

CHAPTER 84A

LANDS DEDICATED FOR CONSERVATION

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84A.01 RED LAKE GAME PRESERVE. For the purpose of vesting and re-vesting the state with title to lands in the area hereinafter described which are suitable primarily for state use and development for the purpose of preserving, protecting, propagating, and breeding wild life of all suitable kinds, including all species of game and fish and fur-bearing animals and birds of rare and useful species, and for the development of forests and prevention of forest fires, and the preservation and development of rare and distinctive species of flora native in such area, there is hereby located, established, and created a state wild life preserve and hunting ground comprising all lands and waters in Lake of the Woods county lying south of Rainy river, and south of Lake of the Woods, and all full and fractional townships in Beltrami county lying north of the north line of township 151, excluding all of the lands and waters lying within Red Lake Indian reservation, and including also all that part of Koochiching county lying west and northwesterly of the following described line:

Beginning at a point where the range line between ranges 26 and 27 west of the fifth principal meridian intersects the southerly bank of Rainy river; thence south on this range line to the point formed by the intersection of this range line with the easterly boundary line of the original Red Lake Indian reservation; thence southwesterly along the easterly boundary line of the original Red Lake Indian reservation to a point formed by the intersection of such boundary line with the range line between ranges 29 and 30 west of the fifth principal meridian; to be known as the Red Lake game preserve, sometimes called "preserve and hunting ground."

[1929 c. 258 s. 1] (5620-1)

84A.02 MANAGEMENT. Red Lake game preserve shall be under the management and control of the department, which shall have, and it 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, 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 this area, not inconsistent with the terms of sections 84A.01 to 84A.11 or other laws of the state now or hereafter applicable thereto. The department shall have power and authority, by means of rules and regulations, to declare the terms and conditions of these licenses and permits and the charges to be made therefor. These regulations may specify and control the terms under and by which wild life may be taken, captured, or killed therein, and under and by which fur-bearing animals, or animals and fish otherwise having commercial value, may be taken, captured, trapped, killed, sold, and removed therefrom. These rules and regulations may also provide for the afforestation and reforestation of lands now or hereafter owned by the state in this

game preserve and hunting grounds, and for the sale of merchantable timber from these lands when and where, in the opinion of the department, the same can be sold and removed without damage or injury to the further use and development of the land for a habitat of wild life and game in this game preserve and hunting ground, and for the purposes for which this preserve and hunting ground is established by sections 84A.01 to 84A.11. The department may provide for the policing of this preserve and hunting ground in such manner as may be needful for the proper development and use of the preserve and hunting ground for the purposes specified, and all supervisors, guards, custodians, and caretakers assigned to duty in this preserve and hunting ground shall have and possess the authority and powers of peace officers while in their employment. The department shall also make and enforce such rules and regulations, not inconsistent with the laws of the state, concerning the burning of grass, timber slashings, and other inflammable matter, and the clearing, development, and use of lands in this preserve and hunting ground as may be necessary and advisable to prevent destructive forest fires and grass fires which would injure the use and development of this area for the preservation and propagation of wild life therein, and for the proper protection of the forest and wooded areas thereof. All lands within the boundaries of this preserve and hunting ground shall be subject to such rules and regulations, whether owned by the state or privately, consistent with the rights of the private owners and with the laws of this state now or hereafter applicable thereto. By such rules and regulations there may be established areas and zones within this preserve and hunting ground where hunting, fishing, trapping, or camping may be prohibited or specially regulated, for the purpose of protection and propagation of particular wild life therein.

All rules and regulations adopted and promulgated under the provisions of sections 84A.01 to 84A.11 shall be published in the manner now required by law under the provisions of section 97.33, and shall be, in addition thereto, posted on the boundaries of this preserve and hunting ground.

[1929 c. 258 s. 2] (5620-2)

84A.03 RED LAKE GAME PRESERVE FUND. The proceeds of all certificates of indebtedness issued under the provisions of sections 84A.01 to 84A.11, all moneys received from redemption, as therein provided, all moneys received as gifts to the state for the purpose of care, preservation, improvement, and maintenance of this preserve and hunting ground, and all income which may be received from the operation, development, management, and use of this preserve and hunting ground, including such fees as may be received for such licenses and permits, all income which may be received from the sale of 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 the state, shall be paid into the state treasury and credited to the Red Lake game preserve fund, which is hereby created, and the same are hereby annually appropriated for the purposes of sections 84A.01 to 84A.11.

