

CHAPTER 94

UNITED STATES AND OTHER LANDS AND STATE FORESTS

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94.01 LANDS GRANTED BY UNITED STATES. When any lands granted to the state by the congress of the United States shall be sold by this state the purchaser shall in the first instance be given a contract or certificate of sale, which instrument shall contain among other things the provisions set forth in sections 94.01 to 94.06.

[1911 c. 90 s. 1] (6434)

94.02 CONTRACT OR CERTIFICATE OF SALE; REQUIREMENTS. The state auditor shall insert in every such contract or certificate of sale a clause providing that the vendee, his heirs, administrators or assigns, shall, within seven years from the date of such instrument, perform at least one of the following requirements:

- (1) Fence at least 25 per cent of the tract for pasture and convert such portion into pasture land;
- (2) Cultivate at least five per cent of the tract; or
- (3) Build a house and actually reside upon the tract for a period of 12 months.

The fencing for pasture of 25 per cent of any contiguous tract sold such vendee by the state under the provisions of sections 94.01 to 94.06 and the conversion of such portion into pasture land, or the cultivation of at least five per cent of such contiguous tract, or the building of a house and actual residence upon any portion of such contiguous tract for a period of 12 months, shall be deemed a sufficient performance of such requirements with reference to the whole of such contiguous tract whether heretofore or hereafter sold by the state.

[1911 c. 90 s. 2] (6435)

94.03 PROOF OF COMPLIANCE; DEED; SALES IN AND AFTER 1905. Within seven years after the date of the contract or certificate of sale, the vendee, his heirs, administrators or assigns, shall furnish to the state auditor satisfactory proof that at least one of these provisions has been complied with; the proof to be attested by two members of the school board in the district wherein the land is located. Upon such proof and the fulfillment of all the conditions of the contract or certificate of sale, a deed shall issue to the purchaser, his heirs or assigns, to the land in the contract or certificate described.

The foregoing provisions shall apply to all sales of land made in the year 1905 and subsequent years.

[1911 c. 90 s. 3] (6436)

94.04 FAILURE TO MAKE PROOF; REVERTER. Upon failure to make and furnish the proof mentioned in section 94.03 within seven years after the date of the contract or certificate, the state auditor shall cancel the contract or certificate and the land covered thereby shall revert to and become the property of the state free and clear of any encumbrance or cloud arising out of the transaction or contract or attempted to be contracted by the vendee, and all moneys paid on account of the purchase price shall be forfeited to the state.

[1911 c. 90 s. 4] (6437)

94.05 NOT OVER 320 ACRES. Not more than 320 acres of such land shall be sold or contracted to be sold to any one purchaser.

[1911 c. 90 s. 5] (6438)

94.06 OWNERS OF CONTIGUOUS TRACTS. If the purchaser is already the owner of a contiguous tract of land, the state auditor, upon a proper showing by affidavit and in furtherance of justice, may in his discretion dispense with a strict compliance with the provisions of sections 94.01 to 94.06 in respect to sales, whether heretofore or hereafter made by the state.

[1911 c. 90 s. 6] (6439)

94.07 PURCHASERS RELEASED FROM COMPLIANCE WITH CERTAIN LAWS. Any and all persons who have heretofore purchased from the State of Minnesota any of the lands granted to the state by the congress of the United States are hereby released from compliance with the provisions of Laws 1905, Chapter 299, Sections 1, 2, 3, and 4, and of Laws 1909, Chapter 106, and from the terms, limitations, and conditions inserted or implied in their contracts or certificates of sale pursuant to those statutory provisions.

[1911 c. 135 s. 1] (6440)

94.08 EFFECT OF CONTRACTS AND CERTIFICATES. Any and all such contracts and certificates of sale shall be and remain of the same force and effect as if not containing either expressly or by implication any of the terms, limitations, or conditions prescribed by Laws 1905, Chapter 299, Sections 1, 2, 3, and 4, and of Laws 1909, Chapter 106. Nothing contained in sections 94.07 and 94.08 shall be construed to release such purchasers from fulfillment of any of the other provisions or conditions of those contracts or certificates of sale or of other statutes applicable thereto.

[1911 c. 135 s. 2] (6441)

94.09 CERTAIN OTHER LANDS; HOW SOLD; APPRAISAL. All tracts or lots of real property belonging to the State of Minnesota or that may hereafter accrue to the state, including tracts or lots which have escheated to the state, may be disposed of in the following manner; provided, sections 94.09 to 94.16 shall not apply to school or other trust fund lands, belonging to the state, or that may hereafter accrue to the state, under and by virtue of any act of Congress. The sale or disposition of this real estate shall be under the supervision of the governor, attorney general, and state auditor, who may authorize and direct a sale when in their judgment it would be advantageous to do so. They shall appoint three appraisers, who shall appraise the real property to be sold. As compensation for their services these appraisers shall receive \$5.00 per day. The sale shall be at public auction and made by the state auditor, or such person as he may direct for that purpose.

