

Public Domain; Conservation

CHAPTER 84

DEPARTMENT OF CONSERVATION

Sec.	Definitions
84.01	Definitions
84.02	Creation; organization
84.03	Duties and powers
84.04	Divisions of department
84.05	Delegation of powers
84.06	Seals, badges, and uniforms
84.07	Orders filed with commissioner
84.08	Appropriations
84.09	Conservation of wild rice
84.10	Harvested in certain lakes by Indians only
84.11	Certain boats and devices prohibited
84.12	Unlawful to harvest immature wild rice
84.13	Night harvesting prohibited; rice pole
84.14	Director of the wild rice harvest
84.15	Commissioner may restrict harvest
84.153	Property, leasing, renting
84.154	Lac qui Parle water control project
84.155	Conservation projects, Beltrami Island, Pine Island
84.16	Red Lake game preserve created
84.17	Preserve to be under management of department
84.18	Red Lake game preserve fund
84.19	County auditor to prepare list of lands
84.20	State certificates of indebtedness
84.21	Tax levy
84.22	Title to land to be in state

Sec.	Department to classify lands
84.23	Department to classify lands
84.24	Department may receive gifts
84.25	May acquire property by right of eminent domain
84.26	Counties may pay part of bonds in certain cases
84.27	Classification and sale of forfeited lands
84.28	Appraisal
84.29	County auditor to hold sale
84.30	Sold for not less than appraised value
84.31	Who may purchase
84.32	Terms of sale
84.33	Taxes canceled
84.34	State auditor to convey property
84.35	Mineral rights reserved
84.36	County treasurer to collect funds
84.361	Taxes canceled in certain cases
84.362	Structures may be removed
84.363	May sell dead and down timber
84.37	Right of exploration reserved to state
84.38	Licenses
84.39	Licensee to receive 50 per cent
84.40	License fees paid into state treasury
84.41	Enforcement
84.415	Leases and easements
84.42	Violations; penalties

84.01 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of chapters 84, 85, 88 to 94, 97 to 102, 106 to 114, shall be given the meanings subjoined to them.

Subdivision 2. **Department.** The term "department" or "the department" means the department of conservation.

Subdivision 3. **Commissioner.** The term "commissioner" or "the commissioner" means the commissioner of conservation.

~~[1937-c-310-s-1; 1939-c-441-s-40] (53-23 1/2 L)~~

84.02 CREATION; ORGANIZATION. There is hereby created a department of conservation, to be organized and administered as hereinafter provided, under the supervision and control of a commissioner of conservation.

The commissioner of conservation shall be appointed by the governor, by and with the consent of the senate, for a term of six years and at an annual salary of not to exceed \$6,000. He shall be a trained executive with proven experience, education, and skill in conservation work. He shall be subject to removal by the governor only for malfeasance or misfeasance in office, and shall first be entitled to written notice of the charges against him and allowed a reasonable opportunity to be heard thereon. Before entering upon the duties of his office, he shall take and file an oath of office in the same manner and form as other state officials, and give a surety bond to the state in the sum of \$25,000. He may appoint a deputy, to serve at his pleasure, who may exercise all the powers of the commissioner, subject to his direction and control. This deputy shall receive the same salary as hereinafter prescribed for directors of divisions. The commissioner may employ such other assistants as may be necessary to carry on the work of the department, and, subject to the provisions of chapter 43, may fix the compensation of the persons employed as far as the funds may be available therefor.

84.03 DUTIES AND POWERS. The commissioner shall have and exercise all the powers and perform all the duties by law vested in or imposed upon the conservation commission. He shall be the administrative and executive head of the department.

R 1943-60-12

R 1943-60-12

R 1943-60-12

Adm. Div.

MINNESOTA STATUTES 1941

84.04 DEPARTMENT OF CONSERVATION

666

ment and responsible for the development of its program and the execution of its policies. He shall be responsible for a proper accounting subdivision within the department and for all receipts and disbursements of the department and its subdivisions. On the first of each calendar year he shall make a report of all departmental activities to the governor. The financial records of his office shall be open, at all reasonable times, to the state auditor and to the public examiner, and he shall biennially submit a proposed budget to the commissioner of administration.

Sub 1 / So far as practicable, he shall collect and arrange statistics and other information in reference to the lands and general and special resources of the state, and its advantages as a place of residence, spread knowledge of the same throughout the civilized world by correspondence, by messengers, and by public lectures and all forms of legitimate advertising, facilitate the immigration of such persons of good moral character as may desire a change of domicile, and answer all inquiries from persons residing within or without the state upon these subjects.

2 / He is hereby authorized and empowered to take such measures as he may deem advisable to advertise, both within and without the state, sales of all state lands, and to secure, compile, and issue such valuable statistics of the resources of the state as may be useful in securing a desirable class of settlers to purchase and to locate on these lands.

3 / He may adopt and promulgate reasonable rules and regulations, not inconsistent with law, governing the use and enjoyment of state land reserved from sale, state parks, state public camp grounds, state recreation reserves, and state monument sites, which shall have the force and effect of law. A reasonable fee may be fixed, charged, and collected by the commissioner for the privilege of transient camping in state public camp grounds.

