

CHAPTER 84A

LANDS DEDICATED TO CONSERVATION PURPOSES

84A.01 RED LAKE GAME PRESERVE CREATED.

HISTORY. 1929 c. 258 s. 1; M. Supp. s. 5620-1.

CONSTITUTIONALITY; PUBLIC PURPOSE. The establishment of a territory for wild life is in furtherance of the public interest as it fosters natural resources and affords recreation and profit from the regulation of hunting and fishing. *Lyman v Chase*, 178 M 244, 226 NW 633, 842.

CONSTITUTIONALITY; WORK OF INTERNAL IMPROVEMENT. The establishment of such a territory is not a work of internal improvement within the constitutional prohibition (Constitution, Article 9, Section 5). 1934 OAG 733, citing the *Lyman* case, *supra*; and see, 1934 OAG 599.

Time when title passes to the state under forfeiture of land sold for taxes. 1934 OAG 428, April 4, 1936 (425b).

Disposal of lands forfeited to the state for non-payment of taxes. 1938 OAG 102, Aug. 16, 1937 (700d-31).

Leasing of forfeited tax sale lands. 1938 OAG 392, March 15, 1937 (700d-18).

LAWS 1941, Chapter 394, and Laws 1941, Chapter 511, are to be construed together and effect given to both. 1942 OAG 316, June 23, 1941 (425c).

84A.02 PRESERVE TO BE UNDER MANAGEMENT OF DEPARTMENT.

HISTORY. 1929 c. 258 s. 2; M. Supp. s. 5620-2.

TIMBER; SALE, REMOVAL. The right to sell merchantable timber includes the right to sell dead and down timber within the Red Lake Preserve and other conservation areas. 1938 OAG 102.

The removal or sale of dead and down timber by reason of the inflammable nature thereof would be justified as a measure for the proper protection of wild life and of the forest and wooded areas of the preserve. 1938 OAG 102.

LEASES. The department may lease tax-forfeited lands for hay and agricultural purposes in the Red Lake Preserve. 1938 OAG 392.

84A.03 RED LAKE GAME PRESERVE FUND.

HISTORY. 1929 c. 258 s. 3; M. Supp. s. 5620-3.

84A.04 COUNTY AUDITOR TO PREPARE LIST OF LANDS.

HISTORY. 1929 c. 258 s. 4; M. Supp. s. 5620-4.

OWNER'S REDEMPTION. Laws 1933, Chapter 407, giving the owner of tax-forfeited land the option to redeem does not apply to the Red Lake Game Preserve. 1936 OAG 428; 1938 OAG 102.

ACCOUNTING FOR REDEMPTION AND ASSIGNMENT MONEYS. The time of the levy, not the time of the sale, is the controlling factor in the accounting for tax redemption moneys on lands bid in for the state. 1930 OAG 370.

84A.05 STATE CERTIFICATES OF INDEBTEDNESS.

HISTORY. 1929 c. 258 s. 5; M. Supp. s. 5620-5; 1935 c. 242.

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CONSTITUTIONALITY. In an action to enjoin the state auditor from issuing certificates of indebtedness on the ground that the purpose of the act was to relieve certain counties of their debts and therefore not for a public purpose, the court held that even were that so yet the certificate and the state tax authorized to meet them were for a state-wide purpose and therefore was not unconstitutional under the Constitution, Article 9, Section 10, as lending the credit of the state in aid of any individual, association, or corporation. *Lyman v Chase*, 178 M 244, 226 NW 633, 842.

84A.06 TAX LEVY.

HISTORY. 1929 c. 258 s. 6; M. Supp. s. 5620-6.

84A.07 TITLE TO LAND TO BE IN STATE.

HISTORY. 1929 c. 258 s. 7; M. Supp. s. 5620-7.

84A.08 DEPARTMENT TO CLASSIFY LANDS.

HISTORY. 1929 c. 258 s. 8; M. Supp. s. 5620-8.

84A.09—DEPARTMENT MAY RECEIVE GIFTS.

HISTORY. 1929 c. 258 s. 9; M. Supp. s. 5620-9.

84A.10 MAY ACQUIRE PROPERTY BY RIGHT OF EMINENT DOMAIN.

HISTORY. 1929 c. 258 s. 10; M. Supp. s. 5620-10.

84A.11 COUNTIES MAY PAY PART OF BONDS IN CERTAIN CASES.

HISTORY. 1929 c. 258 s. 11; M. Supp. s. 5620-11.

84A.20 REFORESTATION AREAS TO BE SET OFF.

HISTORY. 1931 c. 407 s. 1; M. Supp. s. 6452-1.

The conservation department may sell and give good title to timber within conservation areas where the tax-forfeiture proceedings are regular and are made in conformity with the provisions of the pertinent acts. 1938 OAG 102, Aug. 16, 1937 (700d-31).

May lease gravel pit. 1938 OAG 446, Nov. 26, 1937 (525).

Laws 1941, Chapter 394, and Laws 1941, Chapter 511, are not unconstitutional, and effect should be given to both. 1942 OAG 316, June 23, 1941 (425-C).

84A.21 DEPARTMENT TO MANAGE AREAS.

HISTORY. 1931 c. 407 s. 2; M. Supp. s. 6452-2.

LEASING LANDS. This section gives the department of conservation authority to lease lands within conservation areas that are classified as suitable for agriculture. OAG Aug. 13, 1936 (700d-28).

LEASING OF TAX-FORFEITED LANDS IN THE RED LAKE GAME PRESERVE FOR HAY AND AGRICULTURAL PURPOSES. See 1938 OAG 392.

