

MINNESOTA STATUTES 1975 SUPPLEMENT

94.10 LANDS, STATE FORESTS

Subdivision 1. Before offering any surplus state owned lands for sale, the commissioner of administration may survey such lands, and if the value thereof is estimated to be \$5,000 or less, may have such lands appraised. He shall have the lands appraised if the estimated value is in excess of \$5,000. The appraisal shall be made by not less than three appraisers, at least two of whom shall be residents of the county in which the lands are situated. Each appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the purchase thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of such appraisal. Before offering such surplus state owned lands for public sale, such lands shall first be offered to the city, county, town, school district, or other public body corporate or politic in which the lands are situated for public purposes and they may be sold for such public purposes for not less than the appraised value thereof. To determine whether a public body desires to purchase the surplus land, the commissioner of administration shall publish notice describing the land on the same day of at least two successive weeks in a newspaper of general circulation in the county in which the land is located; however, the commissioner shall give a written notice to the governing body of each political subdivision whose jurisdictional boundaries include or are adjacent to the surplus land. If a public body desires to purchase the surplus land it shall submit a written offer to the commissioner not later than two weeks after the last published notice setting forth in detail its reasons for desiring to acquire and its intended use of the land. In the event that more than one public body tenders an offer, the commissioner shall determine which party shall receive the property, and he shall submit written findings regarding his decision. If lands are offered for sale for such public purposes, and if a public body notifies the commissioner of administration of its desire to acquire such lands, the public body may have not to exceed two years from the date of the accepted offer to commence payment for the lands in the manner provided by law.

[1975 c 81 s 6]

[For text of subd 2, see M.S.1974]

94.36 [Repealed, 1975 c 61 s 26]

94.37 [Repealed, 1975 c 61 s 26]

94.38 [Repealed, 1975 c 61 s 26]

94.39 [Repealed, 1975 c 61 s 26]

94.40 [Repealed, 1975 c 61 s 26]

CHAPTER 97. GAME AND FISH

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97.40 Definitions.

[For text of subs 1 to 10, see M.S.1974]

Subd. 11. "Rough fish" includes carp, buffalofish, perch, suckers, re-dhorse, sheepshead, dogfish, eelpout, tullibeas, garfish, goldeyes, and bull-heads.

[1975 c 107 s 1]

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[For text of subds 12 to 34, see M.S.1974]

97.48 Commissioner, general powers.

[For text of subds 1 to 10, see M.S.1974]

Subd. 11. The commissioner shall set aside and reserve for any period he deems advisable, public waters of the state, in the aid of propagation and protection of any wild animals. The commissioner shall have the further authority to designate and manage public waters for their primary wildlife use and benefit after giving notice and holding a public hearing, provided that this authority shall not be used to restrict fishing methods or fishing seasons. The hearing shall be held in the county where the major portion of the waters are located. Notice of the hearing shall be published once in a legal newspaper within each county where the waters are located not less than seven days before the hearing. The commissioner may enter into agreements with riparian owners, pursuant to section 105.39, subdivision 5, and may exercise the powers provided in section 105.48, when necessary to accomplish management objectives related to waters so designated.

[For text of subd 12, see M.S.1974]

Subd. 13. The commissioner shall acquire by gift, lease, easement, purchase, or condemnation in the manner prescribed under sections 117.011 to 117.232, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining public hunting grounds, game refuges and food and cover planting areas, and to make all improvements thereon deemed by him advisable, provided that at least two-thirds of the total area so acquired in any county for a public hunting grounds, game refuge, food and cover planting area, or other wildlife management area shall be open to public hunting. The commissioner may designate lands or interests in lands acquired pursuant to this subdivision as wildlife management areas for the purposes of the outdoor recreation system.

[For text of subd 14, see M.S.1974]

Subd. 15. The commissioner shall acquire by gift, lease, purchase, or condemnation in the manner prescribed by chapter 117, in the name of the state, state water access sites, not to exceed five acres, adjacent to public waters to which the public theretofore had no access or where the access is inadequate and upon which the public has a right to hunt and fish, and such easements and rights of way as may be required to connect such sites with public highways, provided, no acquisition costing over \$1,000 shall be made without first obtaining the approval of the executive council, and provided further that the authority herein granted shall not extend to lakes completely surrounded by lands owned and maintained for the purpose of conducting an educational or religious institution, or to lakes which are unmeandered or which contain less than 200 acres within the meander lines; provided, that in the case of any lake containing less than 200 acres but not less than 150 acres within the meander lines, the authority herein granted shall apply where the lands, easements, or rights of way required are acquired by gift or purchase but not by condemnation and provided further, that public easements and public right of way may be acquired other than by condemnation to lakes of any size which are to be thereafter managed intensively for fishing. All sites, easements, and rights of way acquired hereunder shall be maintained by the commissioner, except that the commissioner may make agreements with the county board if the connecting public highway is a county state-aid highway or county highway and the town board if the connecting public highway is a town road for the mainte-

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nance of the easements and rights of way to the sites. The county board and town board may expend money from their respective road and bridge funds for such maintenance in accordance with the agreement.

[For text of subs 16 to 24, see M.S.1974]

Subd. 25. The commissioner may, for purposes of identification, post any land under his jurisdiction acquired for public hunting grounds, food and cover planting areas, game refuges, wildlife lands and conservation area lands, so as to indicate the management purpose thereof.

[1975 c 167 s 1; 1975 c 353 s 16-18]

[For text of subs 26 to 28, see M.S.1974]

97.481 Acquisition of wildlife lands.

The commissioner of natural resources is hereby authorized and empowered to acquire, in the name of the state, by gift, lease, purchase and transfer of state lands, any such wildlife lands, such as marsh or wetlands, and the margins thereof, including ponds, small lakes and stream bottom lands, which he finds desirable to acquire in the interests of water conservation relating to wildlife development programs, and, he may also acquire for this purpose from any state agency, itself included, lands now in state ownership or tax-forfeited which are suitable for wildlife purposes, and when such lands are so acquired, he is authorized to develop the same in the interest of wildlife, recreational or public hunting areas as he shall deem desirable. No such lands shall be acquired until first approved for such purchase, or lease, by a majority of the members of the board of county commissioners in the counties where the land to be purchased, or leased, is located. In the counties in which a soil and water conservation district is organized the supervisors will act as counsellors to the board of county commissioners regarding the best utilization and capability of the land proposed for purchase, including the questions of drainage and flood control. The commissioner in the purchase of such wetlands must recognize that when a majority of land owners, or owners of a majority of the land in the watershed, petition for a drainage outlet, that the state should not interfere, or unnecessarily delay such drainage proceedings when such proceedings are conducted according to the Minnesota Drainage Code. In no case should state lands, so purchased, or leased, be used to produce crops which are in a surplus as defined by the federal government unless such crops are needed to sustain wildlife. No lands described herein shall be acquired unless there is acquired simultaneously therewith a right-of-way or easement from said lands to a public road so as to make entry upon said lands available to the public. The commissioner may designate lands or interests in lands acquired pursuant to this section as wildlife management areas for the purposes of the outdoor recreation system.

[1975 c 353 s 19]

CHAPTER 98. LICENSES, TAKING OF GAME AND FISH

Sec.
98.46 Fees.

Sec.
98.48 Special permits.
98.51 Reports and records.

98.46 Fees.

[For text of subs 1 to 4, see M.S.1974]