[1929 c. 258 s. 3] (5620-3)

84A.04 LIST OF LANDS. Not later than September 1, 1929, the auditor of each county in which a portion of this preserve and hunting ground is situated shall certify to the state auditor a list of all the lands within the boundaries of the preserve and hunting ground, except lands lying within the boundaries of any incorporated 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 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 this preserve and hunting ground bid in for the state at the annual tax sale of that year and not included in the previous report.

When redemption is made of any parcel of such land within the preserve and hunting ground which has been bid in for the state at any tax sale for taxes heretofore levied or when the tax liens on such land 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 such redemption to the state treasurer.

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 this preserve and hunting ground 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;

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

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

Upon the approval of this certificate by the state auditor, he shall draw a warrant or warrants on the state treasurer, payable out of the Red Lake game preserve fund, for the amount of the deficit in favor of such county.

As to all public drainage ditches which lie wholly within this preserve and hunting ground, the maximum amount of money which shall be paid to or for the benefit of such county, in the manner above provided, shall never exceed the principal and interest of the bonds issued to finance and refinance such ditches outstanding at the time of the passage and approval of sections 84A.01 to 84A.11, less moneys on hand in the county ditch fund to the credit of such ditches, and such liability 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 this preserve and hunting ground, the maximum amount which shall be paid 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 84A.01 to 84A.11, which bears the same proportion to the whole amount of such bonds as the original benefits assessed against lands within the game preserve bear to the original total benefits assessed to the entire system of such ditches, and such liability shall be reduced, from time to time, by the payments of all assessments hereafter extended, made by the owners of lands in this preserve and hunting ground, 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 84A.01 to 84A.11 to be made to him, and to require any further and additional information from any officials of these counties which he deems necessary for the proper administration of sections 84A.01 to 84A.11.

[1929 c. 253 s. 4] (5620-4)

84A.05, 84A.06 [Repealed, 1949 c 498 s 8]

84A.07 TITLE TO LAND IN STATE. The title to all parcels of land lying within this preserve and hunting ground, except lands lying within the boundaries of any incorporated 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 therein, and shall be held and used, or disposed of, in accordance with the provisions of Laws 1929, Chapter 258.

[1929 c. 253 s. 7] (5620-7)

84A.08 LANDS CLASSIFIED. Upon receipt by the state auditor of the reports of county auditor specified in section 84A.04, he shall certify a copy thereof to the department, which shall classify all such lands as to their suitability for agriculture or for afforestation or reforestation or for ownership and use by the state for pre-

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serving, propagating, breeding and hunting of wild life of the kinds specified in section 84A.01, and after the title to any such lands has been acquired by the state, in the manner provided, such lands may be reclassified, from time to time. All such lands which shall become the absolute property of the state under the provisions of sections 84A.01 to 84A.11, 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.

[1929 c. 258 s. 8] (5620-8,

84A.09 GIFTS RECEIVED. The department is hereby authorized and empowered to receive, for and in behalf of the state, and to make suitable acknowledgments of, any gifts, bequests, devises, or grants of land or interests in lands in this preserve and hunting ground, 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 the preserve and hunting ground.

[1929 c. 258 s. 9] (5620-9)

84A.10 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 this preserve and hunting ground which the department shall deem necessary for state ownership, use, or development for the purposes of sections 84A.01 to 84A.11. No moneys shall be used for the purposes specified in this section until and unless the department shall have determined that such moneys will not be required to meet the requisitions of the counties authorized under section 84A.04, or for payment of certificates of indebtedness and interest thereon.

