

Lands and Minerals

CHAPTER 92

DIVISION OF LANDS AND MINERALS; SALES OF LANDS AND INVESTMENT OF PROCEEDS

Sec.	Sec.
92.01 Definitions	92.32 Governor to execute conveyances
92.02 Authority	92.33 Land use committee
92.03 Minimum price of lands	92.34 Land classification committee in certain counties
92.04 Minimum price of certain state lands	92.35 Duties and powers
92.05 Salt lands, by whom sold	92.36 Lands classified
92.06 Terms of payment; interest; security	92.37 Report to legislature
92.07 Sales by subdivisions	92.38 Minnesota Land Exchange Commission
92.08 Surveys and resurveys	92.39 Classes of land
92.09 Land subdivided, appraised, reappraised	92.40 Class A land exchanged; conditions
92.10 Maps and plats	92.41 Class B land exchanged; conditions
92.11 Lands appraised	92.42 Forms prescribed by attorney general
92.12 Appraisal of school or other state lands	92.43 Titles
92.13 Date of sales of state lands fixed by director	92.44 Certain land subjected to like trusts
92.14 Notice of sale	92.45 State land on meandered lakes withdrawn from sale
92.15 Application	92.46 Certain lands designated as camp grounds
92.16 Certificate of sale	92.47 Swamp land fund; transfer of state institutions funds
92.17 Effect of certificate; record	92.48 Swamp land interest fund
92.18 Certificates may be divided	92.49 Revenue fund
92.19 Assignment; extensions of payment	92.50 Unsold lands subject to sale may be leased
92.20 Void sales; refund	92.51 Lands sold are taxable; redemption; special certificate
92.21 Redemption of state lands which have been forfeited	92.52 Escheat subject to encumbrance
92.211 Time of payment extended	92.53 Revolving fund for clearing unsold school and swamp land
92.212 Certain lands presumed abandoned	92.54 Improvements
92.213 Limitation of actions	92.55 Where improvements are to be made
92.214 Certificates deemed canceled in certain cases	92.56 Extent of improvements
92.215 Taxes canceled	92.57 Contract awarded to lowest responsible bidder
92.22 Refundment of tax certificates upon certain reform school lands	92.58 Actual cost to be apportioned
92.23 Payments; receipts; liability of officials	92.59 Sale of lands improved
92.24 Moneys paid to state treasurer	92.60 Terms of purchase price
92.25 Fees of treasurer; standing appropriation	92.61 Revolving fund to be credited from proceeds of sale
92.26 Statement of sales	92.62 Expenses; how paid
92.27 County auditors; duties and powers	
92.28 Proceeds of sales; distribution	
92.29 Land patents	
92.30 State to sell certain lands	
92.31 State may exchange land	

h
11-13-12
11-13-13
3

92.01 DEFINITIONS. Subdivision 1. ~~Words, terms, and phrases.~~ Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of chapters 92 to 94, shall be given the meanings subjoined to them.

Subdivision 2. ~~Division.~~ The words "division" or "the division" mean the division-of-lands-and-minerals.

Subdivision 3. ~~Director.~~ The words "director" or "the director" mean the director-of-the-division-of-lands-and-minerals.

Subdivision 4. ~~State public lands or state lands.~~ The term "state public lands" or "state lands" means school, swamp, university, internal improvement, and other lands granted to the state by acts of Congress.

[1937 c. 310 s. 3; 1941 c. 374 s. 1] (53-23½n)

11-13-12
11-13-13

92.02 AUTHORITY. The division shall have administrative authority over all state lands and minerals, the appraisal thereof, together with the sale or lease thereof, as hereinafter provided.

All sales made pursuant to this chapter shall be conducted by the director in person, his deputy, or by a competent person employed by the director and bonded in a sum of not less than \$10,000.

[1911 c. 123 s. 4; 1919 c. 199 s. 1; 1937 c. 310 s. 3] (53-23½n) (6282)

92.03 MINIMUM PRICE OF LANDS. Subdivision 1. **School lands.** The minimum price of school lands shall be \$5.00 per acre, and all sales thereof shall be within the county in which the lands are situated. Pine lands shall not be sold until the timber thereon has been sold according to the provisions of this chapter; and,

when such timber has been sold and removed, the land may be appraised and sold as in this chapter provided. Not more than 100,000 acres of school lands shall be sold in one year. Where patent has been issued by the federal government to any school land, as above defined, previous to 1864, and the taxes thereon have been paid for a period of at least 35 years, then and in such event, the state auditor may in his discretion cause such amount of such taxes to be applied upon the minimum price of \$5.00 per acre as above provided as he may deem proper in order that the minimum sales price of the land may be so reduced as to make it salable.

Subdivision 2. University lands. The minimum price of all lands donated to the state by the United States by act of congress entitled "An act donating to the states of Minnesota and Oregon certain lands reserved by congress for the territories of Minnesota and Oregon, for university purposes," approved March 2, 1861, and by an act of congress entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862, shall be \$5.00 per acre. The director shall cause these lands or any part of them to be appraised and sold in accordance with the provisions of this chapter.

Subdivision 3. Swamp lands. The minimum price of all swamp lands held by the state shall be the same as the minimum price of school lands, less one-third, and they shall be appraised and sold in the manner provided by the Constitution of the State of Minnesota, Article 8, Section 2.

Subdivision 4. Internal improvement lands. All lands donated to the state under the eighth section of an act of congress entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights," approved September 4, 1841, shall be appraised and sold, and the minimum price shall be the same, and the moneys derived from the sale thereof shall be invested, as provided by the Constitution of the State of Minnesota, Article 4, Section 32b.

[R. L. ss. 2404, 2405, 2407, 2408; 1917 c. 76 s. 1; 1919 c. 258 s. 1] (6261) (6262) (6264) (6265)

92.04 MINIMUM PRICE OF CERTAIN STATE LANDS. All lands selected for state institutions under an act of the legislature entitled "An act to appropriate swamp lands to certain educational and charitable institutions and for the purpose of creating a state prison," approved February 13, 1865, and all lands known as state capitol lands, shall be appraised and sold as school lands are sold. The minimum price of all lands belonging to the state by virtue of the various congressional acts set forth in sections 92.03 and 92.04 shall be \$5.00 per acre, and the terms of payment and conditions of sale shall be the same as now provided by law. Where state lands have been benefited by and assessments paid for drainage, such drainage improvements shall be duly considered by the state land examiner in making appraisals. When such drained lands are sold the principal and interest paid thereon shall be credited by the director to the proper fund to which the land belongs.