4 / The commissioner, biennially, shall report to the legislature his acts and doings, with recommendation for the improvement or conservation of state parks, state public camp grounds, state recreation reserves, and state monument sites, and for desirable accessions thereto, such report to include an inventory of the tracts and parcels of land, and rights, interests, and easements therein, held by the state or withdrawn from sale for any of these purposes, with the value thereof.

5 / The commissioner is hereby authorized to subdivide the east one-half of the southeast quarter of section 16, township 57, range 21, into smaller parcels or village lots, and to appraise and offer such parcels or lots for sale as provided by law. This land may be sold notwithstanding the fact that it has frontage on a public lake, provided that a strip 33 feet in width landward from the ordinary high water mark be reserved by the state.

[1905 c. 201 s. 1; 1907 c. 267 s. 5; 1923 c. 430 ss. 8, 14; 1927 c. 310 s. 2; 1941 c. 222] (63-231/2 m) (77) (4342) (6460) (6466)

1/1443-60-12 84.04 DIVISIONS OF DEPARTMENT. The department shall be organized with a division of forestry, a division of water resources and engineering, a division of game and fish, a division of lands and minerals, a division of state parks, and a division designated the tourist bureau. Each division shall be under the immediate charge of a director, subject to the general supervision and control of the commissioner. The directors shall be appointed by the commissioner to serve at his pleasure.

Each division shall have charge of administering the activities indicated by its title, together with such other activities as may be assigned by the commissioner, subject to the right of the commissioner to revise and change assignments of any and all activities among the several divisions at any time as he may see fit.

Each division director shall be a person who by education, training, and experience is especially qualified to administer the duties of his individual division. Before entering upon the duties of his office, each director shall take and file an oath of office in the same manner and form as other state officers and give a surety bond to the state in the sum of \$5,000, excepting that the bonds for the director of forestry and the director of game and fish shall each be \$15,000. Each director shall receive an annual salary of not more than \$4,000. Each director, with the advice and approval of the commissioner, may appoint a deputy, subject to the provisions of chapter 43, and this deputy may exercise all the powers of the director, whether delegated from the commissioner or otherwise, subject to the direction and control of the director. Every director, subject to the approval of the commissioner, and subject to the provisions of chapter 43, may employ such other assistants as may be necessary to carry on the work of his division, as far as funds may be available therefor.

MINNESOTA STATUTES 1941

667

DEPARTMENT OF CONSERVATION 84.09

In case of a vacancy in the office of commissioner, or any director, his deputy shall serve in his place and exercise all the powers and perform all the duties thereof until a successor is regularly appointed and has qualified, excepting that the acting commissioner, or director, shall have no power to appoint another deputy, or to appoint any director, or to revise or change the assignments of activities among the several divisions of the department. The salary of the acting incumbent shall be the same as that drawn by the commissioner or director whose place he temporarily takes.

[1937 c. 310 s. 3; 1937 c. 382 s. 6B; 1941 c. 138] (53-23½n)

84.05 DELEGATION OF POWERS. The commissioner may, by written order filed in his office, delegate to the director of any division of the department any of the powers or duties vested in or imposed upon the commissioner. These delegated powers and duties may be exercised or performed by the respective directors in their own names, or in the name of the commissioner, as the commissioner may direct.

[1907 c. 310 s. 4] (53-23½o)

84.06 SEALS, BADGES, AND UNIFORMS. The department and the several divisions thereof shall have seals. The seal of the department shall have thereon the words "State of Minnesota, Department of Conservation," with a suitable symbol or device, as established heretofore, and this seal may be used to authenticate the official acts of the commissioner when performed by him or his deputy. The seal of each division shall be in like form, with the addition of the title of the division, and may be used to authenticate the official acts of the director of the division. The omission or absence of the seal shall not affect the validity or force of any act done or instrument executed by the commissioner or by any director.

The commissioner may provide for the issuance of such badges and uniforms, at department expense, and regulate the use thereof, as may be necessary and suitable for the identification of employees under the separate divisions of the department.

[1937 c. 310 s. 5] (53-23½p)

84.07 ORDERS FILED WITH COMMISSIONER. Except as otherwise prescribed or required by law, the original of all official orders and other official documents issued or executed by the commissioner, or by the directors of the several divisions of the department, shall be filed in the offices of the department and shall be the property of the State of Minnesota. These original orders, documents, and records shall have like force and effect as prima facie evidence in all cases as original records and documents made by other public officers in the performance of their official duties.

[1937 c. 310 s. 6] (53-23½q)

84.08 APPROPRIATIONS. ~~All existing appropriations for any activity or purpose of the department, or of any division thereof, are hereby transferred to the department and to its respective divisions to be used for the purposes for which the appropriations were originally made.~~

All existing appropriations for any activities or purposes which are placed in charge of the department, or any division thereof, are hereby transferred to the department, or to the respective divisions having charge of these purposes, or activities, as the case may be, to be used for the same purposes as provided by the laws whereby the appropriations were made and in accordance with the provisions of these laws, so far as not inconsistent herewith. The game and fish fund and all other funds now by law appropriated for any activity or purpose under the commissioner of game and fish are hereby transferred to the director of game and fish under this chapter, and these funds shall be continued and all moneys received for the purposes thereof shall continue to be placed therein, as now provided by the laws relating thereto, and all of these funds are hereby appropriated and shall continue to be appropriated to the director of game and fish for the same purposes and under the same conditions as now provided by the laws relating thereto under the commissioner of game and fish.