[1909 c. 452 s. 1] (6442)

94.10 NOTICE OF SALE. Before any sale shall be made, the state auditor shall publish a notice thereof at least once in each week for four successive weeks in a newspaper published in the city or county in which the real property to be sold is situated and he is authorized to give such other and additional publicity of the notice as he may deem proper, which notice shall specify the time and place in the county at which the sale will commence, a description of the lots or tracts to be offered, and a general statement of the terms of sale. Each tract or lot shall be sold separately and no lot shall be sold for less than the price thereof as specified in the report of the appraisers.

[1909 c. 452 s. 2] (6443)

94.11 TERMS OF PAYMENT. The terms of payment for all lots or tracts so sold shall be not less than ten per cent of the purchase price thereof at the time of sale and interest on the unpaid balance to June first of the following year, and

the balance of the purchase price at any time within 20 years, at the option of the purchaser, with interest annually in advance at the rate of not less than five per cent per annum on the unpaid balance, payable to the state treasury on or before June first each year.

[1909 c. 452 s. 3] (6444)

94.12 CERTIFICATE OF SALE. The state auditor shall make out and deliver to the purchaser thereof a certificate of purchase in which he shall certify the description of the real property sold and the price thereof, the consideration paid and to be paid therefor, the rate of interest, and time and terms of payment. This certificate shall be numbered and made assignable. The purchase certificate shall further set forth that in case of the non-payment of the annual interest due by the purchaser, or any person claiming under him, then the certificate, from the time of such failure, will be entirely void and of no effect and the state auditor may take possession of the lot or tract and re-sell the same as provided in sections 94.09 to 94.16.

[1909 c. 452 s. 4] (6445)

94.13 RECORD OF CERTIFICATES AND ASSIGNMENTS; EFFECT. Certificate of purchase issued pursuant to sections 94.09 to 94.16, or any assignment thereof, executed and acknowledged as provided by law for the execution and acknowledgment of deeds may be recorded in the office of the register of deeds of any county in the state in the same manner and with like effect as deeds are therein recorded. This certificate shall entitle the purchaser thereof, his heirs and assigns, to the exclusive possession of the land therein described, provided the terms of the certificate have been in all respects complied with, and the certificate and the record thereof shall be conclusive evidence of title in the purchaser, his heirs and assigns, for all purposes and against all persons, except the State of Minnesota in case of forfeiture.

[1909 c. 452 s. 5] (6446)

94.14 RESERVATION OF MINERALS. The state hereby reserves for its own use all the iron, coal, copper, and other valuable minerals in or upon all lands which may be sold under the provisions of sections 94.09 to 94.16 and the sale certificate and patent shall contain a clause reserving all such minerals for the use of the state.

[1909 c. 452 s. 6] (6447)

94.15 PATENTS. The governor shall sign and cause to be issued under the seal and attestation of the state auditor patents for the lands described in such certificate of purchase whenever the same are presented to him, with the further certificate of the state auditor endorsed thereon certifying that the amount of principal and interest specified therein, all taxes due on the lands have been paid, and that the holder of the certificate is entitled to such patent.

[1909 c. 452 s. 7] (6448)

94.16 FUNDS, HOW DISPOSED OF. All moneys received from the sale of such lands or lots shall be credited to the general revenue fund of the state, and it shall be the duty of the state auditor to keep the proper and necessary records pertaining to the sale of such lands or lots that have been made, and provide the necessary blanks.

[1909 c. 452 s. 8] (6449)

94.17 GIFTS TO STATE FOR CAPITOL OR INSTITUTION; ACCEPTANCE. When any real property or rights or estates therein may be or may have been granted or conveyed or assigned or turned over as a gift by any person or municipality to the State of Minnesota to be owned, held, occupied, or used by the state in connection with the capitol, or any state institution, or the grounds of the same or any of them, the governor shall issue in duplicate under the great seal of the state a certificate of acceptance and cause all the conditions of the gift to be performed and the property so given to be improved, maintained, and ornamented in the method and so far as the legislature may appropriate money therefor.

