

CHAPTER 94

DIVISION OF LANDS AND MINERALS; UNITED STATES AND OTHER LANDS AND STATE FORESTS

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94.01 LANDS GRANTED BY UNITED STATES. When any lands granted to the state by the congress of the United States shall be sold by this state the purchaser shall in the first instance be given a contract or certificate of sale, which instrument shall contain among other things the provisions set forth in sections 94.01 to 94.06.

[1911 c. 90 s. 1] (6434)

94.02 CONTRACT OR CERTIFICATE OF SALE; REQUIREMENTS. The state auditor shall insert in every such contract or certificate of sale a clause providing that the vendee, his heirs, administrators or assigns, shall, within seven years from the date of such instrument, perform at least one of the following requirements:

- (1) Fence at least 25 per cent of the tract for pasture and convert such portion into pasture land;
- (2) Cultivate at least five per cent of the tract; or
- (3) Build a house and actually reside upon the tract for a period of 12 months.

The fencing for pasture of 25 per cent of any contiguous tract sold such vendee by the state under the provisions of sections 94.01 to 94.06 and the conversion of such portion into pasture land, or the cultivation of at least five per cent of such contiguous tract, or the building of a house and actual residence upon any portion of such contiguous tract for a period of 12 months, shall be deemed a sufficient performance of such requirements with reference to the whole of such contiguous tract whether heretofore or hereafter sold by the state.

[1911 c. 90 s. 2] (6435)

94.03 PROOF OF COMPLIANCE; DEED; SALES IN AND AFTER 1905. Within seven years after the date of the contract or certificate of sale, the vendee, his heirs, administrators or assigns, shall furnish to the state auditor satisfactory proof that at least one of these provisions has been complied with; the proof to be attested by two members of the school board in the district wherein the land is located. Upon such proof and the fulfillment of all the conditions of the contract or certificate of sale, a deed shall issue to the purchaser, his heirs or assigns, to the land in the contract or certificate described.

The foregoing provisions shall apply to all sales of land made in the year 1905 and subsequent years.

[1911 c. 90 s. 3] (6436)

94.04 FAILURE TO MAKE PROOF; REVERTER. Upon failure to make and furnish the proof mentioned in section 94.03 within seven years after the date of the contract or certificate, the state auditor shall cancel the contract or certificate and the land covered thereby shall revert to and become the property of the state free and clear of any encumbrance or cloud arising out of the transaction or contract or attempted to be contracted by the vendee, and all moneys paid on account of the purchase price shall be forfeited to the state.

[1911 c. 90 s. 4] (6437)

94.05 NOT OVER 320 ACRES. Not more than 320 acres of such land shall be sold or contracted to be sold to any one purchaser.

[1911 c. 90 s. 5] (6438)

94.06 OWNERS OF CONTIGUOUS TRACTS. If the purchaser is already the owner of a contiguous tract of land, the state auditor, upon a proper showing by affidavit and in furtherance of justice, may in his discretion dispense with a strict compliance with the provisions of sections 94.01 to 94.06 in respect to sales, whether heretofore or hereafter made by the state.

[1911 c. 90 s. 6] (6439)

94.07 PURCHASERS RELEASED FROM COMPLIANCE WITH CERTAIN LAWS. Any and all persons who have heretofore purchased from the State of Minnesota any of the lands granted to the state by the congress of the United States are hereby released from compliance with the provisions of Laws 1905, Chapter 299, Sections 1, 2, 3, and 4, and of Laws 1909, Chapter 106, and from the terms, limitations, and conditions inserted or implied in their contracts or certificates of sale pursuant to those statutory provisions.

[1911 c. 135 s. 1] (6440)

94.08 EFFECT OF CONTRACTS AND CERTIFICATES. Any and all such contracts and certificates of sale shall be and remain of the same force and effect as if not containing either expressly or by implication any of the terms, limitations, or conditions prescribed by Laws 1905, Chapter 299, Sections 1, 2, 3, and 4, and of Laws 1909, Chapter 106. Nothing contained in sections 94.07 and 94.08 shall be construed to release such purchasers from fulfillment of any of the other provisions or conditions of those contracts or certificates of sale or of other statutes applicable thereto.

