

CHAPTER 94

LANDS, STATE FORESTS

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94.19 CERTIFICATE OF ACCEPTANCE; RECORD.

(a) The certificate of acceptance shall be executed in duplicate and one filed in the Office of the Secretary of State and the other recorded in the office of the county recorder 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.

(b) After the certificates of acceptance are filed and recorded under paragraph (a), the conveyance and transfer of the rights, interests, and estates involved shall be deemed complete.

History: 2005 c 4 s 26

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 of the Department of Natural Resources 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.

[For text of subd 2, see M.S.2004]

Subd. 3. **Additional restrictions on riparian land.** Land bordering on or adjacent to any meandered or other public waters and withdrawn from sale by law is riparian land. Riparian land may not 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 section 92.45, unless waived as provided in this subdivision, 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 natural resources, with the approval of the Land Exchange Board, may deem necessary or desirable for camping, hunting, fishing, access to the water, and other public uses. In regard to Class B or riparian land that is contained within that portion of the Superior National Forest that is designated as the Boundary Waters Canoe Area Wilderness, the condition that state land given in exchange bordering on public waters must be subject to the public travel reservations provided in section 92.45, may be waived by the Land Exchange Board upon the recommendation of the commissioner of natural resources and, if the land is Class B land, the additional recommendation of the county board in which the land is located.

Subd. 4. **Additional restrictions on state park land.** Land specifically designated by law as a state park may not be given in exchange unless the land is school trust land that is exchanged for Class A land located outside a state park.

Subd. 5. **Additional restrictions on school trust land.** School trust land may be exchanged with other Class A land only if the Permanent School Fund Advisory Committee is appointed as temporary trustee of the school trust land for purposes of

the exchange. The committee shall provide independent legal counsel to review the exchanges.

[For text of subd 6, see M.S.2004]

History: 1Sp2005 c 1 art 2 s 78-81

94.343 CLASS A LAND EXCHANGED; CONDITIONS.

Subdivision 1. General exchange provisions. (a) Any Class A land may, with the unanimous approval of the board, be exchanged for any publicly held or privately owned land in the manner and subject to the conditions herein prescribed. Class A land may be exchanged only if it meets the requirements of subdivision 3 or 5.

(b) The commissioner, with the approval of the board, 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 Natural Resources.

[For text of subd 2, see M.S.2004]

Subd. 2a. Valuation of land. The commissioner shall cause the state land and the land proposed to be exchanged therefor to be examined and value determined as provided in section 84.0272; provided, that in exchanges with the United States or any agency thereof the examination and value determination may be made in the manner as the Land Exchange Board may direct. The determined values shall not be conclusive, but shall be taken into consideration by the commissioner and the board, together with such other matters as they deem material, in determining the values for the purposes of exchange.

Subd. 3. Exchanging land of substantially equal value or lower value. (a) Except as otherwise 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 board.

(b) For the purposes of this subdivision, "substantially equal value" means:

(1) where the lands being exchanged are both over 100 acres, their values do not differ by more than ten percent; and

(2) in other cases, the values of the exchanged lands do not differ by more than 20 percent.

(c) Other than school trust land, Class A land may be exchanged for land of lesser value if the other party to the exchange pays to the state the amount of the difference in value. Money received by the commissioner in such cases shall be credited to the same fund as in the case of sale of the land, if such a fund exists, otherwise to the special fund, if any, from which the cost of the land was paid, otherwise to the general fund.

[For text of subs 4 and 5, see M.S.2004]

Subd. 6. [Repealed, 1Sp2005 c 1 art 2 s 162]

Subd. 7. Public hearing. Before giving final approval to any exchange of Class A land, the commissioner 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. The commissioner shall furnish to the auditor of each county affected a notice of the hearing signed by the commissioner, together with a list of all the lands proposed to be exchanged and situated in the county, and the county auditor shall post the same in the auditor's office at least two weeks before the hearing. The commissioner shall cause a copy of the notice, referring to the list of lands posted, to be published at least two weeks before the hearing in a legal newspaper published in the county. The cost of publication of the notice shall be paid by the commissioner.

