

Conservation

CHAPTER 84A

LANDS DEDICATED FOR CONSERVATION

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RED LAKE GAME PRESERVE

84A 01 RED LAKE GAME PRESERVE

There is created a state wildlife preserve and hunting ground to be known as the Red Lake game preserve. It is created for the purpose of vesting and re-vesting the state with title to lands in the area that are suitable primarily for state use and development for the purpose of preserving, protecting, propagating and breeding wildlife 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 plant species native in the area. It includes 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 the lands and waters within Red Lake Indian Reservation. It also includes the part of Koochiching county lying west and northwesterly of the following 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 the boundary line with the range line between ranges 29 and 30 west of the fifth principal meridian.

History (5620 1) 1929 c 258 s 1, 1987 c 229 art 1 s 1

84A 02 DEPARTMENT TO MANAGE PRESERVE

The department of natural resources shall manage and control the Red Lake game preserve. The department may adopt and enforce rules for the care, preservation, protection, breeding, propagation, and disposition of all species of wildlife in the

preserve The department may adopt and enforce rules for the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, and other uses of this area, consistent with sections 84A 01 to 84A 11 The department may by rule set the terms, conditions, and charges for these licenses and permits

The rules may specify and control the terms under which wildlife may be taken, captured, or killed in the preserve, and under which fur-bearing animals, or animals and fish otherwise having commercial value, may be taken, captured, trapped, killed, sold, and removed from it These rules may also provide for (1) the afforestation and reforestation of state lands in the preserve, (2) the sale of merchantable timber from these lands when, in the opinion of the department, it can be sold and removed without damage or injury to the further use and development of the land for wildlife and game in the preserve, and (3) the purposes for which the preserve is established by sections 84A 01 to 84A 11

The department may provide for the policing of the preserve as necessary for its proper development and use for the purposes specified Supervisors, guards, custodians, and caretakers assigned to duty in the preserve have the powers of peace officers while in their employment

The department shall also adopt and enforce rules concerning the burning of grass, timber slashings, and other flammable matter, and the clearing, development, and use of lands in the preserve as necessary to prevent forest fires and grass fires that would injure the use and development of this area for wildlife preservation and propagation and to protect its forest and wooded areas

Lands within the preserve are subject to the rules, whether owned by the state or privately, consistent with the rights of the private owners and with applicable state law The rules may establish areas and zones within the preserve where hunting, fishing, trapping, or camping is prohibited or specially regulated, to protect and propagate particular wildlife in the preserve

Rules adopted under sections 84A 01 to 84A 11 must be posted on the boundaries of the preserve

History (5620 2) 1929 c 258 s 2, 1961 c 560 s 9, 1985 c 248 s 70, 1986 c 386 art 4 s 16 1987 c 229 art 1 s 1, 1991 c 259 s 8

84A 03 RED LAKE GAME PRESERVE FUND

The Red Lake game preserve fund is created The following funds must be paid into the state treasury and credited to the fund and are annually appropriated for the purposes of sections 84A 01 to 84A 11

(1) the proceeds of certificates of indebtedness issued under sections 84A 01 to 84A 11,

(2) money received from redemption, as provided in those sections,

(3) money received as gifts to the state for the care, preservation, improvement, and maintenance of the preserve,

(4) income from the operation, development, management, and use of the preserve, including fees for licenses and permits,

(5) income from the sale of birds, animals, fish, and plants from the preserve, and from the sale of lands and timber owned by the state within the area, other than university, school, and swamp lands, state forest lands set apart under the Minnesota Constitution, article XI, section 11, and state lands acquired under the system of rural credit, and

(6) state money transferred to the preserve under state law

History (5620 3) 1929 c 258 s 3, 1965 c 51 s 10, 1976 c 2 s 172, 1987 c 229 art 1 s 1