[1909 c. 464 s. 1] (6450)

94.18 LANDS OBTAINED BY CONDEMNATION. When any corporation, municipal or otherwise, shall convey, assign, or turn over to the state any rights it may have obtained by condemnation, the use of the land in which these rights

were obtained by the state in any of the ways or for any of the purposes mentioned in section 94.17 shall not be deemed an abandonment of nor work a forfeiture of the rights obtained by condemnation, but shall be considered a use incidental to and within the purposes of the condemnation.

[1909 c. 464 s. 2] (6451)

94.19 CERTIFICATE OF ACCEPTANCE; RECORD. The certificate of acceptance shall be executed in duplicate and one filed in the office of the secretary of state and the other filed for record in the office of the register of deeds of the county in which the land is situated; and, after being recorded, kept with the records of the institution in connection with which the land is used. Upon the certificates of acceptance being so filed, the conveyance and transfer of the rights, interests, and estates involved shall be deemed complete.

[1909 c. 464 s. 3] (6452)

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

94.31 COUNTIES MAY ASSUME BONDS OF TOWNS OR SCHOOL DISTRICTS IN REFORESTATION AREA. Any county wherein a state reforestation or flood control project or other public state purposes, as created by sections 94.20 to 94.30, is located may voluntarily assume the obligation to pay the same ratio or proportion of the principal and interest of bonds now outstanding issued before the approval and acceptance of the project by any school district or town situated in the county lying wholly or partly within the project as the last assessed valuation prior to the acceptance of the project of lands acquired by the state pursuant to sections 94.20 to 94.30 on July 1, 1936, bears to the total assessed valuation for the same year of the school district or town, this assumption to be evidenced by the adoption of a resolution by the county board of the county authorizing the issuance of bonds for such purpose or otherwise providing for the payment of the principal and interest of the school or town bonds assumed.

[Ex. 1936 c. 47 s. 1] (6452-14)

94.32 ISSUANCE OF COUNTY BONDS; ADJUSTMENT OF DEBT. The county board of any such county may by resolution provide for the issuance of bonds for the purpose of assuming the principal and interest of the school district or town bonds, whether matured or not matured, in the manner provided by Laws 1935, Chapter 119, and the county board is authorized to effect agreements for the adjustment of the debt so assumed and the exchange of such county bonds for the bonds so assumed. Prior to July 1, 1936, such bonds may be issued in an amount not in excess of 50 per cent of the estimated amount of the principal and interest of the school district or town bonds which are to be assumed by the county, the balance of such bonds to be issued after July 1, 1936.

[Ex. 1936 c. 47 s. 2] (6452-15)

94.33 FAILURE TO ASSUME AND PAY; WITHHOLDING FUNDS. In the event any such county shall fail or neglect to assume that portion of the school district or town bonds as provided in sections 94.31 and 94.32 and any such bonds remain unpaid at maturity, upon demand of the governing body of the school district or town or the holder of any such bonds, the state auditor shall withhold from the payments to be made to the county under the provisions of section 94.23 the sum necessary to pay such portion and pay the same to the treasurer of the school district or town. All moneys received by any school district or town pursuant to sections 94.31 and 94.32 shall be applied solely to the payment of past due bonds and interest.

[Ex. 1936 c. 47 s. 4] (6452-17)

94.34 PEAT LANDS WITHDRAWN FROM SALE. All lands now or hereafter owned by the state which are chiefly valuable by reason of deposits of peat in commercial quantities are hereby withdrawn from sale.

[1935 c. 322 s. 1] (6433-1)

94.35 COMMISSIONER TO EXAMINE LAND. Before any state land is offered for sale the commissioner shall cause such land to be examined to determine whether the land is chiefly valuable by reason of deposits of peat in commercial quantities.

[1935 c. 322 s. 2] (6433-2)

94.36 RECLAMATION BOARD TO SELECT TRACTS FROM SWAMP, STUMP, OR CUT-OVER LANDS. The governor is hereby authorized, empowered, and instructed to appoint a reclamation board of three members, to serve without payment for service, whose duty it shall be to select from swamp, stump, or cut-over lands belonging to the State of Minnesota ten separate 40-acre government subdivisions thereof to be appraised, improved, and sold as provided in sections 94.37 to 94.40.

[1911 c. 367 s. 1] (6523)

94.37 RECLAMATION BOARD, DUTIES, POWERS, APPRAISAL. Such selections when made by the board shall be certified to the commissioner, who shall thereupon forthwith proceed to cause the selections of state lands to be appraised in the manner provided by law. After such appraisal the board shall cause one-half of each tract so selected to be cleared of trees, brush, or stumps, or otherwise improved and prepared for cultivation, as shall be deemed advisable by the board and for this purpose the board is authorized and empowered to enter into such contracts or agreements as are necessary in carrying into effect the provisions of sections 94.36 to 94.40.