[1911 c. 135 s. 2] (6441)

94.09 CERTAIN OTHER LANDS; HOW SOLD; APPRAISAL. All tracts or lots of real property belonging to the State of Minnesota or that may hereafter accrue to the state, including tracts or lots which have escheated to the state, may be disposed of in the following manner; provided, sections 94.09 to 94.16 shall not apply to school or other trust fund lands, belonging to the state, or that may hereafter accrue to the state, under and by virtue of any act of Congress. The sale or disposition of this real estate shall be under the supervision of the governor, attorney general, and state auditor, who may authorize and direct a sale when in their judgment it would be advantageous to do so. They shall appoint three appraisers, who shall appraise the real property to be sold. As compensation for their services these appraisers shall receive \$5.00 per day. The sale shall be at public auction and made by the director of lands and minerals, or such person as he may direct for that purpose.

[1909 c. 452 s. 1] (6442)

94.10 NOTICE OF SALE. Before any sale shall be made, the director of lands and minerals shall publish a notice thereof at least once in each week for four successive weeks in a newspaper published in the city or county in which the real property to be sold is situated and he is authorized to give such other and additional publicity of the notice as he may deem proper, which notice shall specify the time and place in the county at which the sale will commence, a description of the lots or tracts to be offered, and a general statement of the terms of sale. Each tract or lot shall be sold separately and no lot shall be sold for less than the price thereof as specified in the report of the appraisers.

[1909 c. 452 s. 2] (6443)

94.11 TERMS OF PAYMENT. The terms of payment for all lots or tracts so sold shall be not less than ten per cent of the purchase price thereof at the time

of sale and interest on the unpaid balance to June first of the following year, and the balance of the purchase price at any time within 20 years, at the option of the purchaser, with interest annually in advance at the rate of not less than five per cent per annum on the unpaid balance, payable to the state treasury on or before June first each year.

[1909 c. 452 s. 3] (6444)

94.12 CERTIFICATE OF SALE. The director of lands and minerals shall make out and deliver to the purchaser thereof a certificate of purchase in which he shall certify the description of the real property sold and the price thereof, the consideration paid and to be paid therefor, the rate of interest, and time and terms of payment. This certificate shall be numbered and made assignable. The purchase certificate shall further set forth that in case of the non-payment of the annual interest due by the purchaser, or any person claiming under him, then the certificate, from the time of such failure, will be entirely void and of no effect and the director of lands and minerals may take possession of the lot or tract and re-sell the same as provided in sections 94.09 to 94.16.

[1909 c. 452 s. 4] (6445)

94.13 RECORD OF CERTIFICATES AND ASSIGNMENTS; EFFECT. Certificate of purchase issued pursuant to sections 94.09 to 94.16, or any assignment thereof, executed and acknowledged as provided by law for the execution and acknowledgment of deeds may be recorded in the office of the register of deeds of any county in the state in the same manner and with like effect as deeds are therein recorded. This certificate shall entitle the purchaser thereof, his heirs and assigns, to the exclusive possession of the land therein described, provided the terms of the certificate have been in all respects complied with, and the certificate and the record thereof shall be conclusive evidence of title in the purchaser, his heirs and assigns, for all purposes and against all persons, except the State of Minnesota in case of forfeiture.

[1909 c. 452 s. 5] (6446)

94.14 RESERVATION OF MINERALS. The state hereby reserves for its own use all the iron, coal, copper, and other valuable minerals in or upon all lands which may be sold under the provisions of sections 94.09 to 94.16 and the sale certificate and patent shall contain a clause reserving all such minerals for the use of the state.

[1909 c. 452 s. 6] (6447)

94.15 PATENTS. The governor shall sign and cause to be issued under the seal and attestation of the state auditor patents for the lands described in such certificate of purchase whenever the same are presented to him, with the further certificate of the director of lands and minerals endorsed thereon certifying that the amount of principal and interest specified therein, all taxes due on the lands have been paid, and that the holder of the certificate is entitled to such patent.

[1909 c. 452 s. 7] (6448)

94.16 FUNDS, HOW DISPOSED OF. All moneys received from the sale of such lands or lots shall be credited to the general revenue fund of the state, and it shall be the duty of the director of lands and minerals to keep the proper and necessary records pertaining to the sale of such lands or lots that have been made, and provide the necessary blanks.

[1909 c. 452 s. 8] (6449)

94.17 GIFTS TO STATE FOR CAPITOL OR INSTITUTION; ACCEPTANCE. When any real property or rights or estates therein may be or may have been granted or conveyed or assigned or turned over as a gift by any person or municipality to the State of Minnesota to be owned, held, occupied, or used by the state in connection with the capitol, or any state institution, or the grounds of the same or any of them, the governor shall issue in duplicate under the great seal of the state a certificate of acceptance and cause all the conditions of the gift to be performed and the property so given to be improved, maintained, and ornamented in the method and so far as the legislature may appropriate money therefor.