[1931 c. 186 s. 9; 1937 c. 310 s. 7] (53-23½h). (53-23½r)

84.09 CONSERVATION OF WILD RICE. From time immemorial the wild rice crop of the waters of the State of Minnesota has been a vital factor to the sustenance and the continued existence of the Indian race in Minnesota. The great present market demand for this wild rice, the recent development of careless, wasteful, and despoiling methods of harvesting, together with water conditions of the past few

MINNESOTA STATUTES 1941

84.10 DEPARTMENT OF CONSERVATION

668

years, have resulted in an emergency, requiring immediate stringent methods of control and regulation of the wild rice crop. The traditional methods of the Indian in such harvesting are not destructive. On the other hand, the despoilation of the rice fields as now progressing under commercial harvesting methods will result in imminent danger of starvation and misery to large bands of these Indians. They are in danger of becoming relief charges upon the state and the counties, many of which are overburdened with relief loads now. It is further true that many of the reservation lands which were ceded in trust to these Indians have never been sold and others are reverting because of non-payment by the purchasers. It is therefore declared the purpose of sections 84.09 to 84.15 to meet this emergency and to discharge in part a moral obligation to these Indians of Minnesota by strictly regulating the wild rice harvesting upon all public waters of the state and by granting to these Indians the exclusive right to harvest the wild rice crop upon all public waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac, and Mille Lacs reservations.

[1939 c. 231 s. 1] (6131-4)

Am
173-220-1
84.10 HARVESTED IN CERTAIN LAKES BY INDIANS ONLY. It shall be unlawful, prior to November 1, 1943, for any person to take wild rice grain from any of the waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac, and Mille Lacs reservations, except those persons be of Indian blood, or residents of the reservation upon which the wild rice grain is taken.

[1939 c. 231 s. 2; 1941 c. 217 s. 1] (6131-5)

84.11 CERTAIN BOATS AND DEVICES PROHIBITED. It shall be unlawful to use, in harvesting wild rice in any public waters in this state, any water craft other than a boat, skiff, or canoe propelled by hand, which boat, skiff, or canoe may have a top width of not more than 36 inches and a length of not more than 16 feet, or any machine or mechanical device for gathering or harvesting the grain other than with flails not over 30 inches in length nor over one pound in weight, which flails must be held and operated by hand.

[1939 c. 231 s. 3; 1941 c. 217 s. 2] (6131-6)

84.12 UNLAWFUL TO HARVEST IMMATURE WILD RICE. It shall be unlawful to harvest, sell, or purchase immature wild rice. For the purposes of sections 84.09 to 84.15, immature wild rice is any wild rice of which more than 15 per cent of the grains by count are adherent to any portion of the stalk or stem.

[1939 c. 231 s. 9; 1941 c. 217 s. 7] (6131-12)

84.13 NIGHT HARVESTING PROHIBITED; RICE POLE. It shall be unlawful to harvest any wild rice grain between the hours of six p. m. and eight a. m. of the day following; nor shall any rice pole be used for propelling boats used in the harvesting of wild rice grain which is not forked at the end, with each fork less than 12 inches in length.

[1939 c. 231 s. 10] (6131-13)

84.14 DIRECTOR OF THE WILD RICE HARVEST. The commissioner shall appoint a director of the wild rice harvest, who shall be a man of proven experience in the actual cultivation and harvesting of wild rice and such assistants as may be deemed necessary. The director shall serve at the will of the commissioner and shall not be within the classified service of the state. He shall be paid such salary, not to exceed the sum of \$200.00 a month, as may be determined by the commissioner and for such periods during the year as may be designated by the commissioner, together with reasonable traveling expenses, from any sums available to the division of game and fish. The director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested. The director, with the approval of the commissioner, shall prescribe such further rules and regulations as may be necessary to properly carry out the purposes of sections 84.09 to 84.15 and to properly regulate the harvest. He may, with the approval of the commissioner, appoint, in addition to the paid assistants appointed by the commissioner, deputies to serve without pay to assist him in any or all of his duties. The commissioner is hereby authorized to designate the season for the harvesting of the wild rice in each lake or rice bed or close the same upon the recommendation and report of the director of rice harvest, notice of the season to be published five days, or less, in advance.

[1939 c. 231 s. 11; 1941 c. 217 s. 8] (6131-14)

84.15 COMMISSIONER MAY RESTRICT HARVEST. The commissioner may, in his discretion, restrict or prohibit the harvesting of wild rice grain on public waters of any designated area when, upon investigation of conditions, it shall be determined necessary or advisable to protect against undue depletion of the crop so as to retard reseeded or restocking of such areas.

[1939 c. 231 s. 12] (6131-15)

84.153 PROPERTY, LEASING, RENTING. The commissioner is hereby authorized at public or private vendue and at such prices and under such terms and conditions as he may prescribe, to lease any buildings or lands not now authorized to be leased, acquired in the name of the state of Minnesota by any of the several divisions of the department which are not presently needed for the uses and purposes of any of the divisions of the department. The purposes for which such leases may be executed shall be in the furtherance of the interests of conservation and such uses shall not result in any permanent injury to the land. No such lease shall be made for a term to exceed two years and shall contain a provision for cancellation at any time by the commissioner upon three months' written notice. All money received from these leases shall be credited to the fund from which the property was acquired.

