

forfeited for delinquent taxes; provided further, that no such property shall be rented out for a term exceeding two years at a time;

“(14) To have charge of all central store rooms and supply rooms serving more than one department now or hereafter established and operated by the state;

“(15) To maintain and operate a central mimeograph, multigraph, and mailing service for state departments and agencies;

“(16) To distribute all public printing to officers, organizations, agencies, and persons entitled thereto;

“(17) To sell all public books and documents which are subject to sale;

“(18) To transfer to or between state departments and agencies or to sell supplies, materials, and equipment which are surplus, obsolete, or unused, making proper adjustments in the accounts and appropriations of the departments or agencies concerned;

“(19) To purchase from the state penal institutions and other state institutions all articles manufactured by them which are usable by the state;

“(20) To make rules and regulations relative to travel of state officers and employes on state business and the expenses incurred thereon.

“(21) *To make rules and regulations relative to the expenses of moving state officers and employes to new stations, subsistence, and such other expenses as may be necessary and incident to assignments to such stations, and to provide for the payment thereof by reimbursement of actual expenses or payment therefor at a daily flat rate.*”

Approved April 23, 1941.

CHAPTER 393—S. F. No. 1130

An act relating to land owned by the state, providing for the exchange, disposition, use, and control of such land and for actions and proceedings relating thereto, appropriating money therefor, and repealing Mason's Supplement 1940, Sections 4031-10 $\frac{1}{2}$ m to 4031-10 $\frac{1}{2}$ t, inclusive.

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

Section 1. Minnesota Land Exchange Commission.—The commission created by Section 8 of Article 8 of the state constitution, consisting of the governor, the attorney general, and the state auditor, shall be known as the Minnesota Land Exchange Commission. The term “commission” as used in this act refers to such commission. The governor shall be chairman of the commission. The state auditor shall be secretary of the commission and shall keep a record of its proceedings. Approvals of land exchanges and other official acts of the commission may be evidence by the certificate of the state auditor as secretary, under his official seal. When a land exchange has been approved by the commission it shall be presumed that all other pertinent requirements of the law have been complied with, and no exchange shall be invalidated by reason of any defect or omission in respect of any such other requirement.

Sec. 2. Classes of land.—Subdivision 1. All land owned by the state and controlled or administered by the commissioner of conservation or by any division or agency of the department of conservation shall be known as Class A land for the purposes of this act. Class A land shall include school, swamp, internal improvement, and other land granted to the state by acts of congress, state forest land, tax-forfeited land held by the state free from any trust in favor of taxing districts, and other land acquired by the state in any manner and controlled or administered as aforesaid; but this enumeration shall not be deemed exclusive.

Subdivision 2. All lands heretofore or hereafter acquired by the state through tax-forfeiture, held subject to a trust in favor of taxing districts, and under the control of county authorities for classification, appraisal, and sale shall be known as Class B land for the purposes of this act.

Subdivision 3. No land specifically designated by law as a state park shall be given in exchange hereunder unless expressly authorized by the legislature. No land bordering on or adjacent to any meandered or other public waters and withdrawn from sale by law shall be given in exchange unless expressly authorized by the legislature or unless through the same exchange the state acquires land on the same or other public waters in the same general vicinity affording at least equal opportunity for access to the waters and other riparian use by the public.

Sec. 3. Class A land may be exchanged—conditions.—Subdivision 1. Except as otherwise herein provided, any Class A land may, with the unanimous approval of the commission,

be exchanged for land of the United States or privately owned land in the manner and subject to the conditions herein prescribed. The commissioner of conservation, herein called the commissioner, with the approval of the commission, shall formulate general programs of exchange of Class A land designed to serve the best interests of the state in the acquisition, development, and use of lands for purposes within the province of the department of conservation.

Subdivision 2. Except as herein expressly prohibited, Class A land may be exchanged, though devoted to a specific public use, if the use is discretionary and the authority in charge thereof shall approve the exchange, or if the commissioner, with the approval of the commission, shall determine that the exchange will not materially curtail the activity or project for which the land is used; provided, that exchanges of land belonging to any state forest, game preserve, conservation area, or other territory designated by law for particular purposes shall be made so as to consolidate or fill out the state's holdings of land therein, and not materially to reduce the same.