[1909 c. 464 s. 1] (6450)

94.18 LANDS OBTAINED BY CONDEMNATION. When any corporation, municipal or otherwise, shall convey, assign, or turn over to the state any rights it may have obtained by condemnation, the use of the land in which these rights were obtained by the state in any of the ways or for any of the purposes mentioned in section 94.17 shall not be deemed an abandonment of nor work a forfeiture of

the rights obtained by condemnation, but shall be considered a use incidental to and within the purposes of the condemnation.

[1909 c. 464 s. 2] (6451)

94.19 CERTIFICATE OF ACCEPTANCE; RECORD. The certificate of acceptance shall be executed in duplicate and one filed in the office of the secretary of state and the other filed for record in the office of the register of deeds of the county in which the land is situated; and, after being recorded, kept with the records of the institution in connection with which the land is used. Upon the certificates of acceptance being so filed, the conveyance and transfer of the rights, interests, and estates involved shall be deemed complete.

[1909 c. 464 s. 3] (6452)

94.20 REFORESTATION AREAS TO BE SET OFF. For the purpose of vesting and revesting the state with title to lands suitable primarily for the development of forests and the prevention of forest fires, and for experimenting in and practically advancing afforestation and reforestation, or for the purpose of impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams in the state, or for either or any of such purposes, or for other public state purposes, the board of county commissioners of any county within which such lands are located and in which on January 1, 1931, the taxes on more than 35 per cent of the taxable land are delinquent and of which on January 1, 1931, the bonded ditch indebtedness, including accrued interest, equals or exceeds nine per cent of the assessed valuation of the county, exclusive of money and credits, may by resolution duly adopted propose to the State of Minnesota that one or more areas in the county containing this land be taken over by the state for afforestation, reforestation, flood control projects, or other public state purposes, to be managed, controlled, and used for the development of forests and the prevention of forest fires, and for the purpose of experimenting in and practically advancing afforestation, reforestation, or for the purpose of impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams, or for other public state purposes, on lands to be acquired by the state within such projects, as hereinafter set forth. Each such area shall include lands which have been assessed for all or part of the cost of the establishment and construction of public drainage ditches under the laws of this state, and on which such assessments or instalments thereof are overdue, delinquent, and unpaid. A duly certified copy of each such resolution of the county board shall be submitted to and filed with the department and considered and acted upon by the department; if approved by the department, it shall then be submitted to, considered, and acted upon by the executive council and if approved by the executive council the proposition shall be formally accepted by the governor and his acceptance shall be communicated in writing to and filed with the auditor of the county. State lands which have been sold as provided by law and for which certificates of sale have been issued shall be considered taxable lands within the meaning of this section and, if the taxes against such lands or the interest of the purchaser therein are delinquent, shall be considered lands on which the taxes are delinquent within the meaning of this section until such time as the title of the certificate holder shall have been terminated by the commissioner in accordance with the provisions of section 92.16.

[1931 c. 407 s. 1] (6452-1)

94.21 DEPARTMENT TO MANAGE AREAS. Each of such projects so approved and accepted shall be under the management and control of the department, which shall have and is hereby given full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations not inconsistent with the laws of the state for the care, preservation, protection, and development of forests and for experimenting in and practically advancing afforestation and reforestation therein, and impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams, or for other public state purposes, and for the prevention of forest fires therein, and for the sale of merchantable timber from lands acquired by the state therein when and where, in the opinion of the department, the same may be sold and removed without damage or injury to the purposes of such project. These rules and regulations may relate to the care, preservation, protection, breeding, propagation, and disposition of any and all species of wild life therein and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, and other uses of the areas not inconsistent with the terms of any laws of the state now or here-

after applicable thereto. The department may provide for the policing of each project in such manner as may be needful for the proper development, use, and protection thereof, and of its purposes, and all supervisors, guards, custodians, and caretakers assigned to duty in any project shall have and possess the authority and powers of peace officers while in its employ. All lands within the boundaries of any project shall be subject to these rules and regulations, whether owned by the state or privately, consistent with the rights of the private owners or with the laws of this state now or hereafter applicable thereto. All these rules and regulations shall be published once in one qualified newspaper in each county affected and shall take effect after such publication and shall be, in addition thereto, posted on the boundaries of each project affected.