[1929 c. 258 s. 10] (5620-10)

84A.11 WHEN BONDS PAID IN PART BY COUNTIES. Any county wherein a portion of this preserve and hunting ground is located may voluntarily assume, in the manner specified, the obligation to pay that portion of the principal and interest of the bonds, heretofore issued and which may remain unpaid at maturity, of any school district or town situated in the county and wholly or partly lying within the preserve and hunting ground, which portion bears the same proportion to the whole of such unpaid principal and interest as the 1928 assessed valuation of lands then acquired by the state pursuant to sections 84A.01 to 84A.11 in such school district or town bears to the total 1928 assessed valuation of such school district or town. This assumption shall be evidenced by a resolution of the county board of the county, a copy of which shall be certified to the state auditor within one year after the passage of sections 84A.01 to 84A.11, and thereafter, if any of these bonds shall remain unpaid at maturity, the county board shall, upon demand of the governing body of the school district or town or of the holder of any such bonds, provide for the payment of the portion thereof so assumed, and the county board shall levy general taxes on all the taxable property of the county therefor, or shall issue its bonds to raise such sum as may be needed conforming to the provisions of law respecting the issuance of county refunding bonds. The proceeds of these taxes or bonds shall be paid over by the county treasurer to the treasurers of the respective school districts or towns.

In the event any such county shall fail or neglect so to adopt and certify this resolution, the state auditor shall withhold from the payments to be made to the county, under the provisions of section 84A.04, a sum equal to that portion of the principal and interest of these outstanding bonds which bears the same proportion to the whole thereof as the 1928 assessed valuation of lands acquired by the state within the preserve and hunting ground bears to the total 1928 assessed valuation of the school district or town. Moneys so withheld from the county shall be set aside in the state treasury and not paid to the county until the full principal and interest of these school district and town bonds shall have been paid.

In the event that any such bonds remain unpaid at maturity, upon the demand of the governing body of the school district or town, or the holder of any such bonds, the state auditor shall issue to the treasurer of the school district or town a warrant on the state treasurer for that portion of the past due principal and interest computed as in the case of the county liability authorized to be voluntarily assumed. All moneys received by any school district or town pursuant to this section shall be applied to the payment of these past due bonds and interest.

Any person who, within the limits of this preserve and hunting ground, shall wilfully violate or fail to comply with any rule or regulation of the department of conservation adopted and promulgated in accordance with the provisions of sections 84A.01 to 84A.11 shall be deemed guilty of a misdemeanor.

[1929 c. 258 ss. 11, 12] (5620-11, 5620-12)

84A.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)

84A.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 hereafter 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)

84A.22 DISPOSAL OF PROCEEDS. The proceeds of all certificates of indebtedness issued under the provisions of sections 84A.20 to 84A.30, all moneys received from redemption, as provided in sections 84A.22 to 84A.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 84A.20 to 84A.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)

84A.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;
- (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 84A.20 to 84A.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 84A.20 to 84A.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 84A.20 to 84A.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 84A.20 to 84A.30.

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

84A.24, 84A.25 [Repealed, 1949 c 498 s 8]

84A.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 84A.20 to 84A.30.

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

84A.27 REPORTS, CERTIFICATION. Upon receipt of the state auditor of the reports of the county auditor specified in section 84A.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 84A.20 to 84A.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 84A.20 to 84A.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)

84A.28 DEPARTMENT TO ACCEPT GIFTS. 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)

84A.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 84A.20 to 84A.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 84A.23 or for the payment of certificates of indebtedness and interest thereon therein provided for.

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

84A.30 VIOLATION. 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 84A.20 to 84A.30 shall be guilty of a misdemeanor.

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

84A.31 STATE REFORESTATION PROJECTS. For the purpose of vesting and revesting the state with title to lands suitable primarily for the development of forests and prevention of forest fires, and for experimenting in and practically advancing afforestation and reforestation, and for the purpose of impounding, controlling, and regulating the water of meandered lakes and the flow of natural streams of the state, and for the purpose of creating and establishing wild game and fishing reserves, or for either or any of these purposes, or for any other public state purpose, the board of county commissioners of any county within which such lands are located, and in which, on January 1, 1933, the taxes on more than 25 percent of the acreage of the lands in any town in the county, as shown by the tax books thereof, are delinquent, and in which, on January 1, 1933, the taxes or ditch assessments on more than 50 percent of the acreage of the lands included in the area or project herein provided for, as shown by the tax books of the county, are delinquent, and of which, on January 1, 1933, the bonded ditch indebtedness of any county wherein any of the lands are located equals or exceeds 15 percent of the assessed value of the county for the year 1932, as fixed and determined by the Minnesota tax commission, exclusive of money and credits, may by resolution duly adopted propose to the State of Minnesota that any "area in the county consisting of one or more townships, or part of any township, containing such lands be taken over by the state for afforestation, reforestation, flood control projects, wild game and fishing reserves, or other public state purpose, to be managed, controlled, and used for the development of forests and 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 the purpose of creating and establishing wild game and fishing reserves, or for either or any such purposes," or for any other public state purpose, on lands to be acquired by the state within such projects, as herein set forth. Each such area shall include lands which have been assessed for all or part of the cost of the establishment, construction, or repair of public drainage ditches under the laws of this state, and on which the assessments or instalments thereon are overdue, delinquent, and unpaid. A duly certified copy of the resolutions of the county board shall be submitted to and filed with the department, or such department as shall be established in lieu thereof, 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; or such department as shall be established in lieu thereof, 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 school, swamp, indemnity, and institutional lands which have heretofore been, or shall hereafter be, sold as provided by law and for which certificates of sale have been issued at the time of the passage of the resolution by the county board, and all lands owned by the conservator of rural credit shall be considered taxable lands, within the meaning of this section; and, if the taxes or ditch lien instalments on 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.

