

## CHAPTER 94

## UNITED STATES AND OTHER LANDS AND STATE FORESTS

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94.01 to 94.04 [Repealed, 1949 c 454 s 1]

94.05 [Renumbered 92.12, sbd 3]

**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, attor-

ney 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 state auditor, 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 state auditor 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 state auditor 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 state auditor 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 state auditor 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 state auditor 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 [Renumbered 84A.20]
- 94.21 [Renumbered 84A.21]
- 94.22 [Renumbered 84A.22]
- 94.23 [Renumbered 84A.23]
- 94.24 [Renumbered 84A.24]
- 94.25 [Renumbered 84A.25]
- 94.26 [Renumbered 84A.26]
- 94.27 [Renumbered 84A.27]
- 94.28 [Renumbered 84A.28]
- 94.29 [Renumbered 84A.29]
- 94.30 [Renumbered 84A.30]

**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** [Renumbered 92.461 sbd 1]

**94.35** [Renumbered 92.461 sbd 2]

**94.341 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 94.341 to 94.347 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]

**94.342 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 94.341 to 94.347. 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.

Subd. 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 94.341 to 94.347.

Subd. 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; provided, that any exchange with the United States or any agency thereof may be made free from this limitation upon condition that the state land given in exchange bordering on public waters shall be subject to reservations by the state for public travel along the shores as provided by Minnesota Statutes 1945, Section 92.45, and that there shall be reserved by the state such additional rights of public use upon suitable portions of such state land as the commissioner of conservation, with the approval of the land exchange commission, may deem necessary or desirable for camping, hunting, fishing, access to the water, and other public uses.

[1941 c 393 s 2; 1949 c 373 s 1]

**94.343 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 acquisition, development, and use of lands for purposes within the province of the department of conservation.

Subd. 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.

Subd. 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; provided, that in exchanges with the United States or any agency thereof the examination and appraisal may be made in such manner as the land exchange commission may direct. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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; 1949 c 373 s 2]

**94.344 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 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.

Subd. 11. Forthwith after the consummation of any land exchange the county board shall determine the amount to be paid, if any, to the governmental subdivision wherein the Class B lands were located as full compensation for the trusts said governmental subdivision held in such land, and the amount so determined

shall be transferred by the county auditor from the tax-forfeited funds accruing to the governmental subdivision wherein the privately owned lands were situated to the governmental subdivision wherein the Class B lands lay. The lands received shall thereupon become subject to trust in favor of the governmental subdivision wherein they lie and to all laws relating to tax-forfeited lands.

The county board may also make a determination of payment to be made as to land exchanges heretofore made and direct the county auditor to make such transfer; and when such transfer has been made, such lands shall become subject to trust in favor of the governmental subdivision in which they lie.

The maximum which may be fixed as payment for the equity held by any governmental subdivision shall in no case exceed the amount said governmental subdivision would have received if the lands had been sold for the appraised value as determined for the purpose of the exchange.

[1941 c 393 s 4; 1949 c 437 s 1]

**94.345 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]

**94.346 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.

Subd. 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 94.341 to 94.347, 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 94.341 to 94.347. 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]

**94.347 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]

**94.351 ESCHEAT SUBJECT TO ENCUMBRANCE.** When any land has become the property of the state by escheat and is subject to any encumbrance arising from taxes, assessments, or otherwise the auditor, 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)

**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 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 LAND TO THE UNITED STATES.** Subdivision 1. 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), 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 said 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 said 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, Koochiching, and St. Louis shall share in the distribution of the sum received from that source in the same proportion that the federally owned lands in each county which are within the boundaries of said forest bear to the total number of acres of federally owned lands in said forest area. In the case of the Chippewa National Forest, the counties of Cass, Itasca, and Beltrami shall share in the distribution of the sum received from that source in the same proportion that the federally owned lands in each county, which are within the boundaries of said forest bear to the total number of acres of federally owned lands in said forest area.

Subd. 2. Any distribution made by the state of moneys received from the United States government on account of said act of congress is hereby legalized and made valid and effective to the same extent as though the method of distribution used was provided for by legislative enactment prior to the distribution thereof.

[1913 c. 58 s. 1; Ex. 1936 c. 80 s. 1; 1948 c. 569 s. 1] (6536-11)

**94.521 DISTRIBUTION OF MONEYS RECEIVED FROM FEDERAL GOVERNMENT.** All sums of money heretofore or which may hereafter be received from the United States government on account of the act of Congress approved June 28, 1934 (48 Statutes 1273), amended by act approved June 26, 1936 (49 Statutes 1978), and the act approved June 28, 1938 (52 Statutes 1221), or any amendments thereof heretofore or hereafter enacted shall be expended as follows:

One-half for public schools and the remainder for public roads in the counties in which the land producing such moneys is situated.

[1947 c 336 s 1]

**94.522 TRANSMISSION OF WARRANTS TO COUNTY TREASURERS; USE OF PROCEEDS.** It shall be the duty of the state auditor to transmit warrants on the state treasury to the county treasurer of the respective counties for the sums that may be due in accordance with section 94.521, which sums are hereby appropriated out of the state treasury from the amounts received from the United States government pursuant to the aforesaid acts of Congress, and such moneys shall be used by the counties receiving the same for the purposes and in the proportions herein provided.

[1947 c 336 s 2]

**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, 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)