[R. L. s. 2409; 1907 c. 366 s. 1; 1909 c. 118 s. 1] (6266)

92.05 SALT LANDS, BY WHOM SOLD. The board of regents of the University of Minnesota shall have charge and supervision of the state salt lands donated by the United States to aid in the development of the brines in the state, and may sell these lands in such manner and amounts as it may deem expedient, and shall hold the proceeds thereof in trust, and shall only disburse the same in accordance with the law providing for a geological and natural history survey. The university may execute, in its name, deeds of conveyance of these lands. The proceeds of the sale of such lands when invested shall constitute a permanent fund, called the university fund.

[R. L. s. 2406] (6263)

92.06 PAYMENTS; INTEREST. **Subdivision 1. Terms.** The terms of payment on the sale of all state public lands shall be as follows: The purchaser shall pay in cash at the time of sale the appraised value of all timber. At least 15 per cent of the purchase price of the land exclusive of timber shall be paid in cash at the time of sale and the balance in not to exceed 20 equal annual instalments, payable on June 1 each year following that in which the purchase was made, with interest at four per cent per annum on the balances remaining from time to time unpaid, payable with the instalments or principal. Any instalment of principal or interest may be paid in advance, but part payment of an instalment shall not be accepted, and for the purpose of computing interest any instalment of principal not paid on June 1 shall be credited as of June 1 next following.

Subdivision 2. Buildings or improvements. In case there are any buildings or other improvements upon the land the value thereof shall be appraised separately and included in the purchase price. No person shall remove, injure, or destroy any such building or other improvement until an amount equal to such appraised value has been paid on the purchase price of the premises, in addition to the payment required for timber, if any. Violation of this provision shall be a gross misdemeanor.

Subdivision 3. Default. Failure to make any payment required under any certificate of sale within 60 days from the date on which such payment becomes due shall constitute default and thereupon the certificate of sale shall be deemed canceled, and all right, title, and interest of the purchaser, his heirs, representatives, or assigns, in the premises shall terminate without the doing by the state of any act or thing. A record of such default shall be made in the state land records kept by or under the direction of the commissioner and a certificate of such default may be made by or under the direction of the commissioner and filed with the county treasurer or recorded in the office of the register of deeds of the county in which the premises are situated. Any such record or certificate shall be prima facie evidence of the facts therein stated, but the making of such record or certificate shall not be essential to the taking effect of such cancelation and termination. The provisions of this subdivision shall not apply to any sale made before May 1, 1941.

Subdivision 4. Improvements, when payment not necessary. If there are any improvements upon the land made by one who in the opinion of the commissioner settled upon the land in good faith believing it to be land subject to homestead entry under the laws of the United States, and such settlement was made before the land was certified to the state, or if the improvements were made in good faith by a lessee of the state under a proper permit or other lawful authority, the value of such improvements shall be appraised separately and, if at the sale of such land such settler or lessee shall be the purchaser, he shall not be required to pay for such improvements. If a person other than such settler or lessee shall purchase the land, such purchaser shall pay to the state at the time of the sale, in addition to all other required payments, the full amount for which the improvements were appraised, and the amount so received by the state for such improvements shall be paid over to such settler or lessee, his heirs, representatives, or assigns, by warrant drawn by the state auditor upon the state treasurer. All amounts received for such improvements are hereby appropriated for making such payments. The provisions of this subdivision shall not apply unless the person seeking the benefit thereof shall make a verified application to the commissioner showing that he is entitled thereto before the first state public sale at which the land is offered for sale and appear at such sale and offer to purchase the land for at least the appraised value thereof and all timber thereon, and make such purchase if no higher bid be received, nor unless all actions or other proceedings involving the land in question instituted prior to the sale shall have been determined.

Subdivision 5. Further security. The director when in his opinion the interests of the state will not be secured by the terms of payment so provided for shall require of the purchaser such further security for the payment of the deferred instalments as he may deem necessary; and in all cases where security is taken the director may recover the money and enforce such security by action brought in his name.

[R. L. ss. 2410, 2411; 1915 c. 13 s. 1; 1941 c. 374 s. 2] (6267) (6268)

92.07 SALES BY SUBDIVISIONS. All sales of land by the director shall be made according to the subdivisions thereof by the United States surveys, unless the same have been subdivided into smaller parcels or lots, as provided in this chapter; but no land shall be sold in larger quantity than one quarter section.

[R. L. s. 2412] (6269)

92.08 SURVEYS AND RESURVEYS. When it appears to the director necessary in order to ascertain the boundaries of any tract of land in his charge or to enable him to describe or dispose of the same in convenient parcels he may cause surveys to be made.

When a tract of land has been sold by the State of Minnesota according to the United States survey and the director is of the opinion that an injustice has been done the purchaser because of an incorrect survey he may cause a resurvey thereof to be made by a competent surveyor, who shall thereafter prepare a plat showing the correct acreage of each subdivision so resurveyed, to be filed in the

office of the director and in the office of the register of deeds of the proper county and the director is hereby authorized to call in such land certificates as are affected by the resurvey and to issue new ones in lieu thereof showing the correct acreage, giving full credit for all payments of principal and interest which had previously been made.

[R. L. s. 2417; 1917 c. 197 s. 1] (6274) (6275)

92.09 LAND SUBDIVIDED, APPRAISED, REAPPRAISED. Subdivision 1. **Subdivision into lots.** When the interest of the state will be promoted in the opinion of the director by subdividing any of the land under his control into small parcels or village lots he shall cause the same to be done and the land to be appraised. When a petition signed by at least ten legal voters of the county in which the land therein described is situated is presented to the director requesting him to have such land so subdivided he shall grant or refuse the petition. If the request be granted, the director shall subdivide the land accordingly and cause the same to be appraised.

Subdivision 2. **Appraisal of lots.** For the purpose of making the appraisal required by subdivision 1, appraisers shall be appointed, as follows: One by the governor, one by the director, and one by the county board of the county in which the lands are situated. Each appraiser before entering upon the duties of his office shall take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands or improvements thereon and has entered into no combination to purchase the same or any part thereof, which oath shall be attached to their report. They shall then appraise the lands and make report thereof to the director. Each appraiser shall be allowed as compensation for his services and expenses \$3.00 per day, to be paid by the state.

Subdivision 3. **Reappraisal.** All parcels or lots so appraised shall be subject to sale in the same manner as other lands in charge of the director, and sold at not less than the prices at which they were severally appraised, until a new appraisal is made, which the director in his discretion may cause to be made in the manner aforesaid and with like effect; but no parcels or lots so appraised shall be sold for less than the minimum price of the lands established by this chapter.

