

Presented to the governor April 17, 1992

Signed by the governor April 23, 1992, 11:47 a.m.

CHAPTER 501—S.F.No. 2510

VETOED

CHAPTER 502—S.F.No. 1787

An act relating to state lands; changing provisions relating to withdrawal of certain lands from sale or exchange; authorizing the sale of surplus land bordering public waters for public use; authorizing public sale of certain tax-forfeited lands that border public water in Fillmore county; authorizing a private sale of lands in Washington county; prescribing conditions; amending Minnesota Statutes 1991 Supplement, section 103F.535, subdivision 1; repealing Minnesota Statutes 1990, section 103F.535, subdivisions 2 and 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1991 Supplement, section 103F.535, subdivision 1, is amended to read:

Subdivision 1. **RESERVATION OF MARGINAL LAND AND WETLANDS.** (a) ~~Notwithstanding any other law, Marginal land and wetlands are withdrawn from sale by the state or exchange unless use of the marginal land or wetland is restricted by a conservation easement as provided in this section;~~

(1) notice of the existence of the nonforested marginal land or wetlands, in a form prescribed by the board of water and soil resources, is provided to prospective purchasers; and

(2) the deed contains a restrictive covenant, in a form prescribed by the board of water and soil resources, that precludes enrollment of the land in a state-funded program providing compensation for conservation of marginal land or wetlands.

(b) This section does not apply to transfers of land by the board of water and soil resources to correct errors in legal descriptions under section 103F.515, subdivision 8, or to transfers by the commissioner of natural resources for:

(1) land that is currently in nonagricultural commercial use if a ~~conservation easement~~ restrictive covenant would interfere with the commercial use;

(2) land in platted subdivisions;

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(3) conveyances of land to correct errors in legal descriptions under section 84.0273;

(4) exchanges of nonagricultural land with the federal government, or exchanges of Class A, Class B, and Class C nonagricultural land with local units of government under sections 94.342, 94.343, 94.344, and 94.349;

(5) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10; and

(6) land not needed for trail purposes that is sold to adjacent property owners and lease holders under section 85.015, subdivision 1, paragraph (b).

(c) This section does not apply to transfers of land by the commissioner of administration or transportation or by the Minnesota housing finance agency, or to transfers of tax-forfeited land under chapter 282 if:

(1) the land is in platted subdivisions; or

(2) the conveyance is a transfer to correct errors in legal descriptions.

(d) This section does not apply to transfers of land by the commissioner of administration or by the Minnesota housing finance agency for:

(1) land that is currently in nonagricultural commercial use if a ~~conservation easement~~ restrictive covenant would interfere with the commercial use; or

(2) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10.

Sec. 2. CITY OF MOUNTAIN LAKE; SURPLUS LAND FOR PUBLIC USE.

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell the land described in paragraph (b) to the city of Mountain Lake in the manner prescribed by Minnesota Statutes, section 84.027, subdivision 10.

(b) The land that may be sold is located in Cottonwood county and described as:

A parcel of land in the southeast quarter of the southeast quarter (SE 1/4 SE 1/4), Section 29, Township 106 North, Range 34 West, in Cottonwood county, Minnesota, more particularly described as follows: Beginning at the southeast corner of said Section 29; thence West along the South line of said Section 29 to the southwest corner of said southeast quarter of the southeast quarter (SE 1/4 SE 1/4); thence northerly along the West line of said southeast quarter of the southeast quarter (SE 1/4 SE 1/4), 556 feet, more or less, to the 105 foot contour line as established from a Bench Mark (Elevation 100.00 Assumed Datum), being the top of the Concrete Abutment at its junction with the wing wall at the

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northwest corner of the Highway Bridge over Spring Creek in the southwest corner of the northwest quarter of the southwest quarter (NW 1/4 SW 1/4), Section 28, Township 106 North, Range 34 west, Cottonwood county, Minnesota, said contour line being shown on Sheet No. 2 of the Topographical Map of the Mountain Lake Dam, Park and Lake Project of the Emergency Relief Administration of the State of Minnesota, dated June 4th, 1985, which map is attached hereto, made a part hereof and marked "Exhibit A"; thence northeasterly along said 105 foot contour line to its intersection with the North line of said southeast quarter of the southeast quarter (SE 1/4 SE 1/4); thence east along said North line 240 feet, more or less, to the northeast corner of said southeast quarter of the southwest quarter (SE 1/4 SW 1/4); thence South along the east line of said Section 29, a distance of 1342 feet, more or less, to the point of beginning; containing 55.49 acres, more or less.