Subd. 8. Proposals for exchange. The commissioner, with the approval of the board, 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 board a proposal for exchange in such form as the commissioner may prescribe.

Subd. 8a. **Fees.** (a) When a private landowner or governmental unit, except the state, presents to the commissioner an offer to exchange privately or publicly held land for Class A land, the private landowner or governmental unit shall pay to the commissioner a determination of value fee and survey fee of not less than one-half of the cost of the determination of value and survey fees as determined by the commissioner.

(b) Except as provided in paragraph (c), any payment made under paragraph (a) shall be credited to the account from which the expenses are paid and is appropriated for expenditure in the same manner as other money in the account.

(c) The fees shall be refunded if the land exchange offer is withdrawn by a private landowner or governmental unit before the money is obligated to be spent.

[For text of subd 9, see M.S.2004]

Subd. 10. **Conveyance.** Conveyance of Class A land given in exchange shall be made by deed executed by the commissioner in the name of the state. All such deeds received by the state shall be recorded or registered in the county in which the lands lie.

[For text of subs 11 and 12, see M.S.2004]

History: 1Sp2005 c 1 art 2 s 82-88

94.344 CLASS B LAND EXCHANGED; CONDITIONS.

Subdivision 1. **General exchange provisions.** Class B land, by resolution of the county board of the county where the land is located and with the unanimous approval of the Land Exchange Board, may be exchanged for any publicly held or privately owned land in the same county. Class B land may be exchanged only if it meets the requirements of subdivision 3 or 5.

[For text of subd 2, see M.S.2004]

Subd. 2a. **Valuation of lands.** For an exchange involving Class B land for Class A land, the value of the lands shall be determined by the commissioner, with approval of the Land Exchange Board. For purposes of the determination, the commissioner shall determine the value of the state and tax-forfeited land proposed to be exchanged in the same manner as Class A land. For all other purposes, the county board shall appraise the state land and the land in the proposed exchange in the same manner as tax-forfeited land to be offered for sale. The determined 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. 3. **Exchanging land of substantially equal value or lower value.** (a) Except as otherwise provided, Class B land may be exchanged only for land of substantially equal value to the state, as determined by the county board, with the approval of the commissioner and the Land Exchange Board.

(b) For the purposes of this subdivision, "substantially equal value" means:

(1) where the lands being exchanged are both over 100 acres, their values do not differ by more than ten percent; and

(2) in other cases, the values of the exchanged lands do not differ by more than 20 percent.

(c) Class B land may be exchanged for land of lesser value if the other party to the exchange pays to the state the amount of the difference in value. Money received by the county treasurer shall be disposed of in like manner as the proceeds of a sale of tax-forfeited land.

[For text of subd 4, see M.S.2004]

Subd. 5. Exchanging land of greater value. (a) Class B land may be exchanged for land of greater value if the other party to the exchange waives payment for the difference.

(b) Except for Class A school trust land, Class B land may be exchanged for Class A land of greater value if the county pays to the state the difference in value.

(c) Class B land may be exchanged for United States-owned land of greater value if the county agrees to pay the difference in value.

Subd. 6. [Repealed, 1Sp2005 c 1 art 2 s 162]

[For text of subd 7, see M.S.2004]

Subd. 8. Proposals for exchange. 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.

[For text of subd 9, see M.S.2004]

Subd. 10. Approval; conveyance. 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 the commissioner may prescribe for consideration by the commissioner and by the board. 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 is approved by the commissioner and the board and the title is approved by the attorney general, the same shall be certified to the commissioner of revenue, who shall execute a deed in the name of the state conveying the land given in exchange 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 revenue. The county auditor shall cause all deeds received by the state in such exchanges to be recorded or registered. If the land received by the county in the exchange is Class A land, the commissioner of revenue shall deliver the deed for the Class B land to the commissioner of natural resources and following the recording of this deed, the commissioner of natural resources shall deliver to the county auditor a deed conveying the Class A land to the county auditor to be recorded or registered.

[For text of subd 11, see M.S.2004]

History: 1Sp2005 c 1 art 2 s 89-94

94.348 [Repealed, 1Sp2005 c 1 art 2 s 162]

94.349 [Repealed, 1Sp2005 c 1 art 2 s 162]