[R. L. ss. 2413, 2414, 2415] (6270) (6271) (6272)

92.10 MAPS AND PLATS. Subdivision 1. **Map recorded.** When the director shall subdivide any land into small parcels or village lots, he shall cause a map of the same to be filed for record with the register of deeds of the county in which the land is situated.

Subdivision 2. **Preparation.** It shall be the duty of the director to prepare suitable maps or plats having designated thereon those school or other state lands owned by the state which have been duly appraised and subject to sale, which maps or plats shall be printed and distributed with other printed matter in sufficient quantities to properly advertise the sales provided by this chapter.

[R. L. s. 2416; 1911 c. 123 s. 5] (6273) (6283)

92.11 LANDS APPRAISED. When in the opinion of the director it shall be for the interest of the state that any of the lands in his charge, or the improvements thereon, be appraised appraisers shall be appointed, who shall qualify, report, and be paid as in the case of lands subdivided into lots. The appraisers shall report the value of the lands and the improvements thereon, if any, separately; and if any of such lands, other than pine lands, are chiefly valuable for the timber thereon the value of such timber shall also be separately stated. The appraised value shall be the minimum price for such lands until changed by a subsequent appraisal.

[R. L. s. 2418; 1927 c. 241 s. 1] (6276)

92.12 APPRAISAL OF SCHOOL AND OTHER STATE LANDS. Subdivision 1. **Appraisers.** When in the opinion of the commissioner it will be for the public interest that an appraisal of any of the school or other state lands should be made he shall designate therefor one or more of the regularly appointed and qualified state appraisers. Each appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the state lands to be appraised or the timber or improvements thereon or in the purchase thereof and has entered into no com-

mination to purchase the same or any part thereof, which oath shall be attached to the report of such appraisal.

Subdivision 2. Valuation and appraisal. The appraiser after taking oath of office shall proceed to view and appraise such lands and the timber and improvements thereon and make a report thereof to the commissioner as he may direct. The valuation of such lands and the timber and improvements thereon shall each be made and stated separately in the appraisal and the minimum price established by such appraisal shall be the minimum price for such lands until changed by subsequent appraisal. No school or other state lands shall be sold until so appraised, nor for a less price than \$5.00 per acre.

Subdivision 3. Sales. The commissioner shall hold frequent sales of school and other state lands, the time and place of such sales to be publicly posted on the front door of the court-house in the county in which the sale is to take place at least 30 days in advance of such sale, in addition to the regular notice of sale provided by law. At this sale the commissioner shall sell such lands as he considers for the public interest.

Subdivision 4. Sale of timber. Where land mainly valuable for agricultural purposes, as shown by the appraisal and other reports in the office of the commissioner, contains only small quantities of pine, tamarack, and other timber the commissioner may in his discretion either sell the timber separately in the manner provided by law for state timber sales or he may sell the land as agricultural land, requiring the purchaser to pay down as first payment an amount equal to the value of the timber, in addition to the first payment required on the land.

Subdivision 5. Drainage. It shall be the duty of the appraisers to report to the commissioner such lands as in their opinion should be drained. After the state has constructed or has been assessed for any public ditch or drain the lands assessed or improved shall thereafter be reappraised before being offered for sale.

[1911 c. 196 s. 1; Ex. 1919 c. 17 s. 1; 1927 c. 332 s. 1; Ex. 1933 c. 22 s. 1; 1941 c. 374 s. 3] (6277)

92.13 DATE OF SALES OF STATE LANDS FIXED BY DIRECTOR. It shall be the duty of the director to hold public sales of school and other state lands in those counties where school and other state lands are situate at such times as will be advantageous to the state and to intending buyers and settlers.

[1911 c. 123 s. 1; 1913 c. 8 s. 1; 1923 c. 6 s. 1] (6279)

92.14 NOTICE OF SALE. **Subdivision 1. Time.** Before any sale is made, the director shall cause four weeks' published notice of the time and place of sale to be given at St. Paul and in each county in which land to be sold is situated. The notice shall contain a description of each parcel of land to be sold. If there be no newspaper published in any such county, four weeks' posted notice shall be given therein. The director, on or before the day of sale, may withdraw any lands which may have been so advertised.

Subdivision 2. Contents. It shall be the duty of the director to give public notice of each sale referred to in section 92.13 by four publications in a weekly newspaper printed and published at the county-seat wherein the lands are situated, and by four weekly publications in a daily newspaper published and printed in the capital city of the state. This published notice shall contain the following information:

- (1) The time and place for the holding of the sales;
- (2) The limitations and requirements provided by law as to purchasers of such lands;
- (3) The terms and conditions of payments as required by law; and
- (4) The place where lists of lands to be offered for sale may be obtained.

[R. L. s. 2419; 1911 c. 123 s. 2] (6278) (6280)

92.15 APPLICATION. All other requirements and provisions relating to the sale of school and other state lands shall apply with full force to sales made under sections 92.02, 92.10, 92.13, and 92.14.

[1911 c. 123 s. 3] (6281)

92.16 CERTIFICATE OF SALE. **Subdivision 1. Contents; default, re-sale.** At the time of the sale the director shall execute, acknowledge, and deliver to the purchaser a certificate of sale in which he shall certify the description of the land sold, the quantity thereof, the price per acre, the consideration paid and to be paid, and the time and terms of payment, and which shall be numbered and made assignable. No certificate shall be delivered until the sum required by law to be paid at

the time of the sale is paid to the treasurer of the county where such sale takes place and in case the purchaser fails to pay such sum the director may immediately reoffer the land for sale, but no bid shall be received from the person so failing.

Subdivision 2. Default in payment of interest; re-sale. Upon cancelation of any certificate of sale the commissioner may without notice take possession of the lands therein described and resell the same at public auction in the same manner and under the same rules as provided for the first sale. When the commissioner shall have reappraised and advertised and publicly offered for sale such lands, a reentry shall be deemed to have been made on the part of the state without any other act or deed, but this shall not be essential to cancelation of the certificate of sale nor extend thereafter any rights of any person claiming under such certificate. The purchaser at such sale shall be entitled to immediate possession. If the land is not again sold after cancelation of a certificate of sale, it shall be deemed to be unsold land of the state, free and clear of any and all rights claimed by any person under such certificate whether in actual or constructive possession thereof.