[1933 c. 402 s. 1] (4031-75)

84A.32 MANAGEMENT. Subdivision 1. **Rules and regulations.** Each of such projects so approved and accepted shall be under the management and control of the department, which shall have full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations not inconsistent with the laws of this 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 projects. No such rules or regulations shall in any manner interfere

with, destroy, or damage any privately-owned property without just compensation being made to the owner of the private property by purchase or in condemnation proceedings duly instituted pursuant to the laws of this state. The 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, or other uses of these areas not inconsistent with the terms of any laws of the state now or hereafter applicable thereto. The department may provide for the policing of each of the projects in such manner as may be needful for the proper development, use, and protection thereof, and of its purpose, and all supervisors, guards, custodians, and caretakers assigned to duty in any such project shall have and possess the authority and powers of peace officers while in its employ. All lands within the boundaries of such project shall be subject to these rules and regulations, whether owned by the state, or privately, consistent with the constitutional rights of the private owners or with the laws of this state now or hereafter applicable thereto. The department may exclude from the operation of any such rules or regulations any lands owned by private individuals upon which taxes are delinquent for three years or less. All these rules and regulations shall be published once in the official newspaper of each county affected and shall take effect 30 days after the publication, and shall be, in addition thereto, posted on each of the four corners of each township of each project affected. In the management, operation, and control of such areas as may be taken for afforestation, reforestation, flood control projects, and wild game and fishing reserves, nothing shall be done which will in any manner, directly or indirectly, obstruct or interfere with the operation of any ditches or drainage systems existing within such areas, nor shall anything be done which will in any manner, directly or indirectly, damage or destroy any of the existing roads or highways within these areas or projects, unless the ditches, drainage systems, roads, or highways be first taken under the right of eminent domain and compensation made to the property owners and municipalities affected and damaged. Each such area or project shall contribute from the funds and moneys of the project, in proportion of the state land within the project, for the construction and maintenance of such roads and highways as may be necessary within such areas and projects in order to give the settlers therein and owners of privately-owned lands within such areas access to their land. The department may construct and maintain such roads and highways within such areas and projects as it may deem necessary.

Subd. 2. **Proceeds paid into state treasury.** The proceeds of all certificates of indebtedness issued under sections 84A.31 to 84A.42, all moneys received from redemption as provided in sections 84A.33 to 84A.42, all moneys received as gifts to the state for the purpose of any such projects, and all income which may be received from the operation, development, management, and use of such projects, including fees received from the sale of all birds, animals, fish, and flora therefrom, and the sale of all lands and timber thereon owned by the state within such area, other than university, school, swamp, indemnity, or institutional lands, and state forests 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 pertains, and the same are hereby annually appropriated for the purposes thereof; provided, that, under the provisions of sections 84A.31 to 84A.42, the aggregate or total of all certificates of indebtedness issued shall not exceed the sum of \$750,000.

[1933 c. 402 ss. 3, 4] (4031-77, 4031-78)

84A.33 COUNTY AUDITORS TO CERTIFY TAX DELINQUENT 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 lands within the boundaries of any such project, except lands lying within the boundaries of any incorporated city or village, upon which taxes are delinquent for three years or more, which have been bid in for the state at any delinquent tax sale heretofore or hereafter held in the non-payment of taxes, and which have not been redeemed or assigned to any actual purchaser, and which certificates shall contain the following information:

- (1) The legal description of each parcel of such land;
- (2) The name and number of the ditch and the amount of the principal and interest of each delinquent drainage assessment as it appears on the tax books of

the county for all years prior to the date of such certificate against each such parcel of land, together with interest thereon at six percent per annum since the due date of the instalment.