[1931 c. 407 s. 2] (6452-2)

94.22 DISPOSAL OF PROCEEDS. The proceeds of all certificates of indebtedness issued under the provisions of sections 94.20 to 94.30, all moneys received from redemption, as provided in sections 94.22 to 94.30, all moneys received as gifts to the state for the purposes of any such project, and all income which may be received from the operation, development, management, and use of these projects, including fees received from licenses and permits, all income which may be received from the sale of all birds, animals, fish, and flora therefrom and from the sale of lands and timber thereon owned by the state within such area, other than university, school, and swamp lands, state forest lands set apart pursuant to the Constitution of the State of Minnesota, Article 8, Section 7, and state lands acquired under the system of rural credit, and all moneys of the state which may hereafter be transferred thereto under any law of this state shall be paid into the state treasury and credited to the project to which the same pertain and the same are hereby annually appropriated for the purposes thereof; provided, that, under the provisions of sections 94.20 to 94.30, the aggregate or total of all certificates of indebtedness issued shall not exceed \$2,250,000.

[1931 c. 407 s. 3; 1937 c. 312 s. 1] (6452-3)

94.23 COUNTY AUDITOR TO MAKE LIST OF LANDS. As soon as practicable after the approval and acceptance of any such project the auditor of each county in which the same is situated shall certify to the state auditor a list of all the lands within the boundaries of the project, except lands lying within the boundaries of any city or village, which have been bid in for the state at the delinquent tax sale held in the year 1928 for the non-payment of taxes or special drainage assessments and not redeemed or assigned to an actual purchaser, which certificate shall contain the following information:

- (1) The legal description of each parcel of such lands;
- (2) The amount of the principal and interest of delinquent drainage assessments, if any, or instalments thereof for all years prior to the date of such report against each such parcel of land; and
- (3) The amount of drainage assessments thereof assessed against each such parcel of land, which have been or are to be extended upon the tax rolls of such county for collection with the taxes for the year 1927 and subsequent years.

On or before June fifteenth of each year thereafter such county auditor shall certify to the state auditor a supplemental report giving the information contained in the original report covering such lands within each such project bid in for the state at the annual tax sale of that year and not included in the previous reports.

When redemption is made of any parcel of such land within any such project which has been bid in for the state at any tax sale for taxes heretofore levied, or when tax liens on these lands are assigned to an actual purchaser, the county auditor shall report the same forthwith to the state auditor, and the county treasurer shall transmit forthwith the proceeds of the redemption or assignment to the state treasurer.

Forthwith upon the approval and acceptance of any such project and thereafter, after each distribution has been made of the tax collections on the June and November tax settlements, such county auditor shall certify to the state auditor the following information relating to bonds issued to finance or refinance public drainage ditches lying, wholly or partly, within such projects, and the collection of assessments levied on account of such ditches:

- (1) The amount of principal and interest to become due on such bonds prior to the next ensuing tax settlement and distribution;

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(2) The amount of moneys collected from such drainage assessments and credited to the funds of the ditches; and

(3) The amount of the deficit in the ditch fund of the county chargeable to such ditches.

Upon the approval of the certificate by the state auditor, he shall draw a warrant or warrants on the state treasurer, payable out of the fund pertaining to such project, for the amount of the deficit in favor of such county.

As to all public drainage ditches which lie wholly within any such project, the maximum amount of money which shall be paid to or for the benefit of the county in the manner above provided shall never exceed the principal and interest of the bonds issued to finance or refinance such ditches outstanding at the time of the passage and approval of sections 94.20 to 94.30, less moneys on hand in the county ditch fund to the credit of such ditches, and such liabilities shall be reduced from time to time by the amount of any and all payments of assessments hereafter extended, made by the owners of lands heretofore assessed for benefits on account of such ditches. As to all public drainage ditches which lie partly within and partly without the boundaries of any such project, the maximum amount which shall be paid from the fund pertaining to such project to or for the benefit of such county shall never exceed the percentage of bonds issued to finance and refinance such ditches so outstanding, less moneys on hand in the county ditch fund to the credit of such ditches at the time of the passage and approval of sections 94.20 to 94.30, which bears the same proportion to the whole amount of these bonds as the original benefits assessed against lands within the project bear to the original total benefits assessed to the entire system of such ditches, and this liability shall be reduced from time to time by the payments of all assessments hereafter extended, made by the owners of lands within such project of assessments for benefits heretofore assessed on account of any such ditch.

The state auditor shall have authority to provide and prescribe the forms for any reports required by sections 94.20 to 94.30 to be made to him, and to require any further and additional information from any officials of any such county which he deems necessary for the proper administration of sections 94.20 to 94.30.