[1911 c. 367 s. 2] (6524)

94.38 REPORT OF RECLAMATION BOARD; DUTIES OF COMMISSIONER. Immediately after the clearing and preparation of each such tract the reclamation board shall make detailed report thereof and of the cost of clearing and improving the same, showing the nature and extent of such improvement and file this report in the office of the commissioner. It shall thereupon be the duty of the commissioner, as early as may be, to make special public sale of the tracts so reported upon in the manner and upon like notice as is required by law and like certificates shall be issued and delivered as in other cases of sale of state lands of like character.

[1911 c. 367 s. 3] (6525)

94.39 LANDS, HOW SOLD. No such tract of land shall be sold for less than its appraised value ascertained as provided in sections 94.36 to 94.40, plus the cost of the improvement of the tract as certified by the board. The terms of sale, rate of interest on the purchase price, and other details of the sale or the disposition of the proceeds shall be as is provided by law in case of sale of other state lands of like character and the proceeds of the sale and the interest thereon as the same is paid shall go to and be credited to the funds to which the purchase price of these lands or to which the interest thereon would be credited under existing law if the sale were made without such improvement.

[1911 c. 367 s. 4] (6526)

94.40 EXPENSES. Payment for the clearing or improvement of these lands and of all other costs and expenses incurred in carrying into effect sections 94.36 to 94.39 shall be made upon certificate of the reclamation board filed with the commissioner. Actual traveling and other expenses shall be allowed to the members of the board in performance of their duties.

[1911 c. 367 s. 5] (6527)

94.41 RELINQUISHMENT OF LANDS TO UNITED STATES. When any land has been erroneously certified or conveyed to the state by the United States, the governor may execute, under the seal of the state, a relinquishment or reconveyance thereof.

[R. L. s. 2516] (6528)

94.44 GRANT BY MUNICIPAL CORPORATION. When the United States shall desire land for any purpose of the government which is owned by any city, town, county, or other municipal or quasi-municipal corporation or in which such corporation has any right it shall be lawful for the governing body of such corporation to grant and convey the same to the United States.

[R. L. s. 2517] (6529)

94.45 UNITED STATES SURVEY; DAMAGES. Any person employed pursuant to the laws of the United States in the execution of a survey may enter upon any land in the state for the purpose of doing any act which may be necessary thereto, and may establish permanent station marks, and erect the necessary signals and temporary observatories. If the parties interested cannot agree upon the amount to be paid for damages caused thereby either may petition the district court for the county in which the land is situated to assess the damages. The court shall appoint a time for a hearing as soon as may be, and order at least 20 days' notice thereof to be given to all parties interested, and shall, with or without view of the premises, as the court may determine, hear the parties and assess the damages. The person so entering upon the land may tender to the injured party damages and if, in case of a petition, the damages assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise the other party shall recover costs.

[R. L. s. 2518] (6530)

94.46 INJURY TO SIGNAL. Whoever wilfully defaces, injures, or removes any signal, monument, building, or other property of the United States erected or used in the coast and geodetic survey, pursuant to the laws of the United States, shall forfeit not exceeding \$50.00 for each offense, and shall be liable to the United States for all damages sustained by it in consequence thereof, to be recovered in a civil action.

[R. L. s. 2519] (6531)

94.47 COMMISSIONER MAY PURCHASE LANDS FROM UNITED STATES GOVERNMENT. The commissioner is hereby authorized to purchase, to accept by gift or lease, or by tenure title, any lands owned by the United States government, including timber thereon, within the townships in which state forests, or state parks or game refuges or public shooting grounds have been set apart, or will hereafter be set apart by the legislature. These tracts when the title thereto has become vested in the state shall become and be a part of the state forests, or state parks, or game refuges, or public shooting grounds subject to all laws, rules, and regulations relating to state forests, or state parks, or game refuges, or public shooting grounds.

[1935 c. 333 s. 1] (6536-1)

94.48 MAY EXPEND MONEY ON LEASED LAND. When lands are obtained by lease from the United States government under sections 94.47 to 94.51 the commissioner shall be authorized to make expenditures from any funds not otherwise obligated for the management, development, and utilization of such areas; to sell or otherwise dispose of products from such lands and make necessary rules and regulations to carry out the purposes of sections 94.47 to 94.51. Unless otherwise provided all incomes derived from such leased lands shall be paid into the state treasury and credited to the state forest fund, and the same is hereby annually reappropriated for the use of the commissioner in the acquisition, management, development, and use of such leased lands until all obligations incurred have been paid in full. Thereafter all revenues received therefrom shall be distributed in accordance with Laws 1933, Chapter 313.