Subdivision 3. Except as otherwise herein provided, Class A land shall be exchanged only for land of at least substantially equal value to the state, as determined by the commissioner of conservation, with the approval of the commission. For the purposes of such determination, the commissioner shall cause the state land and the land proposed to be exchanged therefor to be examined and appraised by qualified state appraisers in like manner as state land to be offered for sale. The appraisers shall determine the fair market value of the lands involved, disregarding any minimum value fixed for state land by the state constitution or by law, and shall make a report thereof, together with such other pertinent information respecting the use and value of the lands to the state as they deem pertinent or as the commissioner or the commission may require. Such reports shall be filed and preserved in the same manner as other reports of appraisal of state lands. The appraised values shall not be conclusive, but shall be taken into consideration by the commissioner and the commission, together with such other matters as they deem material, in determining the values for the purposes of exchange.

Subdivision 4. There shall be reserved to the state in all Class A land conveyed in exchange all mineral and water power rights and such other rights and easements as the commissioner, with the approval of the commission, shall direct.

All Class A land which at the time of exchange is subject to the provisions of Mason's Supplement 1940, section 6602-2 and acts amendatory thereof shall remain subject thereto as a condition of the exchange, and all land received by the state in exchange for Class A land within the area to which said provisions apply shall become subject thereto. Land may be received in exchange subject to any mineral reservations or other reservations thereon. All such reservations and conditions shall be taken into consideration in determining the value of the lands exchanged.

Subdivision 5. Class A land may be exchanged for land of greater value if the other party to the exchange shall waive payment for the difference or if there is an appropriation available for the acquisition of such land from which the difference may be paid.

Subdivision 6. Class A land may be exchanged for land of less value in any case where disposal of the state land is not limited by the state constitution to public sale, provided the other party to the exchange shall pay to the state the amount of the difference in value either upon consummation of the exchange or by deferred payment, as the commissioner, with the approval of the commission, may direct. In case of deferred payment, a certificate of sale of the state land shall be issued to the other party as in case of sale of state public land, crediting the value of the land received by the state in exchange as an initial payment, and providing for payment of the balance upon like terms and subject to like conditions as in case of such sale; provided, that the commissioner, with the approval of the commission, may require a further initial cash payment and may shorten the time for payment of the balance. Money received in such cases shall be credited to the same fund as in case of sale of the land, if such fund exists, otherwise to the special fund, if any, from which the cost of the land was paid, otherwise to the general revenue fund.

Subdivision 7. Before giving final approval to any exchange of Class A land, the commission shall hold a public hearing thereon at the capital city or at some place which it may designate in the general area where the lands involved are situated; provided, that the commission may direct such hearing to be held in its behalf by any of its members or by the commissioner or by a referee appointed by the commission. The commissioner shall furnish to the county auditor of each county affected a notice of the hearing signed by the state auditor as secretary of the commission, together with a list of all the state lands proposed to be exchanged and situated in

the county, and the county auditor shall post the same in his office at least two weeks before the hearing. The county auditor shall also cause a copy of the notice, referring to the list of lands posted in his office, to be published at least two weeks before the hearing in the newspaper designated for publication of the proceedings of the county board. The cost of publication of the notice shall be paid by the state out of any moneys appropriated for the expenses of the commission.

Subdivision 8. The commissioner, with the approval of the commission, may submit a proposal for exchange of Class A land to any land owner concerned. Any land owner may submit to the commissioner and the commission a proposal for exchange in such form as the commissioner, with the approval of the commission, may prescribe.

Subdivision 9. No exchange of Class A land shall be consummated unless the attorney general shall have given his opinion in writing that the title to the land proposed to be conveyed to the state is good and marketable, free from all liens and encumbrances except reservations herein authorized. If required by the attorney general, the land owner shall submit an abstract of title and shall make and file with the commissioner an affidavit as to possession of the land, improvements, liens, and encumbrances thereon, and other matters affecting the title.