[1931 c. 407 s. 4] (6452-4)

94.24 STATE AUDITOR TO SELL CERTIFICATES OF INDEBTEDNESS.

For the purpose of anticipating the annual revenues of the fund pertaining to any such project the state auditor is hereby authorized and directed, upon the acceptance and approval of each such project and upon there being certified to him the information relating to bonds contemplated by section 94.23, to issue and sell certificates of indebtedness in an aggregate sum not to exceed the maximum amount of money payable to or for the benefit of the county in which such project is located, as prescribed in section 94.23, payable from the fund pertaining to the project, the certificates to be numbered serially and to be of such denominations and bear such dates of issue and of maturity and bear interest at such rate, not exceeding five per cent per annum, as the state auditor shall determine; provided, that none of these certificates of indebtedness shall run beyond the tax settlement dates for the next annual tax levy thereafter to be made by such auditor, as hereinafter required, in anticipation of the collection of which the certificates of indebtedness are issued. These certificates shall be so issued, from time to time, as the proceeds thereof are needed for the demands on the fund. The interest on these certificates of indebtedness shall be payable with the principal thereof. These certificates shall be in such form and upon such terms and conditions, not inconsistent with the terms of sections 94.20 to 94.30, as the state auditor shall determine, shall be signed by the governor, attested by the state auditor, and sold for not less than par. These certificates may be purchased by the state board of investment for the permanent school fund, swamp land fund, internal improvement land fund, or any other trust fund of the State of Minnesota and shall be deemed authorized securities within the provisions of section 50.14 and acts supplemental thereto.

[1931 c. 407 s. 5] (6452-5)

94.25 STATE AUDITOR TO MAKE TAX LEVY. When the state auditor shall approve a deficiency certificate of the county auditor, as specified in section 94.23, he shall compute the portion thereof which will exceed cash on hand in the fund pertaining to any such project available for its payment and make an entry in his records that this excess, plus the amount required to pay interest on certificates

of indebtedness, to be issued to provide money for the payment thereof, is to be extended upon the tax rolls for the next succeeding tax levy, and there is hereby levied for the year in which this entry is made the aggregate of the sums so entered for collection up to the time of the certification of state taxes for such year and for each year thereafter until the maximum state liability prescribed by section 94.23 has been exhausted, the aggregate of such entries made since the last preceding certification of state taxes, which taxes shall be extended and collected in the same manner as other state taxes, and the proceeds of such levies are hereby appropriated and pledged to the payment of the principal and interest of the certificates of indebtedness issued pursuant to sections 94.20 to 94.30.

[1931 c. 407 s. 6] (6452-6)

94.26 LANDS TO BE HELD BY STATE. The title to all parcels of land lying within any such project, except lands lying within the boundaries of any city or village, which shall be acquired by the state under the provisions of sections 280.13 and 280.17 shall be held by the state free from the trust in favor of the taxing districts specified in those sections and held and used or disposed of in accordance with the provisions of sections 94.20 to 94.30.

[1931 c. 407 s. 7] (6452-7)

94.27 STATE AUDITOR TO CERTIFY TO DEPARTMENT OF CONSERVATION. Upon receipt by the state auditor of the reports of the county auditor specified in section 94.23 he shall certify a copy thereof to the department, which shall classify all such lands as to their suitability for agriculture or for afforestation, reforestation, or for the purpose of impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams, or for other public state purposes; and after the title to any such lands has been acquired by the state in the manner provided in sections 94.20 to 94.30 such lands may be reclassified from time to time. All such lands which become the absolute property of the state under the provisions of sections 94.20 to 94.30 which have been classified as suitable for agriculture, and timber from any lands so acquired, shall be subject to sale by the state as provided by law.

[1931 c. 407 s. 8] (6452-8)

94.28 DEPARTMENT TO ACCEPT GIFT. The department is hereby authorized and empowered to receive for and in behalf of the state, and to make suitable acknowledgments of, any gift, bequest, devise, or grant of land or interests in lands in any such project, or of money or personal property of any kind, which it may deem suitable for use in connection with the operation, control, development, or use of any or all of such projects.