The commissioner is hereby authorized to rent or lease to employees of the various divisions of the department such cabins, buildings, or living quarters as are now or may hereafter be constructed upon state-owned lands under the control of the several divisions of the department, when this occupancy is found to be necessary or beneficial to the work of the department. These leases or rental agreements shall be upon a month to month basis and provide for surrender by the lessee upon demand at any time his services with the state may be terminated, without the necessity of any written notice. All receipts from rents shall be paid in to the state treasurer and credited to the fund charged with the cost of maintenance of such buildings and are hereby appropriated for such use.

All instruments and transactions so negotiated shall be approved as to form, validity, and execution by the attorney general.

[1941 c. 291]

84.154 LAC QUI PARLE WATER CONTROL PROJECT. The commissioner is hereby authorized, with the approval of the executive council, and on such terms as may be deemed advantageous to the state, to sell and convey to the United States the fee title, free from any mineral reservation, of lands acquired by the state for the Lac qui Parle River water control project upon which dams and appurtenant structures have been or may be constructed and such rights of way as may be required by the United States to provide access thereto for the purposes of construction, maintenance and operation, and to grant, sell and convey either such fee title to, or flowage rights over, all lands acquired for the project on and above Lac qui Parle Lake which lie below the 935.7 foot elevation on project datum, and to grant, sell and convey flowage rights only over all lands so acquired on or above Marsh Lake which lie below the 939.5 foot elevation on project datum and over all of such lands on and above either of these lakes which lie above such elevations, and to lease to any appropriate agency of the United States for conservation purposes, subject to such flowage rights, any of such lands the ownership of which is retained by the state, or to enter into a cooperative agreement with any such agency for the development and management of any wild life or other conservation activity thereon; provided, that no such conveyance or agreement shall waive any claim of the state for reimbursement from the United States under the flood control act of June 28, 1938, and any amendments thereof. Each such lease for conservation purposes and each such cooperative agreement for the development and management of wild life or other conservation activity on such lands shall contain specific conditions reserving to the public during all open seasons for hunting wild waterfowl at least 40 per cent of the area of these lands suitable for hunting waterfowl as public shooting grounds.

[1941 c. 518]

84.155 CONSERVATION PROJECTS, BELTRAMI ISLAND, PINE ISLAND. Subdivision 1. **Certain leases between the State and the United States of America ratified and approved.** Leases entered into between the United States of America and the State of Minnesota, through the commissioner of conservation, under date of August 2, 1940, demising to the State of Minnesota federal-owned lands in what are known as the Beltrami and Pine Island areas, located in the counties of Koochi-

ching, Roseau, Lake of the Woods, and Beltrami, in the State of Minnesota, for a period of 50 years, are hereby in all things ratified and approved.

Subdivision 2. Beltrami Island conservation project created. For the purpose of protecting, preserving, and managing wild life, forest and water resources, there is hereby established the Beltrami Island conservation project consisting of all lands within the descriptions hereinafter contained. All public lands, except tax forfeited lands, lying within these areas are hereby set aside and reserved from sale. These areas shall comprise the following lands and waters in Beltrami county, Minnesota:

All of Townships 155 and 156, North, in Ranges 31, 32, 33, 34 and 35 West of the Fifth Principal Meridian:

All of Townships 157 and 158, North, in Ranges 36 and 37 West of the Fifth Principal Meridian:

and the following described lands and waters in the Lake of the Woods county, Minnesota:

All of Township 157, North, Range 32 West of the Fifth Principal Meridian:

All of Townships 157, 158 and 159, North, in Range 33 West of the Fifth Principal Meridian:

All of Townships 157, 158, 159 and 160, North, in Range 34 West of the Fifth Principal Meridian:

All of Townships 157, 158, 159 and 160, North, in Range 35 West of the Fifth Principal Meridian:

All of Townships 159 and 160, North, in Range 36 West of the Fifth Principal Meridian:

and the following described lands and waters in Roseau county, Minnesota:

The South one-half of Township 161, North, in Range 35 West of the Fifth Principal Meridian:

The South one-half of Township 161, North, in Range 36 West of the Fifth Principal Meridian:

All of Townships 159 and 160 and the South two-thirds of Township 161, North, in Range 37 West of the Fifth Principal Meridian, and

The East two-thirds of Township 160, North, in Range 38 West of the Fifth Principal Meridian.