On or before the fifteenth day of June in each year thereafter, the county auditor shall certify to the state auditor a list of all lands within the boundaries of any such project, except lands lying within the boundaries of any city or village, and except lands which have been described in any previous certificate, and upon which taxes are delinquent for three years or more and which have been bid in for the state at any delinquent tax sale heretofore or hereafter held for the non-payment of taxes, and which have not been redeemed or assigned to an actual purchaser, and which certificate shall contain the following information:

(1) The legal description of each parcel of such land, contained in any prior certificate upon which all taxes have been redeemed;

(2) The legal description of each parcel of such lands which, on May fourteenth of the year in which the certificate is furnished, is delinquent for three years or more;

(3) The name and number of the ditch and the amount of the principal and interest of each delinquent ditch assessment instalment as it appears on the tax books of the county for all years prior to the date of such certificate against each such parcel of land, together with interest thereon at the rate of six percent per annum since the due date of each instalment; provided, that the certificate shall not contain the delinquent drainage assessment instalments included in any certificate theretofore furnished.

When the delinquent drainage assessment instalment on any such parcel of land included in any such certificate of the county auditor is redeemed, paid, or assigned to any person the county auditor shall forthwith report the same to the state auditor and the county treasurer shall forthwith remit to the state treasurer the amount so paid in the county treasury on account of any such delinquent drainage assessment instalment or instalments.

Forthwith upon the approval and acceptance of any such project and thereafter, after each distribution has been made of the tax collections for 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;

(2) The amount of moneys collected from such drainage assessments and credited to the funds of such ditches, not already transmitted to the state treasurer as provided in sections 84A.31 to 84A.42.

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

Forthwith upon the approval of this certificate of the county auditor by the state auditor, he shall draw a warrant or warrants on the state treasurer, payable out of the fund herein provided for, and transmit the same to the county treasurer of the county, and these moneys shall be credited to the proper ditch of the county and placed in the ditch bond fund of the county, which is hereby created, and used to pay the ditch bonded indebtedness of the county assumed by the state under sections 84A.31 to 84A.42, and for no other purpose. The total amount of such warrants so to be drawn by the state auditor shall not exceed in any one year the total amount of the deficit hereinafter provided for under this section.

The state shall be subrogated to all title, right, interest, or lien of the county in or on the lands so certified within these projects.

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 any such ditch outstanding at the time of the passage and approval of sections 84A.31 to 84A.42, less moneys on hand in the county ditch fund to the credit of any such ditch, and these 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 the county shall never exceed the percentage of bonds issued to finance and refinance any such ditch so outstanding, less moneys on hand in the county ditch fund to the credit of any such ditch at the time of the passage and approval of sections 84A.31 to 84A.42, which bears the same proportion to the whole amount of such bonds as the original benefits assessed against these lands within the project bear to the original total benefits assessed to the entire system for any such ditch, 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 the 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 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 thereof.

[1933 c. 402 s. 5] (4031-79)

84A.34, 84A.35 [Repealed, 1949 c 498 s 8]

84A.36 LANDS TO BE HELD BY STATE IN FEE. 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 any trust in favor of the taxing districts specified therein and shall be held and used or disposed of in accordance with the provisions of any law of this state.

[1933 c. 402 s. 8] (4031-82)

84A.37 STATE AUDITOR TO CERTIFY LIST TO DEPARTMENT. Upon receipt by the state auditor of the reports of the county auditor specified in section 84A.33, 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 flow of natural streams, or for other public state purposes; and, after the title to any such land has been acquired by the state in the manner herein provided, 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 84A.31 to 84A.42 which have been classified as suitable for agriculture, and timber from any lands so acquired, shall be subject to sale or rental by the state, as provided by law.

[1933 c. 402 s. 9] (4031-83)

84A.38 DEPARTMENT TO RECEIVE GIFTS. The department is hereby authorized and empowered to receive for and in behalf of the state and to make suitable acknowledgment thereof 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 such projects.