Subdivision 3. Application. The provisions of Mason's Supplement 1940, Section 6285, as the same existed before the passage of Laws 1941, Chapter 374, shall apply to all state lands of any kind therein referred to sold after the passage of Extra Session Laws 1933-1934, Chapter 39, January 5, 1934, and prior to May 1, 1941. The provisions of Mason's Minnesota Statutes of 1927, Section 6285, as the same existed prior to the passage of Chapter 39, shall apply to all such state lands sold prior to the passage of Chapter 39, with like effect as if Chapter 39 and Laws 1941, Chapter 374, had not been enacted. Section 6285, as amended by Laws 1941, Chapter 374, shall apply to all state lands sold on or after May 1, 1941.

Subdivision 4. Lands repossessed or reentered. In any case where any state lands sold prior to the passage of Extra Session Laws 1933-1934, Chapter 39, January 5, 1934, have been repossessed or reentered prior to the passage of Laws 1941, Chapter 374, in accordance with the provisions of Mason's Minnesota Statutes of 1927, Section 6285, as the same existed prior to the passage of Chapter 39, such reentry or repossession shall be valid and effectual for all purposes, as provided by Section 6285.

[R. L. ss. 2420, 2421; Ex. 1934 c. 39 s. 1; 1941 c. 374 s. 4] (6284) (6285)

92.17 EFFECT OF CERTIFICATE; RECORD. A certificate of sale entitles the holder to the possession of the land therein described, but the fee shall remain in the state until a patent is issued therefor. These certificates, assignments, and patents may be filed for record with the register of deeds.

[R. L. s. 2423] (6287)

92.18 CERTIFICATES MAY BE DIVIDED. When the holder of any certificate shall surrender the same to the director, with a request to have the land therein described divided, and two or more certificates issued therefor, it shall be lawful for the director so to do. No new certificate shall issue while any interest is delinquent or if the director shall be of the opinion that the security of the state would be impaired or endangered thereby. If the applicant shall desire a division by boundaries other than regular government or state subdivisions, he shall file with his application a plat and survey showing the lines of, and the quantity of land in, each subdivision.

[R. L. s. 2424] (6288)

92.19 ASSIGNMENT; EXTENSIONS OF PAYMENT. When any certificate is assigned the assignment shall be executed in the same manner as a deed of land and acknowledged by the assignor. When any extension of the time of payment is agreed upon such agreement shall be in writing, executed in like manner and a record thereof preserved in the office of the director.

[R. L. s. 2422] (6286)

92.20 VOID SALES; REFUND. Any sale made by mistake, or not in accordance with law, or obtained by fraud, shall be void, and the certificate issued thereon shall be of no effect; and the holder of such certificate shall be required to surrender the same to the director who, except in cases of fraud on the part of the purchaser, shall cause the money paid on such sale to be refunded to the holder.

[R. L. s. 2425] (6290)

92.21 REDEMPTION OF STATE LANDS WHICH HAVE BEEN FORFEITED. Subdivision 1. In any case where the rights of the holder of a certificate of sale of any state public land sold before January 6, 1934, have become forfeited by a failure to pay the amount of interest due under the certificate, if the certificate

holder before re-sale at public auction of the lands described in the certificate shall pay to the state treasurer the amount of interest then due and payable on such certificate, with interest thereon from the time when the same became due at four per cent, such payment shall operate as a redemption of the rights of the certificate holder, and reinstate the certificate in full force, provided, as follows:

(1) If the default in payment occurred before July 1, 1941, the amount required for redemption shall be paid not later than December 31, 1941;

(2) If the default in payment occurred on or after July 1, 1941, the amount required for redemption shall be paid within six months after the occurrence of the default;

(3) If the time for payment of the principal specified in the certificate has expired but an extension of time by law has not expired, the full amount due on the principal together with interest, as herein provided, and all other sums due the state on the land shall be paid, and thereupon a patent for the land shall be issued to the certificate holder as provided by law;

(4) No such redemption shall be permitted in any case where the time for payment of the principal as specified in the certificate and all extensions thereof provided by law have expired, nor in any case where the certificate of sale has been absolutely terminated and made void without right of redemption under any prior or existing law, nor in any case where the land has become absolutely forfeited to the state for delinquent taxes;

(5) The provisions of this section shall not suspend or otherwise affect any proceedings for the re-sale of state public land unless redemption is made before sale of the land to an actual purchaser.

Subdivision 2. In every case where a certificate of sale of state public land sold before January 6, 1934, has been or shall be canceled after default by reappraisal and reoffer of the land for sale, and where the default shall not be redeemed and the certificate reinstated, as provided by this section, the certificate shall be deemed absolutely canceled and void, and all right, title, and interest of the purchaser, his heirs, representatives, or assigns, in the land shall terminate without further act on the part of the state; provided, that this shall not preclude any other method of termination prescribed by law.

[R. L. s. 2426; Ex. 1934 c. 39 s. 2; 1939 c. 353; 1941 c. 374 s. 5] (6291)

92.211 TIME OF PAYMENT EXTENDED. Subdivision 1. The time for payment of the principal on every certificate of sale of state public land which has expired or will expire before July 1, 1943, is hereby extended to December 31, 1943, subject to payment of interest as provided by law and to all other conditions of the certificate, and upon payment of such principal and interest and all other sums due the state upon the land within the extended time a patent for the land shall be issued to the holder of the certificate as provided by law.

Subdivision 2. The time for payment of the principal on every certificate of sale of state public land sold before May 1, 1941, which expires on or after July 1, 1943, is hereby extended for a period of six months after the time specified in the certificate, subject to the payment of interest as provided by law and to all other conditions of the certificate, and upon payment of such principal and interest and all other sums due the state upon the land within the extended time a patent for the land shall be issued to the holder of the certificate as provided by law.

Subdivision 3. The provisions of this section shall not apply in any case where the certificate of sale has been absolutely terminated and made void without right of redemption under any prior or existing law, nor in any case where the land has become absolutely forfeited to the state for delinquent taxes.

Subdivision 4. In every case where the full amount of principal with interest and all other sums required for obtaining a patent under a certificate of sale of state public land sold before May 1, 1941, are not paid before the expiration of the time allowed by law for payment of the principal, the certificate shall be deemed absolutely canceled and void, and all right, title, and interest of the purchaser, his heirs, representatives, or assigns, in the land shall terminate without further act on the part of the state; provided, that this shall not preclude any other method of termination provided by law.