Subdivision 3. Pine Island conservation project created. For the purpose of protecting, preserving and managing wild life, forest and water resources, there is hereby established the Pine Island conservation project consisting of all lands within the descriptions hereinafter contained. All public lands, except tax forfeited lands, lying within these areas are hereby set aside and reserved from sale. These areas shall comprise the following lands and waters in Koochiching county, Minnesota:

All of Townships 64 and 65, North, in Range 24 and 25 West of the Fourth Principal Meridian:

All of Townships 64, 65, 66 and 67, North, in Range 26 West of the Fourth Principal Meridian:

All of the lands in Townships 64, 65, 66 and 67, North, in Range 27 West of the Fourth Principal Meridian:

All of Township 152; the South one-half of Township 153; all of Townships 155 and 156; the West two-thirds of Township 157 and that portion of Township 158, North, situated South of the center line of Black River, all in Range 25 West of the Fifth Principal Meridian:

All of Township 152, North; the South one-half of Township 153; the North one-half of Township 155; all of Townships 156 and 157 and that portion of Township 158, North, situated South of the center line of Black River, all in Range 26 West of the Fifth Principal Meridian:

All of Townships 153 and 154; the North one-half of Township 155; all of Townships 156 and 157, and that portion of Township 158, North, situated South of the center line of Black River and East of that branch of the Black River which flows North through Sections 33 and 28, in Range 27 West of the Fifth Principal Meridian:

All of Townships 153, 154, 155, 156, 157 and 158 and the West one-third of Township 159, North, in Range 28 West of the Fifth Principal Meridian; and All of Townships 153, 154, 155, 156, 157, 158 and 159, North, in Range 29 West of the Fifth Principal Meridian.

Subdivision 4. Lands to be under management of commissioner. All public lands except tax forfeited lands, owned by the State of Minnesota, as well as lands

MINNESOTA STATUTES 1941

671

DEPARTMENT OF CONSERVATION 84.16

owned by the United States and leased by the State of Minnesota within the Beltrami and Pine Island projects shall be under the management and control of the commissioner, who shall have authority to negotiate for and enter into on behalf of the State of Minnesota, leases for hay stumpage and timber stumpage at such fees and prices as he may determine reasonable and just.

Subdivision 5. **Commissioner to make rules.** Within the boundaries of the Beltrami Island and Pine Island areas, the commissioner is hereby given full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations 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, trapping, camping and other uses within the areas not inconsistent with the terms of this section. The commissioner shall have the power and authority to declare the terms and conditions of such licenses and permits and the charges to be made therefor. He may issue regulations specifying and controlling the terms under and by which any wild animals may be taken, captured, or killed therein or under and by which fur bearing animals having commercial value may be sold and transported. He may regulate and effect the sale of merchantable timber from such lands as are owned or leased by the state; provided, his authority as to the leased lands shall not exceed that provided in the leases.

Subdivision 6. **Two funds created; disposition of receipts.** There shall be created two funds, one to be known as the Beltrami Island conservation fund and the other as the Pine Island conservation fund. All income and revenue received by virtue of all hay and stumpage leases, timber sales, sales of special licenses and permits, as hereinabove provided, from each of the areas described in this section, shall be paid in to the state treasury and credited to that fund bearing the name of the project from which the income was derived. These sums are hereby appropriated for the purpose of administering said areas in accordance with the terms of this section and the terms of the leases herein referred to as having been approved and ratified and for making repairs and replacements on the properties leased as provided by the leases. Any portion of income or revenue not needed for the above purposes may be used, subject to the mutual agreement between the State of Minnesota and the United States provided for in the leases, covering the acquisition by the State of Minnesota of additional lands to block in, round out and enlarge its holdings. Nothing herein contained shall alter, modify, or change the method of handling revenue or income provided for in Laws 1929, Chapter 258, from lands now in the public domain under the provisions of that act and nothing herein contained shall alter, modify, or change the method of handling revenue or income provided for in Laws 1929, Chapter 258, from lands now in the public domain under the provisions of this section.

[1941 c. 215]

NOTE: The areas embraced within the Beltrami Island conservation project created by the above section constitute almost all of the areas in the Red Lake game preserve, created by section 84.16, and supersede the provisions of the Red Lake game preserve, wherever inconsistent therewith.

84.16 RED LAKE GAME PRESERVE CREATED. For the purpose of vesting and revesting 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)

84.17 PRESERVE TO BE UNDER MANAGEMENT OF DEPARTMENT. 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 84.16 to 84.26 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 84.16 to 84.26. 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 84.16 to 84.26 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)

84.18 RED LAKE GAME PRESERVE FUND. The proceeds of all certificates of indebtedness issued under the provisions of sections 84.16 to 84.26, 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

MINNESOTA STATUTES 1941

673

DEPARTMENT OF CONSERVATION 84.19

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 84.16 to 84.26.

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

84.19 COUNTY AUDITOR TO PREPARE 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 84.16 to 84.26, 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 84.16 to 84.26, 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 84.16 to 84.26 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 84.16 to 84.26.

[1929 c. 258 s. 4] (5620-4)

84.20 STATE CERTIFICATES OF INDEBTEDNESS. For the purpose of anticipating the annual revenues of the Red Lake game preserve fund, the state auditor is hereby authorized and directed to issue and sell certificates of indebtedness in an aggregate sum not to exceed \$3,951,206.86, payable from the fund, such certificates, to be numbered serially and to be of such denominations and to bear such dates of issue and of maturity, and bear interest at such rate, not exceeding five per cent per annum, as the state auditor shall determine. None of these certificates of indebtedness shall run beyond the tax settlement dates for the next annual tax levy thereafter to be made by the auditor, as required, in anticipation of the collection of which these certificates of indebtedness are issued. These certificates shall be so issued, from time to time, as the proceeds thereof are needed for the demands upon the fund. The interest on these certificates of indebtedness shall be payable with the principal thereof. These certificates shall be in such form and upon such terms and conditions, not inconsistent with the terms of sections 84.16 to 84.26, as the state auditor shall determine, shall be signed by the governor and attested by the state auditor, and shall be sold for not less than par. Such certificates may be purchased by the state board of investment for the permanent school fund, swamp land fund, internal improvement land fund, or any other trust fund of the State of Minnesota, and shall be deemed "authorized securities" within the provisions of section 50.14.