[1931 c. 407 s. 9] (6452-9)

94.29 DEPARTMENT TO HAVE RIGHT OF EMINENT DOMAIN. The department is hereby authorized and empowered to acquire by exercise of the right of eminent domain, which right is hereby given it, to be exercised in the manner provided in chapter 117, or by purchase, any lands or interests in lands in any such project, which the department shall deem necessary for state ownership, use, or development for the purposes of sections 94.20 to 94.30. No moneys shall be used for the purposes specified in this section until and unless the department and the state auditor shall have determined that such moneys will not be required to meet the requisitions of the counties authorized under section 94.23 or for the payment of certificates of indebtedness and interest thereon therein provided for.

[1931 c. 407 s. 10] (6452-10)

94.30 VIOLATION A MISDEMEANOR. Any person who, within the limits of any such project, shall wilfully violate or fail to comply with any rule or regulation of the department adopted and promulgated in accordance with the provisions of sections 94.20 to 94.29 shall be guilty of a misdemeanor.

[1931 c. 407 s. 12] (6452-12)

94.31 COUNTIES MAY ASSUME BONDS OF TOWNS OR SCHOOL DISTRICTS IN REFORESTATION AREA. Any county wherein a state reforestation or flood control project or other public state purposes, as created by sections 94.20 to 94.30, is located may voluntarily assume the obligation to pay the same ratio or proportion of the principal and interest of bonds now outstanding issued before the approval and acceptance of the project by any school district or town situated in the county lying wholly or partly within the project as the last assessed valuation prior to the acceptance of the project of lands acquired by the state pursuant to sections 94.20 to 94.30 on July 1, 1936, bears to the total assessed valuation for the same year

of the school district or town, this assumption to be evidenced by the adoption of a resolution by the county board of the county authorizing the issuance of bonds for such purpose or otherwise providing for the payment of the principal and interest of the school or town bonds assumed.

[*Ex. 1936 c. 47 s. 1*] (6452-14)

94.32 ISSUANCE OF COUNTY BONDS; ADJUSTMENT OF DEBT. The county board of any such county may by resolution provide for the issuance of bonds for the purpose of assuming the principal and interest of the school district or town bonds, whether matured or not matured, in the manner provided by Laws 1935, Chapter 119, and the county board is authorized to effect agreements for the adjustment of the debt so assumed and the exchange of such county bonds for the bonds so assumed. Prior to July 1, 1936, such bonds may be issued in an amount not in excess of 50 per cent of the estimated amount of the principal and interest of the school district or town bonds which are to be assumed by the county, the balance of such bonds to be issued after July 1, 1936.

[*Ex. 1936 c. 47 s. 2*] (6452-15)

94.33 FAILURE TO ASSUME AND PAY; WITHHOLDING FUNDS. In the event any such county shall fail or neglect to assume that portion of the school district or town bonds as provided in sections 94.31 and 94.32 and any such bonds remain unpaid at maturity, upon demand of the governing body of the school district or town or the holder of any such bonds, the state auditor shall withhold from the payments to be made to the county under the provisions of section 94.23 the sum necessary to pay such portion and pay the same to the treasurer of the school district or town. All moneys received by any school district or town pursuant to sections 94.31 and 94.32 shall be applied solely to the payment of past due bonds and interest.

[*Ex. 1936 c. 47 s. 4*] (6452-17)

94.34 PEAT LANDS WITHDRAWN FROM SALE. All lands now or hereafter owned by the state which are chiefly valuable by reason of deposits of peat in commercial quantities are hereby withdrawn from sale.

[1935 c. 322 s. 1] (6433-1)

94.35 COMMISSIONER TO EXAMINE LAND. Before any state land is offered for sale the commissioner shall cause such land to be examined to determine whether the land is chiefly valuable by reason of deposits of peat in commercial quantities.

[1935 c. 322 s. 2] (6433-2)

94.36 RECLAMATION BOARD TO SELECT TRACTS FROM SWAMP, STUMP, OR CUT-OVER LANDS. The governor is hereby authorized, empowered, and instructed to appoint a reclamation board of three members, to serve without payment for service, whose duty it shall be to select from swamp, stump, or cut-over lands belonging to the State of Minnesota ten separate 40-acre government subdivisions thereof to be appraised, improved, and sold as provided in sections 94.37 to 94.40.

[1911 c. 367 s. 1] (6523)

94.37 RECLAMATION BOARD, DUTIES, POWERS, APPRAISAL. Such selections when made by the board shall be certified to the commissioner, who shall thereupon forthwith proceed to cause the selections of state lands to be appraised in the manner provided by law. After such appraisal the board shall cause one-half of each tract so selected to be cleared of trees, brush, or stumps, or otherwise improved and prepared for cultivation, as shall be deemed advisable by the board and for this purpose the board is authorized and empowered to enter into such contracts or agreements as are necessary in carrying into effect the provisions of sections 94.36 to 94.40.