(c) The land described in paragraph (b) consists of an island and surrounding submerged lands. The city wishes to improve an existing access to the island and add the island to the city park system for use as a natural area. The land is not needed for resource management and has been declared surplus. It will best serve the public interest if this property is sold and the proceeds used for acquisition of other land.

(d) If the submerged lands included in the legal description in paragraph (b) are held in custody by the state executive council, the council may authorize the commissioner of natural resources to convey the lands.

Sec. 3. SALE OF TAX-FORFEITED LAND; FILLMORE COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Fillmore county may sell the tax-forfeited lands bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general and provide for reservation of an easement two rods in width, measured from the ordinary high water mark of the Root River.

(c) The land that may be conveyed is located in the city of Preston in Fillmore county and is listed in the auditor's description as the following 3 parcels of Barbara Kaerchers Addition:

- (1) Lot 3, Block 2;
- (2) Lot 3 and E 2 FT of N 60 FT of Lot 2, Block 1; and
- (3) PT SE1/4 of NW1/4 S of Lot 3, Block 1.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 4. PRIVATE SALE OF STATE LAND; WASHINGTON COUNTY.

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Notwithstanding the public sale provisions of Minnesota Statutes, sections 94.09 to 94.16 or any other law to the contrary, the commissioner of natural resources may sell land in Washington county described in this section by private sale to the purchaser. The conveyance shall be in a form approved by the attorney general. The consideration received for the conveyance shall be the market value of the land of \$1,160,000 as established by a state appraisal certified by the commissioner on January 27, 1992, plus an additional 18 percent of an amount equal to the market value less any environmental cleanup funds provided by the purchaser prior to the conveyance, as described in section 5. The consideration and 18 percent additional payment shall be deposited in the state treasury and credited to the wildlife land acquisition account. The basic purchase consideration is appropriated to the commissioner for acquisition of replacement wildlife management area lands in Anoka, Carver, Dakota, Hennepin, Scott, or Washington counties. The 18 percent additional payment is appropriated to the commissioner to cover the commissioner's professional service costs to acquire the replacement lands and the cost of appraisals for the state lands sold to the purchaser. The commissioner shall return any portion of the 18 percent additional payment remaining after acquisition of replacement lands to the purchaser.

The land that may be sold is in the Bayport state wildlife management area and is described as follows:

All that part of Sections 10 and 15, in Township 29 North, Range 20 West, described as follows: Commencing at the southeast corner of said Section 10; thence west along the south line of said Section 10 a distance of 270 feet to the point of beginning; thence north parallel with and 270 feet westerly from the east line of said Section 10 a distance of 1,296 feet; thence west a distance of 360 feet; thence north parallel with the east line of said Section 10 a distance of 740 feet; thence west 160 feet; thence north parallel with the east line of said Section 10 a distance of 580 feet; thence west 140 feet; thence north along the west line and the same extended southerly of Block 80, in South Stillwater, (Bayport), according to the recorded plat thereof in the office of the County Recorder for Washington county, 360 feet to the northwest corner of said Block 80; thence west on a continuation of the north line of said Block 80 a distance of 185 feet; thence south and parallel with the west line of Block 81 of said South Stillwater (Bayport) 100 feet; thence west and parallel with the north line of said Block 81 to the west line of said Block 81 a distance of 175 feet; thence north along the west line of said Block 81 to the northwest corner of said Block 81 a distance of 100 feet; thence west on a continuation of the north line of said Block 81 a distance of 30 feet to the west line of the Southeast Quarter of the Northeast Quarter of said Section 10; thence north along said west line of the Southeast Quarter of the Northeast Quarter to the south line of the North 900 feet of the Southwest Quarter of the Northeast Quarter of said Section 10; thence west along the south line of the North 900 feet of the Southwest Quarter of the Northeast Quarter of said Section 10 to the west line of the Southwest Quarter of the