[1929 c. 258 s. 5; 1935 c. 242] (5620-5)

84.21 TAX LEVY. When the state auditor shall approve a deficiency certificate of the county auditor, as specified in section 84.19, he shall compute the portion thereof which will exceed cash on hand in this Red Lake game preserve fund available for its payment, and shall make an entry in his records that such excess, plus the amount required to pay interest on certificates of indebtedness to be issued to provide money for the payment thereof, is to be extended upon the tax rolls for the next succeeding tax levy, and there is hereby levied for the year 1929 the aggregate of the sums so entered for collection up to the time of the certification of state taxes for the year 1929, and for each year thereafter, until the maximum state liability prescribed by section 84.19 has been exhausted, the aggregate of such entries made since the last preceding certification of state taxes, which taxes shall be extended and collected in the same manner as other state taxes, and the proceeds of these levies are hereby appropriated and pledged to the payment of the principal and interest of the certificates of indebtedness issued pursuant to sections 84.16 to 84.26.

[1929 c. 258 s. 6] (5620-6)

84.22 TITLE TO LAND TO BE 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 thereof.

[1929 c. 258 s. 7] (5620-7)

84.23 DEPARTMENT TO CLASSIFY LANDS. Upon receipt by the state auditor of the reports of county auditor specified in section 84.19, 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 preserving, propagating, breeding and hunting of wild life of the kinds specified in section 84.16, 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 84.16 to 84.26, 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)

84.24 DEPARTMENT MAY RECEIVE GIFTS. 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)

84.25 MAY ACQUIRE PROPERTY BY 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 this preserve and hunting ground which the department shall deem necessary for state ownership, use, or development for the purposes of sections 84.16 to 84.26. 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 84.19, or for payment of certificates of indebtedness and interest thereon.

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

84.26 COUNTIES MAY PAY PART OF BONDS IN CERTAIN CASES. 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 84.16 to 84.26 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 84.16 to 84.26, 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 84.19, 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.

[1929 c. 258 s. 11] (5620-11)

84.27 CLASSIFICATION AND SALE OF FORFEITED LANDS. All lands which become the absolute property of the state under the provisions of section 84.22, and are suitable for agricultural purposes, shall be classified as such by the county board of the county wherein the lands are situated. No lands shall be offered for sale under the provisions of sections 84.27 to 84.36 until their classification by the county board as agricultural lands shall have been approved by the commissioner. The county auditor may with the approval of the commissioner sell any parcel of tax-forfeited land or any portion thereof to any organized or incor-

porated governmental subdivision of the state for any public purpose for which the subdivision may acquire property at not less than the appraised value thereof as determined by the county board.

[1935 c. 210 s. 1; 1941 c. 278 s. 1] (5620-13½)

84.28 APPRAISAL. All lands which have become the absolute property of the state under the provisions of section 84.22 and are classified as agricultural lands shall be appraised by the county board of the county wherein the lands are situated, and this appraisal shall be filed in the office of the auditor of the county. Any merchantable timber on such lands shall be appraised separately and such appraisal shall be approved by the commissioner. The county board may reappraise any such lands when, in its judgment, the reappraisal is necessary in effectuating the provisions of sections 84.27 to 84.36, but no such lands shall be appraised more than once in any 12-month period.

[1935 c. 210 s. 2; 1941 c. 278 s. 2] (5620-13½a)

84.29 COUNTY AUDITOR TO HOLD SALE. All lands so classified and appraised and remaining unsold shall be offered for sale at a public sale to be held by the county auditor at the time determined by the county board in a resolution authorizing the sale and fixing the date of the commencement thereof. The auditor shall publish a notice of the intended sale and the resolution authorizing same by publication once a week for two weeks in an official newspaper of the county, the last publication to be not less than ten days previous to the commencement of the sale. Notice of the sale shall be given in substantially the following form:

“NOTICE OF SALE OF AGRICULTURAL LANDS

Notice is hereby given that on....., the.....day of, 19....., at my office in....., in the county of....., I shall sell to the highest bidder the following described parcels of land in the county, which have been forfeited to the state for non-payment of taxes, and which have been classified as agricultural lands and appraised as provided by law. This sale will be governed by the provisions of sections 84.27 to 84.36 and by the resolution of the county board authorizing such sale, which resolution is as follows:

(Insert resolution)

Description

Section	Twp.	Appraised value
or	or	
Lot	Block	Range
		\$.....

Auditor of.....County.”

The land shall be described in the notice and offered for sale in parcels not exceeding one-quarter section in area.