84A 04 COUNTY AUDITOR TO MAKE LIST OF LANDS

Subdivision 1 **1929 report** The auditor of each county containing a portion of the preserve shall certify to the commissioner of natural resources a list of the lands within

the boundaries of the preserve, except lands within the boundaries of an incorporated city, that have been bid in for the state at the delinquent tax sale held in 1928 for the nonpayment of taxes or special drainage assessments and not redeemed or assigned to an actual purchaser. The certificate must contain

- (1) the legal description of each parcel of lands,
- (2) the amount of principal and interest of delinquent drainage assessments, if any, or assessment installments for all years before the date of the report, against each parcel of land, and
- (3) the amount of drainage assessments assessed against each parcel of land that have been or are to be extended on the county tax rolls for collection with the taxes for 1927 and later years

Subd 2 Annual reports On or before June 15 of each year after the report, the county auditor shall certify to the commissioner of natural resources a supplemental report giving the information contained in the original report covering the lands within the preserve bid in for the state at the annual tax sale of that year and not included in the previous report

Subd 3 Reports of land redemptions When redemption is made of any parcel of land within the preserve that has been bid in for the state at any tax sale for taxes levied before April 19, 1929, or when the tax liens on the land are assigned to an actual purchaser, the county auditor shall report the fact to the commissioner of natural resources, and the county treasurer shall send the proceeds of redemption to the state treasurer

Subd 4 Drainage ditch bonds, reports (a) After each distribution of the tax collections on the June and November tax settlements, the county auditor shall certify to the commissioner of natural resources the following information relating to bonds issued to finance or refinance public drainage ditches wholly or partly within the preserve and the collection of assessments levied on account of the ditches

- (1) the amount of principal and interest to become due on the bonds before the next tax settlement and distribution,
- (2) the amount of money collected from the 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 the ditches

(b) On approving this certificate, the commissioner of natural resources 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 the county

(c) As to public drainage ditches wholly within the preserve, the amount paid to or for the benefit of the county under paragraph (b) must never exceed the principal and interest of the bonds issued to finance and refinance the ditches outstanding after April 19, 1929, less money on hand in the county ditch fund to the credit of the ditches. The liability shall be reduced, from time to time, by the amount of all payments of assessments extended after April 19, 1929, made by the owners of lands assessed before that date for benefits on account of the ditches

(d) As to public drainage ditches partly within and partly outside the preserve, the amount paid to or for the benefit of the county must never exceed a certain percentage of bonds issued to finance and refinance the ditches so outstanding, less money on hand in the county ditch fund to the credit of the ditches after April 19, 1929. This percentage must bear the same proportion to the whole amount of the bonds as the original benefits assessed against lands within the preserve bear to the original total benefits assessed to the entire system of ditches. The liability shall be reduced, from time to time, by the payments of all assessments extended after April 19, 1929, made by the owners of lands in the preserve, of assessments for benefits assessed before April 19, 1929, on account of the ditch

(e) The commissioner of natural resources may provide and prescribe the forms for reports required by sections 84A 01 to 84A 11 and require any additional information from county officials that the commissioner of finance finds necessary for the proper administration of sections 84A 01 to 84A 11

History (5620 4) 1929 c 258 s 4, 1973 c 123 art 5 s 7, 1973 c 492 s 14, 1976 c 231 s 21, 1986 c 444, 1987 c 229 art 1 s 1

84A 05 [Repealed, 1949 c 498 s 8]

84A 06 [Repealed, 1949 c 498 s 8]

84A 07 PRESERVE LANDS TO BE HELD BY STATE

The title to parcels of land within the preserve, except lands within the boundaries of any incorporated city, that are acquired by the state under Laws 1927, chapter 119, as amended, is held by the state, free from the trust in favor of the taxing districts specified in that chapter Title must be held and used, or disposed of, in accordance with sections 84A 01 to 84A 11

History (5620 7) 1929 c 258 s 7, 1973 c 123 art 5 s 7, 1976 c 2 s 45, 1987 c 229 art 1 s 1