[1941 c. 374 s. 6]

92.212 CERTAIN LANDS PRESUMED ABANDONED. In any case where full payment of the amount due the state for any state public land sold before May 1,

MINNESOTA STATUTES 1941

767

SALES OF LANDS AND INVESTMENT OF PROCEEDS 92.23

1941, shall not have been made before the expiration of the time prescribed in the certificate for full payment of the principal or any extension of such time provided by law, it shall be presumed that the purchaser and all persons claiming under him have left and abandoned the land and all right, title, and interest therein and claim thereto, and have released the same absolutely to the state and its assigns.

[1941 c. 374 s. 7]

92.213 LIMITATION OF ACTIONS. In any case where full payment of the amount due the state for any state public land sold before May 1, 1941, shall not have been made before the expiration of the time prescribed in the certificate for full payment of the principal or any extension of such time provided by law, no action for the recovery or possession of the land or for the enforcement of any right, title, or interest therein or claim thereto shall be maintained by the purchaser or any one claiming under him unless such action is commenced within one year after the expiration of such prescribed time or extension.

[1941 c. 374 s. 8]

92.214 CERTIFICATES DEEMED CANCELED IN CERTAIN CASES. In every case where the interest of the purchaser of a tract of state public land as heretofore or shall hereafter become forfeited to the state for delinquent taxes, the certificate shall be deemed canceled and terminated, and the land shall be held by the state as unsold public land, free from any right, title, interest, or claim of the purchaser, his heirs, representatives, or assigns, and free from any trust in favor of any taxing district.

[1941 c. 374 s. 9]

92.215 TAXES CANCELED. In every case where the rights of a purchaser of state public land, his heirs, representatives, or assigns, have been or shall hereafter be absolutely terminated in any manner, all unpaid taxes and assessments against the land at the date of such termination shall be canceled and the county auditor shall make entry thereof upon his records of such lands.

[1941 c. 374 s. 10]

92.22 REFUNDMENT OF TAX CERTIFICATES UPON CERTAIN REFORM SCHOOL LANDS. Any holder of a tax certificate of sale or state assignment certificate, who became the owner thereof prior to the adoption of Laws 1902, Extra Session, Chapter 2, which describes reform school lands, so-called, or any tract, lot, or subdivision thereof, and which was sold by the state upon contract prior to 1902, to a purchaser who has since defaulted in the performance of the conditions thereof, so that the land is now owned in fee simple by the state, may petition the board of county commissioners of the county wherein such lands are situated setting forth fully and fairly all the facts pertaining thereto and the board of county commissioners shall thereupon inquire into the truth of the facts alleged in the petition and, if it is satisfied that the facts are fully and fairly stated therein, it shall so certify to the director; and if he is satisfied that a refundment should be made to the holder of the certificate or certificates, or any of them, for the amount thereof, without interest, he shall authorize the refundment of the amount paid therefor, together with the amount of other subsequent taxes upon the property paid by the holder thereof, but without interest upon any of these amounts and, upon the surrender of the proper assignment of these certificates, the county auditor shall draw an order upon the treasurer of the county for the sum so authorized to be refunded, the same to be countersigned and paid like other county orders. The several funds, state, county, town, city, village, school, and other funds, shall be charged with their several proportions of the amount thus refunded.

[1909 c. 491 s. 1] (6292)

92.23 PAYMENTS; RECEIPTS; LIABILITY OF OFFICIALS. The holder of any certificate of sale may pay to the treasurer of the county in which the land therein described is situated any amount due on such certificate. For the amount so paid the treasurer shall issue quadruplicate receipts specifying the name and address of the person making the payment and the date and amount thereof, whether for principal or interest, the fund to which it is applicable, and the number of the certificate, which receipt shall be countersigned by the auditor of the county, and shall have the same force and effect as if given by the state treasurer. The county treasurer shall deliver one copy to the holder of the certificate, one to the county auditor, one to the commissioner, and retain one copy.

The liability under the official bonds of county treasurers and of their deputies and employees shall include liability for the faithful performance of the duties of such treasurers, deputies, and employees, under this section.

[R. L. s. 2428; 1929 c. 200 s. 1; 1941 c. 374 s. 11] (6296) (6296-1)

92.24 MONEYS PAID TO STATE TREASURER. Each county treasurer shall hold all moneys received by him on account of such certificates of sale subject to the order of the state treasurer and during March, June, and October each year and at other times when requested by the state treasurer he shall pay into the state treasury all such moneys received since the last payment made.

[R. L. s. 2430] (6298)

92.25 FEES OF TREASURER; STANDING APPROPRIATION. County treasurers shall be entitled to fees of one-half of one per cent on each dollar received by them in payment of principal or interest on account of such certificates of sale, which fees shall be paid by the state from the current fund of the class of lands on which the payment is made and shall not be payable to the county under any provision requiring county treasurers to pay fees into the treasuries of their respective counties; and the necessary sums for the payment of these fees are hereby annually appropriated from the several interest funds.

[R. L. s. 2431] (6299)

92.26 STATEMENT OF SALES. On or before May first each year the director shall transmit to each county treasurer who has executed and returned his bond a statement showing the lands sold in that county, the classes to which the same belong, the numbers of the certificates of sale, the names of the persons to whom they were, respectively, issued, and the amount of principal and interest due on each certificate on June first, together with such instructions and blanks as shall enable the treasurer to carry out the provisions of this chapter.

[R. L. s. 2432] (6300)

92.27 COUNTY AUDITORS; DUTIES AND POWERS. Each county auditor, at the time he is required by law to return abstracts of settlement to the director, shall forward all duplicate receipts of principal, interest, or penalties delivered to him, with a certified statement of such collections by the county treasurer, specifying the amount of each item, and make such return at any other time when requested by the director. The county auditor shall act as clerk of land sales made by the director and may make such sales when authorized by him, in which case his deputy shall act as clerk. Immediately after the close of all sales the county auditor shall report to the director the description of each tract sold, the amount for which it was sold, and the amount paid. For each day while so engaged the county auditor shall be allowed the sum of \$3.00, to be paid out of any appropriation for the appraisal and sale of these lands.

[R. L. s. 2433] (6301)

92.28 PROCEEDS OF SALES; DISTRIBUTION. The principal sums accruing from all sales by the director of school, university, internal improvement, or other state lands, or of pine timber upon the same, shall become a part of the several permanent funds to which they, respectively, belong and shall not be reduced by any costs or charges of officers, by fees, or any other means. All moneys received as interest on such funds, or as penalties, or as rents of such lands, shall become part of the current or general funds to which they, respectively, belong. All interest and penalties on the internal improvement land fund, and rents of such land, shall be compounded with the permanent fund.