[1935 c. 210 s. 3; 1939 c. 328 s. 6; 1941 c. 278 s. 3] (5620-13½b)

84.30 SOLD FOR NOT LESS THAN APPRAISED VALUE. These lands shall be sold to the highest bidder and at a price not less than the appraised value thereof. Any lands not sold at this public sale may be sold by the county auditor at a price not less than the appraised value thereof. The sale shall continue until all parcels are sold or until the county board shall order a reappraisal or shall withdraw any or all such parcels from sale or until such time as the county board shall have determined by resolution adopted before giving notice of sale. Any lands remaining unsold may be included in the notice of sale and offered for sale by the county auditor in each following year until the same shall be sold, or the original list of lands may be added to annually by publishing, in the same manner as provided for the publication of the original list, the descriptions and appraised values of such additional parcels which have been classified as agricultural and which classification shall have been approved as provided by law. The purchasers at such sale shall be entitled to immediate possession, subject to the provisions of any existing valid lease made in behalf of the state.

[1935 c. 210 s. 4; 1941 c. 278 s. 4] (5620-13½c)

84.31 WHO MAY PURCHASE. Any parcel of land described in any such notice of sale may, at any time not less than one week prior to the date of the sale, be purchased at the appraised value thereof by the person who is a bona fide federal entryman or patentee of any such land or by the person who was the record owner of the fee title thereto at the time the state became the absolute owner thereof.

[1935 c. 210 s. 5; 1939 c. 328 s. 7] (5620-13½d)

84.32 TERMS OF SALE. All sales under sections 84.27 to 84.36 shall be for cash or on the following terms: at least 15 per cent of the purchase price shall be paid in cash at the time of the sale, and the balance thereof shall be paid in equal annual instalments over a period of 20 years, with interest at the rate of four per cent per annum, payable annually, on the portion from time to time remaining unpaid, with privilege of prepayment of any instalment on any interest date. Sales on terms shall be evidenced by a certificate issued by the county auditor in such form as the attorney general shall prescribe. The appraised value of all merchantable timber on such agricultural lands shall be paid for in cash in full at the time of sale. The county auditor shall report all sales to the state auditor. If the purchaser shall default in the payment of any instalment or of any interest when due, or shall fail to pay before they become delinquent all taxes that may be levied upon the land so purchased, the state auditor shall, within six months thereafter, cancel the certificate of sale.

[1935 c. 210 s. 6; 1941 c. 278 s. 5] (5620-13½e)

84.33 TAXES CANCELED. When any lands shall be sold under sections 84.27 to 84.36 all public liens thereon for taxes, special assessments, and other charges, whether extended on the tax lists or not, shall forthwith be canceled, and the county auditor, county treasurer, and register of deeds shall note such cancelation upon the records of their respective offices.

[1935 c. 210 s. 7] (5620-13½f)

84.34 STATE AUDITOR TO CONVEY PROPERTY. Upon payment in full of the purchase price appropriate conveyance in fee, in such form as may be prescribed by the attorney general, shall be issued by the state auditor to the purchaser or his assignee, and the conveyance shall have the force and effect of a patent from the state.

[1935 c. 210 s. 8] (5620-13½g)

84.35 MINERAL RIGHTS RESERVED. Every certificate of sale and instrument of conveyance issued under sections 84.27 to 84.36 shall state that the sale or conveyance does not include any right, title, or interest in or to any iron, coal, copper, gold, or other valuable minerals which may be upon the land therein described, and that these minerals are reserved by the state for its own use; but no instrument shall be effective to transfer any right, title, or interest in or to any such minerals, notwithstanding the failure of the proper officer to insert this statement.

[1935 c. 210 s. 9] (5620-13½h)

84.36 COUNTY TREASURER TO COLLECT FUNDS. The county treasurer shall collect all payments of principal and interest made under sections 84.27 to 84.36, place the same in a special fund, and report all collections to the state auditor. There shall be transferred from this special fund to the revenue fund of the county the cost of giving the notices required in sections 84.29 and 84.30, and there shall be paid from this fund to the members of the county board upon warrant of the county auditor \$3.00 per day for each day necessarily consumed in the classification and appraisal of the lands under sections 84.27 to 84.36 and mileage at the rate of five cents per mile for necessary travel. Where a county board has appointed a land commissioner under the provisions of section 282.13 the actual expenses of the land commissioner, together with mileage at the rate of five cents per mile for necessary travel in gathering data and information to assist the county board in making classifications and appraisals under sections 84.27 to 84.36, shall be paid from this fund upon warrant on the county auditor. The net amount remaining in this fund shall be transmitted by the county treasurer to the state auditor at the times provided for tax settlements, and credited to the Red Lake game preserve fund created by section 84.18.

[1935 c. 210 s. 10; 1941 c. 278 s. 6] (5620-13½i)

84.361 TAXES CANCELED IN CERTAIN CASES. After forfeiture to the state of any parcel of land lying within the Red Lake game preserve, as provided by Laws 1935, Chapter 278, the county auditor shall cancel all taxes and tax liens appearing upon the records, both delinquent and current, and all special assessments, delinquent or otherwise.

[1941 c. 278 s. 7]

84.362 STRUCTURES MAY BE REMOVED. Until after the sale of any parcel of tax-forfeited land, whether classified as agricultural or non-agricultural here-

under, the county auditor may, with the approval of the commissioner, provide for the sale or demolition of any structure located thereon, which has been determined by the county board to be within the purview of section 73.09, and for the sale of salvage material, if any, therefrom.