[1911 c. 367 s. 2] (6524)

94.38 REPORT OF RECLAMATION BOARD; DUTIES OF COMMISSIONER. Immediately after the clearing and preparation of each such tract the reclamation board shall make detailed report thereof and of the cost of clearing and improving the same, showing the nature and extent of such improvement and file this report in the office of the commissioner. It shall thereupon be the duty of the commissioner, as early as may be, to make special public sale of the tracts so reported upon in the manner and upon like notice as is required by law and like certificates shall be issued and delivered as in other cases of sale of state lands of like character.

[1911 c. 367 s. 3] (6525)

94.39 LANDS, HOW SOLD. No such tract of land shall be sold for less than its appraised value ascertained as provided in sections 94.36 to 94.40, plus the cost of the improvement of the tract as certified by the board. The terms of sale, rate of interest on the purchase price, and other details of the sale or the disposition of the proceeds shall be as is provided by law in case of sale of other state lands of like character and the proceeds of the sale and the interest thereon as the same is paid shall go to and be credited to the funds to which the purchase price of these lands or to which the interest thereon would be credited under existing law if the sale were made without such improvement.

[1911 c. 367 s. 4] (6526)

94.40 EXPENSES. Payment for the clearing or improvement of these lands and of all other costs and expenses incurred in carrying into effect sections 94.36 to 94.39 shall be made upon certificate of the reclamation board filed with the commissioner. Actual traveling and other expenses shall be allowed to the members of the board in performance of their duties.

[1911 c. 367 s. 5] (6527)

94.41 RELINQUISHMENT OF LANDS TO UNITED STATES. When any land has been erroneously certified or conveyed to the state by the United States, the governor may execute, under the seal of the state, a relinquishment or reconveyance thereof.

[R. L. s. 2516] (6528)

94.44 GRANT BY MUNICIPAL CORPORATION. When the United States shall desire land for any purpose of the government which is owned by any city, town, county, or other municipal or quasi-municipal corporation or in which such corporation has any right it shall be lawful for the governing body of such corporation to grant and convey the same to the United States.

[R. L. s. 2517] (6529)

94.45 UNITED STATES SURVEY; DAMAGES. Any person employed pursuant to the laws of the United States in the execution of a survey may enter upon any land in the state for the purpose of doing any act which may be necessary thereto, and may establish permanent station marks, and erect the necessary signals and temporary observatories. If the parties interested cannot agree upon the amount to be paid for damages caused thereby either may petition the district court for the county in which the land is situated to assess the damages. The court shall appoint a time for a hearing as soon as may be, and order at least 20 days' notice thereof to be given to all parties interested, and shall, with or without view of the premises, as the court may determine, hear the parties and assess the damages. The person so entering upon the land may tender to the injured party damages and if, in case of a petition, the damages assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise the other party shall recover costs.

[R. L. s. 2518] (6530)

94.46 INJURY TO SIGNAL. Whoever wilfully defaces, injures, or removes any signal, monument, building, or other property of the United States erected or used in the coast and geodetic survey, pursuant to the laws of the United States, shall forfeit not exceeding \$50.00 for each offense, and shall be liable to the United States for all damages sustained by it in consequence thereof, to be recovered in a civil action.

[R. L. s. 2519] (6531)

94.47 COMMISSIONER MAY PURCHASE LANDS FROM UNITED STATES GOVERNMENT. The commissioner is hereby authorized to purchase, to accept by gift or lease, or by tenure title, any lands owned by the United States government, including timber thereon, within the townships in which state forests, or state parks or game refuges or public shooting grounds have been set apart, or will hereafter be set apart by the legislature. These tracts when the title thereto has become vested in the state shall become and be a part of the state forests, or state parks, or game refuges, or public shooting grounds subject to all laws, rules, and regulations relating to state forests, or state parks, or game refuges, or public shooting grounds.

[1935 c. 333 s. 1] (6536-1)

94.48 MAY EXPEND MONEY ON LEASED LAND. When lands are obtained by lease from the United States government under sections 94.47 to 94.51 the

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commissioner shall be authorized to make expenditures from any funds not otherwise obligated for the management, development, and utilization of such areas; to sell or otherwise dispose of products from such lands and make necessary rules and regulations to carry out the purposes of sections 94.47 to 94.51. Unless otherwise provided all incomes derived from such leased lands shall be paid into the state treasury and credited to the state forest fund, and the same is hereby annually reappropriated for the use of the commissioner in the acquisition, management, development, and use of such leased lands until all obligations incurred have been paid in full. Thereafter all revenues received therefrom shall be distributed in accordance with Laws 1933, Chapter 313.