LEASING OF GRAVEL PITS. The department of conservation possesses the power to lease gravel pits on tax-forfeited land in a conservation area and fix the rental therefor. 1938 OAG 446.

SELLING TIMBER. Pursuant to this section, the department of conservation is authorized to make all necessary rules and regulations for the sale of merchantable timber from lands acquired by the state within conservation areas when it may be sold and removed without injury to the purposes of such project. OAG Aug. 13, 1936 (700d-28).

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CONSERVATION AREAS. The right to sell merchantable timber includes the right to sell dead and down timber and the power to make rules and regulations for the care, preservation, protection, and development of the forests would include the right to remove fire hazards including dead and down timber. 1938 OAG 102.

The conservation department may sell and give good title to such timber within conservation areas where the tax-forfeiture proceedings are regular and valid and where the sales are made in conformity with law. 1938 OAG 102.

Authority is vested in the department of conservation to lease hay and agricultural lands within the Red Lake game preserve area, subject to sale of the lands. 1938 OAG 392, March 15, 1937 (700d-18).

84A.22 DISPOSAL OF PROCEEDS.

HISTORY. 1931 c. 407 s. 3; M. Supp. s. 6452-3; 1937 c. 312 s. 1.

84A.23 COUNTY AUDITOR TO MAKE LIST OF LANDS.

HISTORY. 1931 c. 407 s. 4; M. Supp. s. 6452-4.

84A.24 STATE AUDITOR TO SELL CERTIFICATES OF INDEBTEDNESS.

HISTORY. 1931 c. 407 s. 5; M. Supp. s. 6452-5.

84A.25 STATE AUDITOR TO MAKE TAX LEVY.

HISTORY. 1931 c. 407 s. 6; M. Supp. s. 6452-6.

84A.26 LANDS TO BE HELD BY STATE.

HISTORY. 1931 c. 407 s. 7; M. Supp. s. 6452-7.

84A.27 STATE AUDITOR TO CERTIFY TO DEPARTMENT OF CONSERVATION.

HISTORY. 1931 c. 407 s. 8; M. Supp. s. 6452-8.

The department of conservation now has authority under this section to sell lands classified as suitable for agriculture which have been acquired by the state within conservation areas. Such sales must be conducted in substantially the same manner as the sale of trust fund lands. OAG Aug. 13, 1936 (700d:28).

84A.28 DEPARTMENT TO ACCEPT GIFT.

HISTORY. 1931 c. 407 s. 9; M. Supp. s. 6452-9.

84A.29 DEPARTMENT TO HAVE RIGHT OF EMINENT DOMAIN.

HISTORY. 1931 c. 407 s. 10; M. Supp. s. 6452-10.

84A.30 VIOLATION A MISDEMEANOR.

HISTORY. 1931 c. 407 s. 12; M. Supp. s. 6452-12.

84A.31 STATE REFORESTATION PROJECTS ESTABLISHED.

HISTORY. 1933 c. 402 s. 1; M. Supp. s. 4031-75.

HEARINGS. No hearing is required nor specifically authorized in connection with the establishment of conservation areas. If one is had it will be extra legal. 1934 OAG 170.

As to public improvements on tax-forfeited land, Laws 1941, Chapter 394, and Laws 1941, Chapter 511, may be construed as the one supplementing the other. There is no conflict. Both should be given effect. 1942 OAG 316, June 23, 1941 (425-c).

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CONSTITUTIONALITY. See annotations on constitutionality to analogous sections 84.16 et seq. under sections 84.16 and 84.20.

84A.32 FOREST TO BE UNDER MANAGEMENT OF DEPARTMENT.

HISTORY. 1933 c. 402 ss. 3, 4; M. Supp. ss. 4031-77, 4031-78.

MERCHANTABLE TIMBER; SALE OR REMOVAL. The right to sell merchantable timber includes the right to sell dead and down timber and the power to make rules for the care and preservation of the forests includes the right to remove fire hazards including dead and down timber. 1938 OAG 102.

84A.33 COUNTY AUDITORS TO CERTIFY TAX DELINQUENT LANDS.

HISTORY. 1933 c. 402 s. 5; M. Supp. s. 4031-79.

84A.34 STATE AUDITOR TO SELL CERTIFICATES OF INDEBTEDNESS.

HISTORY. 1933 c. 402 s. 6; M. Supp. s. 4031-80.

84A.35 TAX LEVIES.

HISTORY. 1933 c. 402 s. 7; M. Supp. s. 4031-81.

84.36 LANDS TO BE HELD BY STATE IN FEE.

HISTORY. 1933 c. 402 s. 8; M. Supp. s. 4031-92.

84A.37 STATE AUDITOR TO CERTIFY LIST TO DEPARTMENT.

HISTORY. 1933 c. 402 s. 9; M. Supp. s. 4031-83.

84A.38 DEPARTMENT TO RECEIVE GIFTS.

HISTORY. 1933 c. 402 s. 10; M. Supp. s. 4031-84.

84A.39 DEPARTMENT SHALL HAVE RIGHT OF EMINENT DOMAIN.

HISTORY. 1933 c. 402 s. 11; M. Supp. s. 4031-85.

84A.40 COUNTY MAY ASSUME BONDS.

HISTORY. 1933 c. 402 s. 12; M. Supp. s. 4031-86.

84A.41 DEFINITIONS.

HISTORY. 1933 c. 402 s. 2; M. Supp. s. 4031-76.

84A.42 VIOLATIONS A MISDEMEANOR.

HISTORY. 1933 c. 402 s. 13; M. Supp. s. 4031-87.