

the financial credit of such cities and to enable such cities to finance necessary local improvements and this act shall take effect and be in full force from and after its passage and approval.

Approved April 22, 1949.

CHAPTER 593—S. F. No. 1400

An act relating to state mineral permits and leases, authorizing condemnation proceedings, amending Minnesota Statutes 1945, Section 93.05, by adding a new subdivision thereto.

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

Section 1. Minnesota Statutes 1945, Section 93.05, is amended by adding thereto a new subdivision as follows:

93.05. Holder of permit or lease. Subdivision 1. **Right of entry.** In all cases where state lands have been heretofore or may hereafter be sold pursuant to the provisions of law upon which minerals have been reserved, the holder of any mineral permit or lease subsequently issued thereon may nevertheless enter upon the same and prospect thereon thereunder.

Subd. 2. **Security for damages; condemnation.** Before entering upon the same he shall pay or secure to the owner of the lands all damages which may arise therefrom and the same may be determined either by mutual agreement or, if the interested parties cannot agree, then the holder of the mineral permit or lease may, in the name of the State of Minnesota, institute proceedings to condemn the same in accordance with the general provisions of Chapter 117; provided, that the state shall bear no part of the cost of these proceedings, nor pay any part of the damages awarded therein.

Subd. 3. **Attorney general to institute condemnation proceedings.** *Upon written request of the holder of any mineral prospecting permit or mineral lease from the state, not in default, with the approval of the commissioner of conservation, the attorney general shall institute, in the name of the state, proceedings to acquire by condemnation any lands, rights-of-*

way, drainage or flowage rights, easements or other interests necessary in connection with prospecting for or mining the ore covered by such permit or lease. All costs and expenses of such proceedings and all damages awarded therein shall be paid by the holder of the permit or lease. In any eminent domain proceedings hereunder, any value which the land taken may have by reason of its location or availability for the depositing of stripping, tailings or other wastes from general mining operations in its vicinity, or for the erection of buildings or structures thereon in connection with such operations, shall be considered in determining the damages to be awarded the owner thereof.

Approved April 22, 1949.

CHAPTER 594—S. F. No. 1401

[Coded as Section 93.055]

An act relating to state mineral permits and leases and authorizing proceedings for determining title of the state.

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

[93.055] Section 1. **Action to quiet title to lands covered by mineral permit or lease.** Upon written request of the holder of any mineral prospecting permit or mineral lease from the state, not in default, with the approval of the commissioner of conservation, the attorney general may institute proceedings to quiet the title and determine adverse claims or to register the title of the state to the lands or interests covered by the permit or lease. All costs and expenses of such proceedings including compensation of attorneys for the state shall be paid by the holder of the permit or lease. Upon receipt of such request from the holder of a prospecting permit, if approved by the commissioner of conservation, and if such action is authorized by the attorney general, the running of the time within which the permit holder must begin prospecting thereunder and the time within which he must apply for a lease or do any other act required by the permit shall be suspended until the entry of final judgment in the action, and the term of the permit and the time required for any action by the holder thereunder shall be extended by a period equivalent to the