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Northeast Quarter of said Section 10; thence north along said west line to the north line of the South 30 acres of the Southeast Quarter of the Northwest Quarter of said Section 10; thence West along the north line of the South 30 acres of the Southeast Quarter of the Northwest Quarter of said Section 10 to the Northwest corner of the South 30 acres of the Southeast Quarter of the Northwest Quarter of said section; thence south along the west line of the Southeast Quarter of the Northwest Quarter of said Section 10 to the center line of the Stillwater and Point Douglas Road (aka County State Aid Highway 21); thence southeasterly along said center line of said Stillwater and Point Douglas Road (aka County State Aid Highway 21) to a point on a line drawn parallel and 11 chains and 92 links southerly from the north line of said Section 15; thence east parallel with the north line of the Northwest Quarter of said Section 15 to the west line of the Northwest Quarter of the Northeast Quarter of said Section 15; thence east parallel with the north line of the Northwest Quarter of the Northeast Quarter of said Section 15 a distance of 202.76 feet; thence north parallel with the west line of said Northwest Quarter of the Northeast Quarter to the south line of said Section 10; thence east along said south line to the point of beginning. Excepting from the land within the above described boundaries, the right-of-way of the Chicago and North Western Railway across said parts of Sections 10 and 15. And also all that part of the Southwest Quarter of the Northwest Quarter of Section 10, Township 29 North, Range 20 West, lying east of Stillwater and Point Douglas Road (aka County State Aid Highway 21), excepting that part thereof heretofore deeded by Frank L. Barrett and wife to John Zabel, by deed dated 9th day of December, 1893, and recorded 16th day of December, 1893, in the office of the County Recorder for said Washington county, in Book 40 of Deeds, Page 133. Said lands containing 244.81 acres, more or less.

The commissioner may reserve to the state an easement across the above described property for ingress and egress to lands to be retained by the commissioner in Section 15, Township 29 North, Range 20 West.

Sec. 5. ENVIRONMENTAL CLEANUP COSTS.

The commissioner of natural resources may accept, prior to the conveyance, funds from the purchaser for the commissioner to conduct an environmental cleanup of a former disposal site on the land described in section 4. The funds shall be deposited in the state treasury and are appropriated to the commissioner of natural resources for purposes of the environmental cleanup. The amount of funds provided by the purchaser and expended by the commissioner to accomplish the cleanup, up to a maximum of \$600,000, shall be deducted from the consideration to be paid by the purchaser.

Sec. 6. MARGINAL LANDS.

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Notwithstanding Minnesota Statutes, section 103F.535, the commissioner of natural resources shall not be required to include in the determination and delineation of marginal lands to be reserved and restricted by a conservation easement any marginal lands located on the parcel described in section 4 which the board of water and soil resources determines may be altered after the conveyance without adversely affecting the public interests and general welfare. This provision shall apply only to those marginal lands for which a written alteration plan has been approved by the board prior to the conveyance. The deed to the purchaser must contain a restrictive covenant providing that no alteration of marginal lands shall be permitted except in accordance with the approved plan. Alteration of any wetlands on the parcel is not authorized by this section.

Sec. 7. REPEALER.

Minnesota Statutes 1990, section 103F.535, subdivisions 2 and 3, are repealed.

Sec. 8. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor April 17, 1992

Signed by the governor April 23, 1992, 11:52 a.m.

CHAPTER 503—S.F.No. 2088

An act relating to corporations; making miscellaneous changes in provisions dealing with the organization and operation of nonprofit corporations; amending Minnesota Statutes 1990, sections 309.52, subdivision 1; 317A.011, subdivision 14; 317A.111, subdivision 3; 317A.227; 317A.251, subdivision 3; 317A.255, subdivisions 1, 2, and by adding a subdivision; 317A.341, subdivision 2; 317A.431, subdivision 2; 317A.447; 317A.461; 317A.751, subdivision 3; 317A.821, subdivision 3; and 317A.827, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 317A.821, subdivision 2; 317A.823; and 317A.827, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1990, section 309.52, subdivision 1, is amended to read:

Subdivision 1. No charitable organization, except as otherwise provided in section 309.515, shall solicit contributions from persons in this state by any means whatsoever unless, prior to any solicitation, there shall be on file with the attorney general upon forms provided by the attorney general, a registration statement containing, without limitation, the following information:

(a) Legally established name.

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