[1935 c. 333 s. 2] (6536-2)

94.49 NOT TO CREATE DEBT. Obligations for the acquisition of lands by lease incurred under the authority of sections 94.47 to 94.51 shall be paid solely and exclusively from revenues derived from such lands and shall not impose any liability under the general credit and taxing power of the state.

[1935 c. 333 s. 3] (6536-3)

94.50 MAY SELL AND EXCHANGE LANDS. The commissioner, with the approval of the executive council, shall have full power and authority to sell, exchange, or lease lands under his jurisdiction when it is deemed advantageous to the state in the interests of the highest development, utilization, and management of state forests. Such sale, lease, or exchange of lands shall not be contrary to the terms of any contract which has been entered into and shall not apply to state trust fund lands.

[1935 c. 333 s. 4] (6536-4)

94.51 COMMISSIONER TO MAKE RULES AND REGULATIONS. The commissioner is hereby authorized to make such rules and regulations as may be necessary to carry out the purposes of sections 94.47 to 94.51 and is hereby authorized to enter into cooperative agreements with appropriate officials of the United States for and on behalf of the State of Minnesota in order to secure the full benefits to this state of the provisions of an Act of Congress introduced March 21, 1935, as H. R. 6914, and all other acts of Congress which have been or may be passed providing for ways and means of authorizing cooperation with the states for the purpose of stimulating the acquisition, development, and management of state lands and coordinating federal and state activities in carrying out a national program of land use and management, and for other similar purposes; that sections 94.47 to 94.51 and all other acts and amendments thereto and all rules and regulations and agreements made hereunder shall be liberally construed for the purpose of making possible the complete cooperation of the agencies of this state with the agencies of the federal government.

[1935 c. 333 s. 5] (6536-5)

94.52 EXPENDITURE OF STATE'S PERCENTAGE OF PROCEEDS OF SALE OF LANDS OF THE UNITED STATES. All sums heretofore or that may hereafter be received from the United States government on account of an act of Congress approved May 23, 1908 (35 Stat. 260) (Mason's U. S. Code Anno., title 43, s. 500), or any amendments thereof hereafter enacted, shall be expended as follows:

One-half for public schools, and the remainder for public roads in the counties in which the national forests are situated; provided, that any county coming within the provisions of such act of Congress is hereby authorized to borrow money from the federal government or any of its agencies and to use moneys received pursuant to the provisions of such act of Congress or amendments thereto for the purpose of repaying any loan or loans made to such county by the federal government or any of its agencies. In the case of the Superior National Forest, the counties of Cook, Lake, and St. Louis shall share equally in the distribution of the sum received from that source, and Cass county shall receive the entire sum derived from the Minnesota National Forest.

[1913 c. 58 s. 1; Ex. 1936 c. 80 s. 1] (6536-11)

94.53 WARRANT TO COUNTY TREASURERS; FEDERAL LOANS TO COUNTIES. It shall be the duty of the state auditor to transmit his warrants on the state treasury to the county treasurers of the respective counties for the sum that may be due in accordance with sections 94.52 to 94.54, which sum or sums are hereby appropriated out of the state treasury from the amounts received from the United States government pursuant to the aforesaid act of Congress. The state auditor,

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upon being notified by the federal government or any agencies thereof that a loan has been made to any such county the repayment of which is to be made from such fund, is authorized to transmit his warrant or warrants on the state treasurer to the federal government or any agency thereof sufficient to repay such loan out of any moneys apportioned or due to such county under the provisions of such act of Congress, approved May 23, 1908 (35 Stat. 260).

[1913 c. 58 s. 2; Ex. 1936 c. 80 s. 2] (6536-12)

94.54 SCHOOLS AND ROADS NEAR NATIONAL FORESTS. It shall be the duty of the county board of each county receiving such money to use the portion allotted to public schools to aid in maintaining those school districts that may be situated within or near the national forest, and the portion allotted for public roads shall be used, as far as practicable, in the construction and repair of roads within or near the national forests. This section shall not apply to any such sums of money which may have been allotted or set aside for the purpose of paying loans which may have been made by any county pursuant to the provisions of sections 94.52 and 94.53.

[1913 c. 58 s. 3; Ex. 1936 c. 80 s. 3] (6536-13)