Subdivision 10. Conveyance of Class A land given in exchange shall be made by deed executed by the commissioner of conservation in the name of the state, with a certificate of unanimous approval by the commission appended. All such deeds received by the state shall be recorded or registered in the county in which the lands lie, and all recorded deeds and certificates of registered title shall be filed in the office having custody of the state public land records in the department of conservation.

Subdivision 11. Land received in exchange for Class A land shall be subject to the same trust, if any, and shall otherwise have the same status as the state land given in exchange. The commissioner, with the approval of the commission, shall determine accordingly the status of each tract of such land received in exchange, and shall make and file a certificate thereof in the office having custody of the state public land records in the department of conservation.

Subdivision 12. Whenever an exchange of Class A tax-forfeited land which is subject to sale by county authorities is under consideration, the commissioner may notify the

county auditor to withdraw the land from sale. Thereupon the land shall be withdrawn from sale until the proposed exchange is consummated or rejected, of which the commissioner shall notify the county auditor.

Sec. 4. Same.—Subdivision 1. Except as otherwise herein provided, any Class B land may, by resolution of the county board of the county in which the land is situated and with the unanimous approval of the land exchange commission, be exchanged for land of the United States or privately owned land in the same county in the manner and subject to the conditions herein prescribed.

Subdivision 2. No Class B land which is not classified for sale, and no Class B land, however classified, lying within any zone or district which is restricted against any use for which the land may be suitable shall be given in exchange for any privately owned land.

Subdivision 3. Except as otherwise herein provided, Class B land shall be exchanged only for land of at least substantially equal value to the state, as determined by the county board, with the approval of the commissioner and the commission. For the purposes of such determination the county board shall appraise the state land and the land proposed to be exchanged therefor in like manner as tax-forfeited land to be offered for sale. The appraised values shall not be conclusive, but shall be taken into consideration, together with such other matters as may be deemed material, in determining the values for the purposes of exchange.

Subdivision 4. There shall be reserved to the state in all Class B land conveyed in exchange the same rights and easements as may be required by law in case of sale of tax-forfeited land and such other rights and easements as the county board, with the approval of the commissioner and the commission, shall direct. Land may be received in exchange subject to any mineral reservations or other reservations thereon. All such reservations and conditions shall be taken into consideration in determining the value of the lands exchanged.

Subdivision 5. Class B land may be exchanged for land of greater value only in case the other party to the exchange shall waive payment for the difference.

Subdivision 6. Class B land may be exchanged for land of less value, provided the other party to the exchange shall pay the amount of the difference to the county treasurer either upon consummation of the exchange or by deferred payment, as the county board may direct. In case of deferred

payment, a certificate of sale of the state land shall be issued to the other party in like manner as in the case of sale of tax-forfeited land, crediting the value of the land received by the state in exchange as an initial payment, and providing for payment of the balance upon like terms and subject to like conditions as in case of such sale; provided, that the county board may require a further initial cash payment and may shorten the time for payment of the balance. Money received in such cases shall be disposed of in like manner as the proceeds of sale of tax-forfeited land.

Subdivision 7. Before giving final approval to any exchange of Class B land, the county board shall hold a public hearing thereon. At least two weeks before the hearing the county auditor shall post in his office a notice thereof, containing a description of the lands affected, and shall cause a copy of the notice to be published in the newspaper designated for publication of the official proceedings of the county board.

Subdivision 8. By direction of the county board the county auditor may submit a proposal for exchange of Class B land to any land owner concerned. Any land owner may file with the county auditor a proposal for exchange for consideration by the county board. Forms for such proposals shall be prescribed by the commissioner of conservation.

Subdivision 9. No exchange of Class B land shall be consummated unless the title to the land proposed to be exchanged therefor shall first be approved by the county attorney in like manner as provided for approval by the attorney general in case of Class A land. The county attorney's opinion on the title shall be subject to approval by the attorney general.