[1933 c. 402 s. 10] (4031-84)

84A.39 DEPARTMENT SHALL 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 privately-owned lands or interests in lands within the boundaries of any such project which it shall deem necessary for state ownership, use, or development for the purposes of sections 84A.31 to 84A.42; provided, that 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 84A.33 or for the payment of certificates of indebtedness and interest thereon herein provided for.

[1933 c. 402 s. 11] (4031-85)

84A.40 COUNTY MAY ASSUME BONDS. Any county wherein any such project or portion thereof is located may voluntarily assume, in the manner hereinafter specified, the obligation to pay that portion of the principal and interest of the bonds issued before the approval and acceptance of the project and remaining unpaid at maturity, of any school district or town situated in the county and wholly or partly lying within the project, which portion bears the same proportion to the whole of the unpaid principal and interest as the last assessed valuation, prior to the accept-

ance of the project, of lands then acquired by the state pursuant to sections 84A.31 to 84A.42 in such school districts or towns bears to the total assessed valuation for the same year of the school district or town. This assumption shall be evidenced by a resolution of the county board of the county, a copy of which shall be certified to the state auditor within one year after the acceptance of the project; and thereafter, if any such bonds shall remain unpaid at maturity, the county board shall, upon demand of the governing body of the school district or town or of the holder of any such bond, provide for the payment of the portion thereof so assumed, and the county shall levy general taxes on all the taxable property of the county therefor, or issue its bonds to raise such sum as may be needed, conforming to the provisions of law respecting the issuance of county refunding bonds. The proceeds of such taxes or bonds shall be paid over by the county treasurer to the treasurer of the school district or town; provided, that no such payments shall be made by the county to the school district or town until such time as the moneys in the treasury of the school district or town, together with the moneys so to be paid by the county, shall be sufficient to pay in full each of the bonds as it may become due.

In the event that any such county shall fail or neglect so to adopt and certify such resolution, the state auditor shall withhold from the payments to be made to the county under the provisions of section 84A.32 a sum equal to that portion of the principal and interest of such outstanding bonds which bears the same proportion to the whole thereof as the above determined assessed valuation of lands acquired by the state within the project bears to the total assessed valuation for the same year of the school district or town. Moneys so withheld from the county shall be set aside in the state treasury and not paid to the county until the full principal and interest of the school district and town bonds shall have been paid.

In the event that any such bonds remain unpaid at maturity, upon the demand of the governing body of the school district or town, or the holder of any such bonds, the state auditor shall issue to the treasurer of the school district or town a warrant on the state treasurer for that portion of the past due principal and interest computed as in the case of the county's liability hereinbefore authorized to be voluntarily assumed. All moneys received by any school district or town pursuant to this section shall be applied to the payment of such past due bonds and interest.

[1933 c. 402 s. 12] (4031-86)

84A.41 DEFINITIONS. Subdivision 1. **Taxes.** The word "taxes," as used in sections 84A.31 to 84A.42, shall be held to include taxes of every kind, including special assessments of every kind.

Subd. 2. **Bonds or bonded indebtedness.** The words "bonds" or "bonded indebtedness," as used in sections 84A.31 to 84A.42, include bonds and accumulated interest thereon of every nature issued to finance or refinance the construction, maintenance, or repair of public drainage ditches.

[1933 c. 402 s. 2] (4031-76)

84A.42 VIOLATIONS A MISDEMEANOR. Any person who within the limits of any project established in accordance with the provisions of section 84A.31 shall wilfully violate or fail to comply with any rule or regulation of the department of conservation adopted and promulgated in accordance with the provisions of sections 84A.31 to 84A.42 shall be deemed guilty of a misdemeanor.

[1933 c. 402 s. 13] (4031-87)

84A.50 CERTAIN CERTIFICATES ACCEPTED AS CORRECT AND VALIDATED. All certificates relating to bonds issued to finance or refinance public drainage ditches, the principal and interest thereof, the amount of moneys collected from drainage assessments and credited to ditches, and the amount of the deficit in the ditch fund made by a county auditor pursuant to Minnesota Statutes 1945, Sections 84A.04, 84A.23 or 84A.33, or any predecessor statute thereof to the state auditor on which payment has been made by the state are accepted as correct and are validated.

