued pursuant to this act shall afford the permittee or lessee any of the rights of condemnation provided in Minnesota Statutes, Section 93.05, as to overlying surface interests.

**Sec. 6. [93.57] Obtaining benefits of permits or leases; procedure.** An owner of a mineral interest for which the state has issued a prospecting permit or lease pursuant to this act may obtain the benefits of the permit or lease only in the following manner. At any time after a permit or lease is issued by the commissioner of conservation to prospect for or mine minerals pursuant to section 5, an action must be commenced to determine the ownership of the mineral interest included in the permit or related lease. If the ownership interests are subsequently determined by a final judgment or decree, the permit or lease shall be assigned or amended and assigned by the commissioner as follows. Upon application by the owner of the mineral interest or a part thereof, or his successor or assign, the commissioner shall assign the permit or lease or amend the permit or lease and assign to the applicant the interest in the permit or lease which corresponds to the interest adjudged or decreed to be owned by the applicant, his predecessor, or assignor. The applicant, his predecessor, or assignor, is not entitled to any royalties or rentals paid under the permit or lease before assignment. These rentals or royalties shall be retained by the state and the taxing districts to which they may have been distributed as payment for the management and leasing of the

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mineral interest prior to assignment. If rentals or royalties retained by the state are less than the total of all costs attributable to the leasing of the mineral interest, the commissioner shall not assign the lease or interest in the lease until these costs, less any rental or royalty payments, are paid.

Sec. 7. [93.58] **Publication of act.** This act shall be published once during the first week of each month in a legal newspaper in each county in the months of October, November, and December of the year 1969 by the commissioner of conservation at county expense. This act also shall be published by the commissioner of conservation at least once in 1969 in two publications related to mining activities which have nationwide circulation. Failure to publish as herein provided shall not affect the validity of this act.

Approved May 27, 1969.

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CHAPTER 830—S. F. No. 2018

[Coded]

*An act relating to consolidation of church conferences; change of name of subordinate or affiliated churches.*

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

Section 1. [315.50] **Church conferences; consolidation.** [Subdivision 1.] Upon the consolidation or merger of two or more church conferences, any subordinate or affiliate religious corporation formerly under the governance of one of such consolidating or merging church conferences is hereby authorized to use the name, or appropriate part thereof, of the consolidated or merged church conference as part of its name in place of the name, or part thereof, of such consolidating or merging church conference formerly a part of the name of such subordinate or affiliate religious corporation. All deeds, mortgages, contracts and other legal documents executed by such subordinate or affiliate corporation using the name of the consolidated or merged church conference, or part thereof, are hereby declared legal and binding upon such subordinate or affiliate corporation to the same extent as if such deeds, mortgages, contracts and other legal documents had been executed in the name of such subordinate or affiliate religious corporation as it existed prior to such consolidation or merger.

Sec. 2. [315.50] [Subd. 2.] Any member of such sub-

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