Subdivision 10. After approval by the county board, every proposal for the exchange of Class B land shall be transmitted to the commissioner of conservation in such form and with such information as he may prescribe, for consideration by him and by the commission. The county attorney's opinion on the title, with the abstract and other evidence of title, if any, shall accompany the proposal. If the proposal be approved by the commissioner and the commission and the title be approved by the attorney general, the same shall be certified to the commissioner of taxation, who shall execute a deed in the name of the state conveying the land given in exchange, with a certificate of unanimous approval by the commission appended, and shall transmit the deed to the county auditor to be delivered upon receipt of a deed conveying to the state the land received in exchange, approved by the county attorney; provided, that if any amount is due the

state under the terms of the exchange, the deed from the state shall not be executed or delivered until such amount is paid in full and a certificate thereof by the county auditor is filed with the commissioner of taxation. The county auditor shall cause all deeds received by the state in such exchanges to be recorded or registered, and thereafter shall file the deeds or the certificates of registered title in his office.

Subdivision 11. Land received in exchange for Class B land shall be subject to the same trusts in favor of the same taxing districts as the land given in exchange, irrespective of where the land received is situated. Otherwise the land received shall be subject to all the provisions of law relating to tax-forfeited land in the governmental subdivision where it is situated, so far as applicable. The county auditor shall keep a record of such land, showing the taxing districts interested in each tract.

Sec. 5. **Attorney general shall prescribe all forms.**—The attorney general shall prescribe or approve the forms for all deeds, certificates, and other instruments required in proceedings hereunder, and the procedure for delivery thereof.

Sec. 6. **State may quiet title.**—The state may bring and maintain an action to quiet or register the title to any land or interest in land which it owns or claims in any capacity and to determine all adverse claims thereto under any law pertaining to such proceedings, whether or not the land is actually in possession of or occupied by the state or any other person or corporation.

Sec. 7. **Attorney general may perfect titles.**—Subdivision 1. The attorney general, at the request or with the approval of the commission, may commence and carry on any necessary or proper actions to perfect the titles to lands owned by the state and subject to exchange hereunder, and may authorize any county attorney or other attorney to assist in conducting any such action. The expenses of such actions, including such attorneys' fees as the attorney general may allow to county attorneys or other attorneys representing the state, shall be payable out of any appropriations available for the purposes of this act. Any county attorney performing such service shall be entitled to the fees allowed therefor in addition to his regular compensation unless his salary is fixed on a full-time basis.

Subdivision 2. In case an action is necessary to perfect the title to any privately owned land involved in an exchange hereunder, and the owner of the land is unable to bear the

expense thereof, the land exchange commission may authorize the attorney general to conduct such action and pay the expenses thereof as in case of actions to perfect the title to state lands. The expenses of the action, including attorney's fees, shall be deducted from the value of the land for the purpose of exchange, subject to payment by the owner for any difference in value as herein provided, or shall be repaid by the owner otherwise upon such terms as the commission may direct. All money received on account of such expenses shall be remitted to the state treasurer and credited to the fund from which the expenses were paid.

Sec. 8. Shall be subjected to like trusts.—The lands acquired by the state under Laws 1939, chapter 343, shall be subject to like trusts as the state lands involved in the actions for damages mentioned therein. The commissioner of conservation shall determine to what trusts the several tracts of land so acquired shall be subject according to their location, character, and value, making due allowance for the relative proportions of the different trusts to which the damaged lands were subject, and shall make and file a certificate thereof in the office having custody of the records of such lands in the department of conservation. The determination of the commissioner so certified shall be deemed conclusive as to the trust status of the lands affected unless thereafter changed by act of the legislature.

Sec. 9. Appropriation.—There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of \$5000 for the fiscal year ending June 30, 1942, and the sum of \$5000 for the fiscal year ending June 30, 1943, for expenses of the land exchange commission, the commissioner of conservation, and the attorney general in carrying out the provisions of this act; provided, that no payment for equalization of any land value shall be made out of this appropriation. Claims against this appropriation shall be audited and certified by the state auditor as secretary of the commission.

Sec. 10. Laws repealed.—Mason's Supplement 1940, Sections 4031-10 $\frac{1}{2}$ m to 4031-10 $\frac{1}{2}$ t, inclusive, and all other acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 11. Provisions severable.—The provisions of this act shall be severable, and if any provision or application hereof shall be declared invalid, it shall not affect any other provision or application which can be given effect without the one declared invalid.

Approved April 23, 1941.