84A 08 PRESERVE LANDS CLASSIFIED

On receiving the reports of a county auditor specified in section 84A 04, the commissioner of natural resources shall certify a copy of the report to the department The department shall classify the lands as to their suitability for agriculture, afforestation or reforestation, or ownership and use by the state for preserving, propagating, breeding and hunting of wildlife of the kinds specified in section 84A 01 After the state acquires title to the lands they may be reclassified Lands that become the absolute property of the state under sections 84A 01 to 84A 11 and have been classified as suitable for agriculture, and timber from any lands so acquired, may be sold by the state

History (5620 8) 1929 c 258 s 8 1973 c 492 s 14 1986 c 444, 1987 c 229 art 1 s 1 1987 c 384 art 1 s 4

84A 09 GIFTS RECEIVED

The department may receive for the state and acknowledge any gifts, bequests, devises, or grants of land or interests in lands in the preserve, or of money or personal property of any kind, that it considers suitable for use in connection with the operation, control, development, or use of the preserve

History (5620 9) 1929 c 258 s 9, 1987 c 229 art 1 s 1

84A 10 EMINENT DOMAIN

The department has the right of eminent domain in chapter 117 The department may acquire, by eminent domain or by purchase, lands or interests in lands in the preserve that the department considers necessary for state ownership, use, or development for the purposes of sections 84A 01 to 84A 11 No money shall be used to acquire the lands or interests until the department determines that the money will not be required to meet the requisitions of the counties authorized under section 84A 04, or for payment of certificates of indebtedness and their interest

History (5620 10) 1929 c 258 s 10, 1987 c 229 art 1 s 1

84A 101 RULE VIOLATION, MISDEMEANOR

Any person who, within the limits of the preserve, willfully violates a rule of the department, is guilty of a misdemeanor

History 1987 c 229 art 1 s 1

84A 11 WHEN BONDS PAID IN PART BY COUNTIES

A county containing a portion of the preserve may voluntarily assume, in the manner specified in this section, the obligation to pay a portion of the principal and interest of the bonds issued before April 19 1929, and remaining unpaid at maturity, of any school district or town in the county and wholly or partly within the preserve. The portion must bear the same proportion to the whole of the unpaid principal and interest as the 1928 assessed valuation of lands then acquired by the state under sections 84A 01 to 84A 11 in that school district or town bears to the total 1928 assessed valuation of the school district or town.

This assumption must be evidenced by a resolution of the county board. A copy of the resolution must be certified to the commissioner of finance within one year after the passage of sections 84A 01 to 84A 11.

After that time, if any bonds remain unpaid at maturity, the county board shall, upon demand of the governing body of the school district or town or of a bondholder, provide for the payment of the portion assumed. The county board shall levy general taxes on all the taxable property of the county for that purpose, or shall issue its bonds to raise the sum needed conforming to law respecting the issuance of county refunding bonds. The proceeds of these taxes or bonds must be paid by the county treasurer to the treasurers of the respective school districts or towns.

If a county fails to adopt and certify this resolution, the commissioner of finance shall withhold from the payments to be made to the county, under section 84A 04, a sum equal to that portion of the principal and interest of these outstanding bonds that bears the same proportion to the whole principal and interest as the 1928 assessed valuation of lands acquired by the state within the preserve bears to the total 1928 assessed valuation of the school district or town. The money withheld must 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 is paid.

If any bonds remain unpaid at maturity, upon the demand of the governing body of the school district or town, or a bondholder, the commissioner of finance 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. Money received by a school district or town under this section must be applied to the payment of these past due bonds and interest.

History (5620 11, 5620 12) 1929 c 258 s 11,12, 1969 c 1129 art 10 s 2, 1973 c 492 s 14, 1985 c 248 s 70, 1987 c 229 art 1 s 1

REFORESTATION AREAS AND PROJECTS, 1931**84A 20 COUNTY ACTION TO SET OFF AREAS**

Subdivision 1 **Purposes** The powers in this section are granted for the purpose of

(1) vesting and re-vesting the state with title to lands suitable primarily for the development of forests and the prevention of forest fires, and for experimenting in and practically advancing afforestation and reforestation,

(2) impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams in the state, or

(3) other state purposes.

