

proceedings, decrees and judgments, receivers receipts, patents, and copies of town or statutory city plats, in case the original plat filed in the office of the county recorder has been lost or destroyed, and the instruments releasing, removing and discharging reversionary and forfeiture provisions affecting title to land and instruments releasing, removing or discharging easement rights in land or building or other restrictions, may be recorded without such certificate; and, provided that instruments conveying land and, as appurtenant thereto an easement over adjacent tract or tracts of land, may be recorded without such certificate as to the land covered by such easement; and, provided, further, that any instrument granting an easement made in favor of any public utility or pipe line for conveying gas, liquids or solids in suspension, in the nature of a right of way over, along, across or under a tract of land may be recorded without such certificate as to the land covered by such easement.

A violation of this section by the county recorder or the registrar of titles shall be a gross misdemeanor, and, in addition to the punishment therefor, he shall be liable to the grantee of any instrument so recorded for the amount of any damages sustained.

When, as a condition to permitting the recording of deed or other instrument affecting the title to real estate previously forfeited to the state under the provisions of sections 281.16 to 281.27, county officials, after such real estate has been purchased or repurchased, have required the payment of taxes erroneously assumed to have accrued against such real estate after forfeiture and before the date of purchase or repurchase, the sum required to be so paid shall be refunded to the persons entitled thereto out of moneys in the funds in which the sum so paid was placed. Delinquent taxes are those taxes deemed delinquent under section 279.02.

Approved May 25, 1977.

CHAPTER 264—S.F.No.1293

An act relating to the Minnesota humane society; restructuring its board; making miscellaneous operational changes; repealing obsolete language; amending Minnesota Statutes 1976, Sections 343.01; 343.06 and 343.08; repealing Minnesota Statutes 1976, Sections 343.02; 343.03; 343.04; 343.05; 343.07 and 343.09.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 343.01, is amended to read:

343.01 HUMANE SOCIETY; LAW REVISION; PURPOSES; POWERS; COUNTY ORGANIZATION. Subdivision 1. The Minnesota society for the prevention of cruelty which may also be known or designate itself as the Minnesota humane society is hereby confirmed and continued, with all existing powers, for the purpose of inculcating humane principles, the enforcement of law, and the prevention of cruelty, especially to animals. The Minnesota humane society may make reasonable rules governing the humane care, treatment, transportation, and in extreme cases the disposition by death or

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sale of animals as it deems expedient to accomplish its purposes. It may appoint representatives in any county where no active county society exists, for the purpose of receiving and accounting for funds from any source, and may also appoint agents at large to carry out the work of the society throughout the state. This society and all county societies may appoint agents for the purpose of investigating or otherwise assisting lawfully empowered officials in the prosecution of persons charged with cruelty to animals. Branches of the society, consisting of not less than ten members, may be organized in any part of the state to prosecute the work of the society in their several localities under rules established by it. It may ~~elect officers and make such rules and bylaws as are necessary to implement the provisions of this chapter.~~

Subd. 2. It shall be unlawful for any organization, association, firm or corporation not authorized by this chapter to refer to itself as or in any way to use the names Minnesota society for the prevention of cruelty, the Minnesota humane society, or any combination of words or phrases using the above names which would imply that it represents, acts in behalf or is a branch of said society.

Subd. 3. The society shall be governed by a board of directors consisting of seven persons appointed by the governor. The governor, the commissioner of education and the attorney general, or their designees shall serve as ex-officio, non-voting members of the board. The membership terms, compensation, removal and filling of vacancies of board members other than ex-officio members shall be as provided in section 15.0575; provided that the terms of two initial members shall expire in each of 1979, 1980, and 1981, and the term of the seventh initial member shall expire in 1982. The members of the board shall annually elect a chairman and other officers as deemed necessary. Meetings shall be called by the chairman or at least two other members. The board may employ staff who shall serve in the unclassified civil service at the pleasure of the board. The commissioner of administration upon request of the board shall supply the board with necessary office space and administrative services, and the board shall reimburse the commissioner for the cost thereof.

Sec. 2. Minnesota Statutes 1976, Section 343.06, is amended to read:

343.06 DUTIES. It shall be the duty of the ~~state bureau of animal protection~~ Minnesota humane society to secure the enforcement of the laws for the prevention of wrongs to animals; to assist in the organization of district and county societies and the appointment of local and state agents, and give them representation in the ~~state bureau society~~ society; to aid such societies and agents in the enforcement of the laws for the prevention of wrongs to animals which may now or hereafter exist, and to promote the growth of education and sentiment favorable to the protection of animals.

Sec. 3. Minnesota Statutes 1976, Section 343.08, is amended to read:

343.08 BIENNIAL REPORT. The ~~board of directors of the state bureau of animal protection society~~ board of directors of the state humane society shall make a biennial report before ~~October + November 15~~ November 15, in each even numbered year, to the ~~secretary of state governor and the legislature~~ governor and the legislature, embracing its proceedings for the preceding year biennium, and statistics showing its work.

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Sec. 4. The terms of office of the members of the Minnesota humane society who served on June 30, 1977, shall terminate on the effective date of this act, except that those members may continue to serve until their successors are appointed. Nothing in this act shall be deemed to prohibit the governor from re-appointing any of those members of the board of directors as reconstituted by this act.

Sec. 5. Minnesota Statutes 1976, Sections 343.02, 343.03, 343.04, 343.05, 343.07 and 343.09 are repealed.

Sec. 6. This act is effective July 1, 1977.

Approved May 25, 1977.

CHAPTER 265—S.F.No.1309

[Coded in Part]

An act relating to tax-forfeited land; providing time limitations for bringing actions; providing procedures for settling tax titles; amending Minnesota Statutes 1976, Section 284.28; and Chapter 541, by adding a section; repealing Minnesota Statutes 1976, Sections 280.34; 284.09 and 284.22.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 284.28, is amended to read:

284.28 TAX FORFEITED LANDS; LIMITATIONS ON ADVERSE CLAIMS, TAX FORFEITED LAND ASSURANCE ACCOUNT. Subdivision 1. (a) Notwithstanding the provisions of any other law to the contrary The title of the state, or its successors in interest, to land forfeited for delinquent taxes shall not be held invalid in any action or proceeding by reason of any failure, omission, error or defect in the proceedings respecting the taxation of the land or forfeiture thereof, including without limitation:

(i) substantial or prejudicial defects, including both non-jurisdictional and jurisdictional defects, in the tax forfeiture proceedings;

(ii) cases where the land was exempt from taxation;

(iii) cases where the taxes upon which the alleged forfeiture was based were in fact paid prior to forfeiture; and

(iv) prejudice to the interests of persons under disability referred to in subdivision 4, except within the limitation periods provided in this section. It is the policy of the state of Minnesota that except as otherwise provided in this section the failures, omissions, errors or defects shall not fetter the marketability of real estate.

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