[1941 c. 278 s. 8]

84.363 MAY SELL DEAD AND DOWN TIMBER. The county auditor may with the approval of the county board sell dead, down and mature timber upon any tract of agricultural land designated by the conservation commissioner. Such sale of timber products shall be for cash at not less than the appraised value thereof, as determined by the commissioner, to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof. The forestry practices to be followed in the cutting of this timber shall be approved by the commissioner.

[1941 c. 278 s. 9]

84.37 RIGHT OF EXPLORATION RESERVED TO STATE. The State of Minnesota reserves to itself the exclusive right and privilege of investigating, exploring, excavating, and surveying, by and through the persons it may license for that purpose, all aboriginal mounds and earthworks, ancient burial grounds, prehistoric ruins, fossil bone deposits, and other archaeological and vertebrate paleontological features within the state, subject to the rights of the owners of any privately-owned lands upon which the same may be situated, to use such lands for agricultural, domestic, or industrial purposes, and the ownership of the state is hereby expressly declared in any and all articles, antiques, fossil remains, implements, or material found or discovered by virtue of such investigating, exploring, excavating, or surveying.

[1939 c. 207 s. 1] (3109-1)

84.38 LICENSES. Any person desiring to obtain a license for the purposes set forth in section 84.37 shall present an application therefor to the archaeologist, who shall be appointed by the department of anthropology and archaeology of the University of Minnesota from among its staff and be attached to the department, describing the location where the investigating, exploring, excavating, or surveying is to be done, and such other information as the archaeologist shall require, accompanied by an annual license fee of \$25.00, except the archaeologist, or his duly authorized representative, who may receive a license without fee with the consent and approval of the commissioner. Thereupon the commissioner shall investigate the location of the proposed work and, if satisfied as to the location and as to the scientific fitness of the applicant to make archaeological and paleontological investigations, explorations, or excavations, may issue a license to the applicant for that purpose. Each license shall expire at the end of the calendar year in which issued, but may be renewed for another calendar year, in the discretion of the commissioner, upon payment of a fee of \$25.00 per year. Any license may be revoked by the commissioner at any time, upon being convinced that the explorations or excavations authorized by the permit or license are being conducted unlawfully or improperly.

[1939 c. 207 s. 2] (3109-2)

84.39 LICENSEE TO RECEIVE 50 PER CENT. Fifty per cent of all articles, antiques, fossil remains, implements, and material found or discovered by such investigations, explorations, or excavations shall be and become the property of the licensee, and the remaining 50 per cent shall remain the property of the State of Minnesota, to be kept in or at such state buildings or institutions as the commissioner may prescribe. The division thereof shall be made by the commissioner and the licensee, and in case of dispute, the commissioner's decision shall govern and control such division.

[1939 c. 207 s. 3] (3109-3)

84.40 LICENSE FEES PAID INTO STATE TREASURY. All license fees collected under the provisions of sections 84.37 to 84.41 shall be paid into the state treasury and credited to the department contingent fund, and any expenses in connection with the administration and enforcement thereof shall be paid from the same fund upon the approval of the commissioner and the state auditor's warrant, but the expenses so paid shall in no case exceed the fees so collected.

[1939 c. 207 s. 5] (3109-5)

MINNESOTA STATUTES 1941

679

DEPARTMENT OF CONSERVATION 84.42

84.41 ENFORCEMENT. It shall be the duty of the employees of the division of game and fish, the division of forestry, and the division of lands and minerals of the department to assist the commissioner in carrying out and enforcing the provisions of sections 84.37 to 84.40.

[1939 c. 207 s. 4] (3109-4)

Am 1943-540-1

84.415 LEASES AND EASEMENTS. The commissioner may, at public or private vendue and at such prices and under such terms and conditions as he may prescribe, lease, or grant easements or permits over and across any portion of any unsold school, university, internal improvement, swamp, tax-forfeited, or other lands subject to sale by, or jurisdiction or control of, the state for the purpose of permitting the passage over or across such lands of telephone, telegraph, and electrical power or light lines; provided, all such agreements shall be made subject to sale and leasing of land for mineral or other legal purposes, and contain a provision for their cancelation, at any time, by the commissioner upon three months' written notice. All money received therefrom shall be credited to the fund to which the land belongs.

[1941 c. 145]

84.42 VIOLATIONS; PENALTIES. Subdivision 1. Any person violating any of the provisions of sections 84.09 to 84.15, or 98.153 to 98.156, or any of the orders of the commissioner promulgated in pursuance of the provisions thereof, shall be guilty of a misdemeanor; and, upon conviction, his license shall become null and void and no license of the same kind shall be issued to him for one year after the date of such conviction; and any person violating, or threatening to violate, any provisions of sections 84.09 to 84.15 or 98.153 to 98.156 may be restrained by injunction proceedings brought in the name of the state by the attorney general or by any county attorney.

Subdivision 2. Any person violating any of the provisions of sections 84.37 to 84.41 shall be guilty of a misdemeanor.

Subdivision 3. Any person who, within the limits of the Red Lake game preserve, 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 84.16 to 84.26 shall be guilty of a misdemeanor.

[1929 c. 258 s. 12; 1939 c. 207 s. 6; 1939 c. 231 s. 16] (3109-6) (5620-12) (6131-19)