[R. L. s. 2434] (6302)

92.29 LAND PATENTS. The governor shall sign and issue, under the seal of the state, attested by the state auditor, a patent for the land described in any certificate of sale when the same is presented to him with the certificate of the auditor endorsed thereon that the principal and interest specified therein and all taxes due on this land have been paid and that the holder is entitled to a patent; and the governor shall, in like manner, issue a patent for such land to any purchaser at execution, judicial, mortgage, or tax sale of the right, title, and interest of the holder of any such certificate of sale, upon presentation to him of the certificate of the auditor that the principal, interest, and taxes have been paid and that the purchaser is entitled to a patent; provided, that the governor shall, in like manner, issue a patent for such land where the land certificate of sale has been lost or destroyed, upon filing with the state auditor by the person claiming the land an affidavit stating that he is the owner of the land, that the land certificate has been lost or destroyed,

and that he is and has been the owner of the land and has paid the taxes thereon continually for the last 15 years. The state auditor shall certify on such affidavit that the principal, interest, and taxes have been paid and that the owner is entitled to a patent.

[*R. L. s. 2427; 1935 c. 368 s. 1*] (6295)

92.30 STATE TO SELL CERTAIN LANDS. The department is hereby authorized and directed to take the proper and necessary proceedings, under laws relative to the sale of state swamp lands and state school lands, to sell any and all state-owned lands, including any lands set apart as school forests or other state forests, lying within the general boundaries of the Superior national forest and the Chippewa national forest, in the State of Minnesota, as such boundaries now exist or may hereafter be extended, which the United States may desire to acquire as a part of either of these forests, and which shall be designated by the executive council, upon the recommendation of the commissioner, for disposal to the United States for such purpose, and at such sale these lands shall be purchased for the state by the commissioner at a price not exceeding a maximum fixed by the executive council.

[*1929 c. 246 s. 1*] (6302-1)

92.31 STATE MAY EXCHANGE LAND. The executive council is hereby authorized and empowered to exchange any or all of the lands which may be acquired by the state by purchase, as set forth in section 92.30, for lands of the United States of the same general character and of substantially the same value as in its judgment will promote the best interests of the state upon such terms and conditions as it shall deem proper and to that end may accept or pay out of any available funds such cash differences as will affect an equitable exchange of lands. The executive council is hereby authorized to cause any lands so acquired to be appraised by such competent authority as it shall appoint or direct.

[*1929 c. 246 s. 2*] (6302-2)

92.32 GOVERNOR TO EXECUTE CONVEYANCES. For the purpose of carrying out the objects of sections 92.30 and 92.31 the governor is hereby authorized and empowered to execute proper instruments of conveyance in the name and under the seal of the state.

[*1929 c. 246 s. 3*] (6302-3)

92.33 LAND USE COMMITTEE. There is hereby created a land use committee composed of the governor, the commissioner of conservation, the commissioner of agriculture, dairy, and food, the commissioner of education, the commissioner of highways, and the commissioner of taxation. The members of this committee shall serve without pay. The committee shall meet at the office of the commissioner of conservation as often as may be necessary upon the call of the governor, who shall be chairman of the committee ex officio. The commissioner of conservation shall act as the executive secretary of the committee.

[*1933 c. 436 s. 1*] (6302-5)

92.34 LAND CLASSIFICATION COMMITTEE IN CERTAIN COUNTIES. In each county of the state having 25 per cent or more of its land area delinquent for non-payment of taxes, or where 25 per cent or more of its land area is owned by the state or the United States, there shall be a committee of land classification composed of the county auditor, the chairman of the board of county commissioners, the county treasurer, the county surveyor, and the county superintendent of schools. The chairman of the board of county commissioners shall be chairman of the county land classification committee. In any such county having a county agricultural agent, this agent shall meet and advise with the committee. The committee shall meet at the office of the county auditor as often as may be necessary upon call of the county auditor.

[*1933 c. 436 s. 2*] (6302-6)

92.35 DUTIES AND POWERS. It shall be the duty of the land use committee to classify all public and private lands in the state with reference to the use to which the lands are adapted, but principally as to adaptability to present known uses, such as agriculture and forestry. This classification shall be based upon a consideration of the known physical and economic factors affecting the use of the land. The land use committee shall consult with private, state, and federal agencies concerned with land use, and may appoint such advisory committees as it may deem necessary and advisable, made up of residents of the state concerned with and interested in land use, the advisory committees to serve without pay, at the pleasure of the land use committee, and to consider and report upon such land use problems

as may be submitted by the land use committee. The work of the land use committee shall first be done in the counties having land classification committees. The land use committee shall consult, advise with, and cooperate with the land classification committee in each county in obtaining and considering the facts upon which to determine its land classification; the land classification committee in each county shall consult, advise with, and cooperate with the land use committee in like manner, but the determination of the land classification committee shall be final.

[1933 c. 436 s. 3] (6302-7)

92.36 LANDS CLASSIFIED. Upon the basis of all of the facts concerning land use now obtainable and in the manner provided in sections 92.33 to 92.37 the land use committee shall make and determine a temporary land classification of land areas with reference to the known uses to which such areas are adapted or adaptable. This classification shall be adopted by a majority vote of the committee and recorded in its minutes. A certified copy of the temporary classification, together with a brief statement of the reasons therefor, shall be recorded in the office of the register of deeds in each county in which the lands classified are located. No fees shall be paid for this recording. When such temporary classification has been adopted by the land use committee none of the lands classified as non-agricultural shall thereafter be sold or leased by the state for agricultural purposes.

[1933 c. 436 s. 4] (6302-8)

92.37 REPORT TO LEGISLATURE. The land use committee shall report the results of its land classification to the legislature with such recommendations as it may deem advisable.

[1933 c. 436 s. 5] (6302-9)

92.38 MINNESOTA LAND EXCHANGE COMMISSION. The commission created by the Constitution of the State of Minnesota, Article 8, Section 8, 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 sections 92.38 to 92.44 refers to such commission. The governor shall be chairman of the commission. The state auditor shall be secretary of the commission and keep a record of its proceedings. Approvals of land exchanges and other official acts of the commission may be evidenced 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.

[1941 c. 393 s. 1]

92.39 CLASSES OF LAND. Subdivision 1. **Class A.** All land owned by the state and controlled or administered by the commissioner or by any division or agency of the department of conservation shall be known as Class A land for the purposes of sections 92.38 to 92.44. 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. **Class B.** 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 sections 92.38 to 92.44.

Subdivision 3. **Class C.** 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.