[1949 c 498 s 1]

84A.51 CONSOLIDATED CONSERVATION AREAS FUND. Subdivision 1. There is created in the state treasury the consolidated conservation areas fund, hereinafter referred to as the consolidated fund.

Subd. 2. All moneys in any fund established pursuant to Minnesota Statutes sections 84A.03, 84A.22 or 84A.32, subdivision 2, are transferred to the consolidated

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fund, except as provided in subdivision 3. The moneys in the consolidated fund, or so much thereof as may be necessary, are hereby appropriated for the purposes of sections 84A.52 and 84A.53.

Subd. 3. Within thirty days after the end of each fiscal year the state auditor shall pay one-half of the income received in the consolidated fund in that fiscal year to the county wherein is located the land from which such income is derived, and that amount is hereby so appropriated.

Subd. 4. The funds received by each county shall be apportioned by the county auditor as follows: 30 percent to a county development fund, which is hereby created, to be expended under the direction of the county board for the rehabilitation and development of the portion of the county lying within the conservation area; 40 percent to the capital outlay fund of the school district from which derived; 20 percent to the county revenue fund; and 10 percent to the township road and bridge fund of the township from which derived, provided however, that in the event the proceeds are derived from an unorganized township wherein there is no levy for road and bridge purposes, the township portion shall be credited to the county revenue fund.

Subd. 5. Subdivision 3 and Subdivision 4 shall not become effective until July 1, 1959.

[1949 c 498 s 2; 1957 c 675 s 1]

NOTE: 1957 c 675 s 2 repeals 1955 c 486 (not coded) effective July 1, 1959.

9C15847 **84A.52 ACCOUNTS, EXAMINATION, PAYMENT.** As a part of the examination provided for by Minnesota Statutes 1945, Section 215.11, of the accounts of the several counties within a game preserve, area, or project established pursuant to Minnesota Statutes 1945, Sections 84A.01, 84A.20, or 84A.31, the public examiner shall segregate the audit of the accounts reflecting the receipt and disbursement of all moneys collected or disbursed pursuant to Minnesota Statutes 1945, Chapter 84A or from the sale of any tax-forfeited lands which are held by the state pursuant to Minnesota Statutes 1945, Sections 84A.07, 84A.26 or 84A.36, and shall include in the reports required by Section 215.11 summary statements as of December 31 preceding the examination which shall set forth the proportionate amount of principal and interest due from the state to the individual county and any moneys due the state from the county remaining unremitted under Chapter 84A, or from the sale of any tax-forfeited lands referred to above, and such other information as the state auditor may require. Upon the receipt of a report, the state auditor shall determine the net amount due to the county for the period covered thereby and shall draw a warrant upon the state treasurer payable out of the Consolidated Fund for such amount which shall be paid to and received by the county as payment in full of all amounts due for the period stated thereon from the state under any provision of Minnesota Statutes 1945, Chapter 84A.

[1949 c 498 s 3]

84A.53 CERTAIN FUNDS CREDITED TO GENERAL REVENUE FUND. All moneys heretofore or hereafter collected from tax levies heretofore made pursuant to Minnesota Statutes 1945, Chapter 84A, shall be deposited in the state treasury to the credit of the general revenue fund. Upon completion of the payment provided for in Section 84A.52 the state auditor shall make the appropriate entries. None of the moneys referred to in this section shall be used for the payments provided for in Section 84A.52 until all other moneys in the Consolidated Fund have been expended.

[1949 c 498 s 4]

84A.54 CERTAIN COLLECTIONS DEPOSITED IN CONSOLIDATED FUND. Except as provided in Section 84A.53, all moneys hereafter received from any source pursuant to Minnesota Statutes 1945, Chapter 84A, or from the sale of tax-forfeited lands which are held by the state pursuant to Minnesota Statutes 1945, Sections 84A.07, 84A.26 or 84A.36 shall be deposited in the Consolidated Fund.

[1949 c 498 s 5]

84A.55 CERTAIN GAME PRESERVES, AREAS, PROJECTS; CONTROL. Subdivision 1. All game preserves, areas and projects established pursuant to Minnesota Statutes 1945, Sections 84A.01, 84A.20 or 84A.31, are under the management, operation, and control of the commissioner of conservation, herein called the commissioner, who shall have the powers and duties relating thereto granted and prescribed in this section.