[1935 c. 333 s. 2] (6536-2)

94.49 NOT TO CREATE DEBT. Obligations for the acquisition of lands by lease incurred under the authority of sections 94.47 to 94.51 shall be paid solely and exclusively from revenues derived from such lands and shall not impose any liability under the general credit and taxing power of the state.

[1935 c. 333 s. 3] (6536-3)

94.50 MAY SELL AND EXCHANGE LANDS. The commissioner, with the approval of the executive council, shall have full power and authority to sell, exchange, or lease lands under his jurisdiction when it is deemed advantageous to the state in the interests of the highest development, utilization, and management of state forests. Such sale, lease, or exchange of lands shall not be contrary to the terms of any contract which has been entered into and shall not apply to state trust fund lands.

[1935 c. 333 s. 4] (6536-4)

94.51 COMMISSIONER TO MAKE RULES AND REGULATIONS. The commissioner is hereby authorized to make such rules and regulations as may be necessary to carry out the purposes of sections 94.47 to 94.51 and is hereby author-

ized to enter into cooperative agreements with appropriate officials of the United States for and on behalf of the State of Minnesota in order to secure the full benefits to this state of the provisions of an Act of Congress introduced March 21, 1935, as H. R. 6914, and all other acts of Congress which have been or may be passed providing for ways and means of authorizing cooperation with the states for the purpose of stimulating the acquisition, development, and management of state lands and coordinating federal and state activities in carrying out a national program of land use and management, and for other similar purposes; that sections 94.47 to 94.51 and all other acts and amendments thereto and all rules and regulations and agreements made hereunder shall be liberally construed for the purpose of making possible the complete cooperation of the agencies of this state with the agencies of the federal government.

[1935 c. 333 s. 5] (6536-5)

94.52 EXPENDITURE OF STATE'S PERCENTAGE OF PROCEEDS OF SALE OF LAND TO THE UNITED STATES. Subdivision 1. All sums heretofore or that may hereafter be received from the United States government, on account of an act of Congress approved May 23, 1908 (35 Stat. 260), or any amendments thereof hereafter enacted shall be expended as follows:

One-half for public schools and the remainder for public roads in the counties in which the national forests are situated; provided, that any county coming within the provisions of said act of Congress is hereby authorized to borrow money from the Federal Government or any of its agencies and to use moneys received pursuant to the provisions of said act of Congress or amendments thereto for the purpose of repaying any loan or loans made to such county by the Federal government or any of its agencies. In the case of the Superior National Forest, the counties of Cook, Lake, Koochiching, and St. Louis shall share in the distribution of the sum received from that source in the same proportion that the federally owned lands in each county which are within the boundaries of said forest bear to the total number of acres of federally owned lands in said forest area. In the case of the Chippewa National Forest, the counties of Cass, Itasca, and Beltrami shall share in the distribution of the sum received from that source in the same proportion that the federally owned lands in each county, which are within the boundaries of said forest bear to the total number of acres of federally owned lands in said forest area.

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

[1913 c. 58 s. 1; Ex. 1936 c. 80 s. 1; 1943 c. 569 s. 1] (6536-11)

94.53 WARRANT TO COUNTY TREASURERS; FEDERAL LOANS TO COUNTIES. It shall be the duty of the state auditor to transmit his warrants on the state treasury to the county treasurers of the respective counties for the sum that may be due in accordance with sections 94.52 to 94.54, which sum or sums are hereby appropriated out of the state treasury from the amounts received from the United States government pursuant to the aforesaid act of Congress. The state auditor, upon being notified by the federal government or any agencies thereof that a loan has been made to any such county the repayment of which is to be made from such fund, is authorized to transmit his warrant or warrants on the state treasurer to the federal government or any agency thereof sufficient to repay such loan out of any moneys apportioned or due to such county under the provisions of such act of Congress, approved May 23, 1908 (35 Stat. 260).

[1913 c. 58 s. 2; Ex. 1936 c. 80-s. 2] (6536-12)

94.54 SCHOOLS AND ROADS NEAR NATIONAL FORESTS. It shall be the duty of the county board of each county receiving such money to use the portion allotted to public schools to aid in maintaining those school districts that may be situated within or near the national forest, and the portion allotted for public roads shall be used, as far as practicable, in the construction and repair of roads within or near the national forests. This section shall not apply to any such sums of money which may have been allotted or set aside for the purpose of paying loans which may have been made by any county pursuant to the provisions of sections 94.52 and 94.53.

[1913 c. 58 s. 3; Ex. 1936 c. 80 s. 3] (6536-13)