[1941 c. 393 s. 2]

92.40 CLASS A LAND 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, 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

MINNESOTA STATUTES 1941

771

SALES OF LANDS AND INVESTMENT OF PROCEEDS 92.40

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, 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 section 110.13 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 those 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 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 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 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. When 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.

[1941 c. 393 s. 3]

92.41 CLASS B LAND EXCHANGED; CONDITIONS. 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.

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 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 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.

[1941 c. 393 s. 4]

92.42 FORMS PRESCRIBED BY ATTORNEY GENERAL. The attorney general shall prescribe or approve the forms for all deeds, certificates, and other instruments required in these proceedings, and the procedure for delivery thereof.

[1941 c. 393 s. 5]

92.43 TITLES. Subdivision 1. **State may quiet.** 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.

Subdivision 2. **Attorney general may perfect.** 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 under sections 92.38 to 92.44, and may authorize any county attorney or other attorney to assist in conducting any such action. The expenses of these 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 sections 92.38 to 92.44. 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.

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.

[1941 c. 393 ss. 6, 7]

92.44 CERTAIN LAND 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 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 make and file a certificate thereof in the office having custody of the records of such lands in the department. 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.

[1941 c. 393 s. 8]

92.45 STATE LAND ON MEANDERED LAKES WITHDRAWN FROM SALE. All state lands bordering on or adjacent to meandered lakes and other public waters and watercourses and the live timber growing or being thereon hereby are withdrawn from sale.

Of all such land bordering on or adjacent to meandered lakes and other public waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary high-water mark being the water side boundary thereof, and the land-side boundary thereof being a line drawn parallel to the ordinary high-water mark and two rods distant landward therefrom, hereby is reserved for public travel thereon, and wherever the conformation of the shore line or conditions require, the director shall reserve a wider strip for such purposes.

Any such state lands bordering on or adjacent to the Mississippi river or any such lakes, waters, and watercourses in the bottom lands thereof, desired or needed by the United States government for, or in connection with, any project heretofore authorized by Congress for the improvement of navigation in the Mississippi river, may be sold by the director at public sale according to law, as in other cases, upon application by a fully authorized United States official, setting forth a description of the land and transmitted with a map showing its location with reference to adjoining properties.

[1923 c. 430 s. 11; 1927 c. 330 s. 1; 1929 c. 21] (6463)

92.46 CERTAIN LANDS DESIGNATED AS CAMP GROUNDS. Subdivision 1. **Public camp grounds.** The director may designate suitable portions of the state lands so withdrawn from sale and not reserved, as provided in section 92.45, as permanent state public camp grounds and cause the same to be surveyed and platted into lots of convenient size, and may lease and let such lots for cottage and camp purposes under such terms and conditions as he may prescribe. No lease shall be made for a longer term than ten years, with the privilege of renewal, from time to time, for additional terms of not to exceed ten years each. All moneys received from these leases of state lands so withdrawn from sale shall be credited to the fund to which the proceeds of the land belong.

Subdivision 2. **Transient camping places.** The director may designate suitable portions of these state lands so withdrawn from sale and not reserved, as pro-

MINNESOTA STATUTES 1941

775

SALES OF LANDS AND INVESTMENT OF PROCEEDS 92.52

vided in section 92.45, as state public camp grounds for the use and enjoyment by the public as transient camping places.

[1923 c. 430 ss. 12, 13] (6464) (6465)

92.47 SWAMP LAND FUND; TRANSFER OF STATE INSTITUTIONS FUNDS.

The credit balances and securities in the state treasury, and all land contracts arising from the proceeds of the sale of a portion of the state swamp lands, and which is designated in the state records as belonging to the state institutions fund, are hereby transferred to the swamp land fund, and the state institutions interest fund, being the accrued interest on the state institutions fund, is hereby transferred to the swamp land interest fund.

[1907 c. 385 s. 1] (6315)

92.48 SWAMP LAND INTEREST FUND. At the close of each fiscal year it shall be the duty of the state auditor and the state treasurer to transfer the amount then standing to the credit of the swamp land interest fund to the several funds entitled thereto, as follows: the general school fund, one-half; the revenue fund, one-half.

[1907 c. 385 s. 2] (6316)

92.49 REVENUE FUND. The amount credited to the revenue fund, as provided in section 92.48, shall, at the end of each fiscal year, be credited to the appropriations for the support of the several state educational and charitable institutions in the relative ratio of cost of support of such institutions, reckoned on the cost for the fiscal year next preceding the one in which the distribution is made.

[1907 c. 385 s. 3] (6317)

92.50 UNSOLD LANDS SUBJECT TO SALE MAY BE LEASED. The director may, at public or private vendue and at such prices and under such terms and conditions as he may prescribe, lease any unsold school, university, internal improvement, swamp, or other lands subject to sale by him, for the purpose of taking and removing sand, gravel, clay, rock, marl, peat, and black dirt therefrom, for storing thereon ore, waste materials from mines, or rock and tailings from ore milling plants, and for garden sites, and for other temporary uses that shall not result in any permanent injury to the land. No such lease shall be made for a term to exceed ten years, except in the case of leases of lands for storage sites for ore, waste materials from mines or rock, and tailings from ore milling plants, which may be made for a term not exceeding 25 years. All such leases shall be made subject to sale and leasing of the land for mineral purposes under legal provisions and contain a provision for their cancelation at any time by the director upon three months' written notice. All money received from leases under this section shall be credited to the fund to which the land belongs.

[1915 c. 192 s. 1; 1917 c. 31; 1919 c. 405 s. 1] (6328)

92.51 LANDS SOLD ARE TAXABLE; REDEMPTION; SPECIAL CERTIFICATE. State lands sold by the director shall thereupon become taxable and a description of each tract so sold, with the name of the purchaser, shall be transmitted to the proper county auditor, who shall extend the same for taxation like other land. The interest in the land to be sold for the enforcement of delinquent taxes shall be such only as is vested by the land sale certificate in the holder and owner thereof. Upon production to the county treasurer of the tax certificate given upon tax sale, in case the lands have not been redeemed, the tax purchaser shall have the right to make any payment of principal and interest then in default upon such land sale certificate as the assignee thereof. In order to redeem from any such tax sale, the person redeeming must pay the county treasurer, for the holder and owner of the tax sale certificate, in addition to all sums required to be paid in other cases, all amounts paid by such holder and owner for interest and principal upon such land sale certificate, with interest at 12 per cent per annum. The director, upon receipt of the tax certificate to which is attached the certificate of the county auditor of the expiration of the time for redemption, and the receipt of the county treasurer for all delinquent interest and penalty on the land sale certificate, shall issue to the holder and owner of the tax certificate a special certificate embodying the same terms and conditions and with like force and effect, as the original land sale certificate, and in lieu thereof.