Subd. 2. The commissioner shall care for, preserve, protect and develop the forests herein, shall prevent forest fires therein so far as means are available, and may experiment in and practically advance afforestation and reforestation therein.

Subd. 3. The commissioner may sell in like manner to the sale of timber on other state lands the merchantable timber on lands which are held by the state pursuant to Minnesota Statutes 1945, Sections 84A.07, 84A.26, or 84A.36.

Subd. 4. The commissioner may impound, control and regulate the waters of meandered and other public lakes therein and the flow of natural streams therein.

Subd. 5. The commissioner shall care for, protect and preserve any or all species of wild life therein, so far as means are available.

Subd. 6. The commissioner may regulate and license, subject to revocation for violation of any law of this state relating to wild animals or of Laws 1949, Chapter 498, the breeding, propagation and disposition of wild life therein by any person as may be necessary to execute subdivision 5.

Subd. 7. The commissioner may issue, subject to revocation for violation of any law of this state relating to wild animals or of sections 84A.50 to 84A.55, special licenses or permits for hunting, fishing, camping or other uses not inconsistent therewith or any other applicable law of this state.

Subd. 8. The commissioner may police the game preserves, areas and projects as may be necessary to execute the provisions of this section. All persons assigned to the policing shall have the authority and powers of police officers while so engaged.

Subd. 9. The commissioner may make necessary investigations and surveys for and may undertake projects for the drainage of any state-owned lands within any game preserve, conservation area, or other area subject to the provisions hereof so far as he shall determine that such lands will be benefited thereby in furtherance of the purposes for which the area was established, and may pay the cost thereof out of any funds appropriated and available therefor. If the commissioner shall determine after investigation that any project for the construction, repair, or improvement of any public ditch or ditch system undertaken by any county or other public agency as otherwise provided by law will benefit such lands in furtherance of said purposes, he may cooperate in such project by joining in the petition therefor or consenting thereto or approving the same upon such conditions as he shall determine, and may authorize the imposition of assessments therefor upon such lands in such amounts as he shall determine, or may make lump sum contributions to the county or other public funds established for the payment of the cost of the project; provided, such assessments or contributions shall not in any case exceed the value of such benefits to such state-owned lands as determined by the commissioner and specified by his written certificates or other statement filed in the proceedings, and shall be payable only out of funds appropriated and available therefor in such amounts as the commissioner may determine.

Subd. 10. The commissioner may construct and maintain and contribute funds for construction and maintenance of roads and airplane landing fields or strips within any game preserve, conservation area or other area subject to the provisions hereof. Payments for highway purposes under this subdivision may be made to any governmental subdivision or to the United States in such amounts as the commissioner shall determine from the fund created by Minnesota Statutes, Section 84A.51.

Subd. 11. The commissioner may promulgate rules and regulations necessary for the execution of this section, including but not limited to the conditions of licenses and permits under subdivision 7 and the amount of fees to be paid therefor, giving in addition to notice required by other provisions of law 30 days notice posted in each township affected thereby. Every such regulation shall have the force and effect of law, and any violation thereof shall be a misdemeanor. All lands within the boundaries of any game preserve, area or project referred to in subdivision 1, whether owned privately or by the state or any governmental subdivision thereof, shall be subject to such rules and regulations to the fullest extent consistent with the constitutional rights of private owners or with any other applicable provision of the laws of this state.

Subd. 12. Nothing shall be done under this section which will in any manner, directly or indirectly, obstruct or interfere with the operation of any ditches or drainage systems existing in any game preserve, area or project referred to in

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subdivision 1, or damage or destroy any existing road or highway therein, so far as constructed, improved or maintained by any governmental subdivision or public agency or person other than the commissioner, unless the right thereto shall first be acquired by the commissioner by purchase or condemnation, upon payment of just compensation to the governmental subdivision, public agency, or person affected and damaged thereby.

Subd. 13. The commissioner may acquire by purchase or condemnation any land or interest therein or any public work or project or right therein which may be necessary for any purpose herein authorized.

Subd. 14. All salaries and expenses incurred in the execution of this section shall be paid from moneys appropriated from the Consolidated Fund or such other fund as may be designated, as may be designated in the applicable appropriation act.

[1949 c 498 s 6; 1953 c 654 s 1; 1955 c 792 s 1]