[R. L. s. 2439; 1909 c. 114 s. 1] (6323)

92.52 ESCHEAT SUBJECT TO ENCUMBRANCE. When any land has become the property of the state by escheat and is subject to any encumbrance arising

MINNESOTA STATUTES 1941

92.53 SALES OF LANDS AND INVESTMENT OF PROCEEDS

776

from taxes, assessments, or otherwise the director, with the approval of the governor and the attorney general and for a consideration to be determined by them, may execute in the name of the state a deed of the land to the holder of the encumbrance.

[R. L. s. 2441] (6329)

92.53 REVOLVING FUND FOR CLEARING UNSOLD SCHOOL AND SWAMP LAND. The sum of \$100,000 is hereby set apart and appropriated from the fund derived from the sale of school and swamp lands. This sum of money is to be used as a revolving fund and as contemplated by the Constitution of the State of Minnesota, Article 8, Section 2, in clearing unsold school and swamp land.

The director shall have the charge of the investment and expenditure of the moneys hereinbefore appropriated.

[1917 c. 164 ss. 1, 2] (6330) (6331)

92.54 IMPROVEMENTS. The director shall have charge of the improvements of all public lands. He shall appoint such engineers, agricultural experts, and other employees as shall be necessary for making such improvements. The governor may on recommendation of the director require any necessary expert work to be performed under the direction of the director by employees of other state bureaus, departments, and institutions.

[1917 c. 164 s. 4] (6333)

92.55 WHERE IMPROVEMENTS ARE TO BE MADE. The director shall from time to time determine the townships within which the improvements of state lands shall be made and shall at all times give preference to those lands which in his judgment can most successfully be used at the time for agricultural purposes. No contract shall be let for an improvement involving less than the equivalent of one section of state land within the limits of any township, unless and until the state shall have no land in such quantity which in the judgment of the director is suitable for improvement.

[1917 c. 164 s. 5] (6334)

92.56 EXTENT OF IMPROVEMENTS. The director shall determine the extent of the improvements to be made on any area, the character of the improvements to be as provided in sections 92.53 to 92.61; provided, that not more than five acres shall be cleared on each 40-acre tract and the total cost of the improvements on any area improved shall not exceed \$300.00 on each 40-acre tract.

[1917 c. 164 s. 6] (6335)

92.57 CONTRACT AWARDED TO LOWEST RESPONSIBLE BIDDER. The work of making any such improvements upon state lands shall be done under contract by the lowest responsible bidders. Contracts may be let for different classes of work, separately or combined, or for different tracts in the same selected area, separately or combined. The contractor may be paid for his work either on its completion or from time to time during its progress, as the director shall determine; provided, that no payment shall be made until a competent inspector appointed by the director shall have examined the work and certified that the work was done well and fully justifies the payment. Contracts shall be let under such regulations, terms, and conditions as the director may determine.

[1917 c. 164 s. 7] (6336)

92.58 ACTUAL COST TO BE APPORTIONED. The actual cost of the improvement of any selected area, and a proper proportion of the cost of administration, shall be apportioned in equal portions to the 40-acre tracts upon which any such improvement is made, to be repaid to the state, as provided in sections 92.59 and 92.60; provided, that the cost of administration to be so charged shall include only the expenses actually incurred and shall include no charges for the general administration of state lands as otherwise provided for by law.

[1917 c. 164 s. 8] (6337)

92.59 SALE OF LANDS IMPROVED. Lands improved under sections 92.53 to 92.61 shall be sold as are other state lands; provided, that the cost of improvements apportioned to any tract shall be paid for by the purchaser of the tract as a sum independent of the purchase price of the land itself. Every purchaser of a tract so improved shall sign an agreement in writing that he will establish his residence upon the tract within 18 months of the date of purchase, that he will cultivate and further improve it in a husbandlike manner, and that he will so maintain his residence and so cultivate and improve the land until the cost of improvements apportioned to that tract are paid to the state in full. This agreement shall be a

R
173-321-2

Jan
943-321-1

MINNESOTA STATUTES 1941

777

SALES OF LANDS AND INVESTMENT OF PROCEEDS 92.62

condition of the sale and its breach shall terminate the contract of sale, unless within three months after notice given by the director, residence is established on the land purchased and unless such residence is maintained and the other conditions agreed to be performed for the period herein provided. The condition in the contract as to actual continuous residence on the land may be waived by the director when because of the death of the purchaser or for other good cause arising after the establishment of such residence he believes such waiver will be just and equitable to all concerned.

[1917 c. 164 s. 9] (6338)

92.60 TERMS OF PURCHASE PRICE. On the sale of any lands so improved the purchaser shall pay at the time of sale a sum equivalent to 15 per cent of the purchase price of the land, exclusive of improvements, which sum shall be received by the director in part payment of the cost of such improvements, in lieu of the part payment of the purchase price of the land provided for in section 92.06, and the same shall be turned into the revolving fund provided for in section 92.61. The purchase price of the land, exclusive of improvements, shall be payable at any time within 40 years at the option of the purchaser, as provided in section 92.06. The balance of the cost of such improvements shall be payable, 25 per cent in two years from date of purchase, 25 per cent in three years from date of purchase, 25 per cent in four years from date of purchase, and 25 per cent in five years from date of purchase. The purchaser shall have the privilege of paying any larger sum at any time. Interest at four per cent per annum shall be collected annually on all accounts remaining unpaid. The state shall have a first lien upon the land for the interest and unpaid principal of the cost of such improvements.

[1917 c. 164 s. 10] (6339)

92.61 REVOLVING FUND TO BE CREDITED FROM PROCEEDS OF SALE.

As soon as any tract of land so improved shall have been sold or disposed of under contract of sale with agreement on the part of the purchaser to pay for such improvements, the director shall credit to the revolving fund the principal amount contracted to be paid for such improvements by the purchaser. This amount, when collected, in whole or in part, shall thereupon become a part of the revolving fund provided for herein, and may again be expended for the purpose of carrying out the purposes of sections 92.53 to 92.61. It shall be a first lien on the interest of the person holding the certificate or other title to such land.

[1917 c. 164 s. 11] (6340)

92.62 EXPENSES; HOW PAID. The necessary expenses of the director under the provisions of this chapter shall be paid out of the state treasury and upon satisfactory vouchers the auditor shall issue his warrant therefor.

[R. L. s. 2438] (6318)