Subd 2 **County proposal to state** Under certain conditions, the board of county commissioners of any county may by resolution propose to the state that one or more areas in the county be taken over by the state for afforestation, reforestation, flood control projects, or other state purposes. The projects are to be managed, controlled, and used for the purposes in subdivision 1 on lands to be acquired by the state within the projects, as set forth in sections 84A 20 to 84A 30. The county board may propose this if (1) the county contains lands suitable for the purposes in subdivision 1, (2) on

January 1, 1931, the taxes on more than 35 percent of the taxable land in the county are delinquent, (3) on January 1, 1931, the county's bonded ditch indebtedness, including accrued interest, equals or exceeds nine percent of the assessed valuation of the county, exclusive of money and credits

The area taken over must include lands that have been assessed for all or part of the cost of the establishment and construction of public drainage ditches under state law, and on which the assessments or installments are delinquent. A certified copy of the county board's resolution must be filed with the department and considered and acted upon by the department. If approved by the department, it must then be submitted to, considered, and acted upon by the executive council. If approved by the executive council, the proposition must be formally accepted by the governor. Acceptance must be communicated in writing to and filed with the county auditor.

Subd 3 Definitions State lands that have been sold as provided by law and for which certificates of sale have been issued are taxable lands within the meaning of this section. If the taxes against the lands or the interest of the purchaser in them are delinquent, they are delinquent within the meaning of subdivision 2 until the title of the certificate holder has been terminated by the commissioner in accordance with section 92.16.

History (6452 1) 1931 c 407 s 1, 1986 c 444, 1987 c 229 art 1 s 1

84A 21 DEPARTMENT TO MANAGE PROJECTS

The department shall manage and control each project approved and accepted under section 84A 20. The department may adopt and enforce rules for the purposes in section 84A 20, subdivision 1, for the prevention of forest fires in the projects, and for the sale of merchantable timber from lands so acquired by the state when, in the opinion of the department, the timber may be sold and removed without damage to the project.

These rules may relate to the care, preservation, protection, breeding, propagation, and disposition of any species of wildlife in the project and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, and other uses of the areas consistent with applicable state law.

The department may provide for the policing of each project as needed for the proper development, use, and protection of the project and its purposes. Supervisors, guards, custodians, and caretakers assigned to duty in any project have the powers of peace officers while employed by the department.

Lands within a project are subject to these rules, whether owned by the state or privately, consistent with the rights of the private owners or with applicable state law. The rules must be published once in one qualified newspaper in each county affected and take effect after publication. They must also be posted on the boundaries of each project affected.

History (6452 2) 1931 c 407 s 2, 1985 c 248 s 70, 1987 c 229 art 1 s 1

84A 22 DISPOSAL OF PROCEEDS

The following funds must be paid to the state treasury, credited to the project to which they pertain and are annually appropriated to its purposes:

(1) the proceeds of all certificates of indebtedness issued under sections 84A 20 to 84A 30,

(2) money received from redemption, as provided in sections 84A 22 to 84A 30,

(3) money received as gifts to the state for the purposes of any project,

(4) income from the operation, development, management, and use of these projects, including fees from licenses and permits,

(5) income received from the sale of all birds, animals, fish, and plants from the projects and from the sale of lands and timber owned by the state within the area, other than university, school, and swamp lands, state forest lands set apart under the

Minnesota Constitution, article XI, section 11, and state lands acquired under the system of rural credit, and

(6) state money transferred to the project under state law

Under sections 84A 20 to 84A 30 the aggregate of all certificates of indebtedness issued must not exceed \$2,250,000

History (6452 3) 1931 c 407 s 3, 1937 c 312 s 1, 1965 c 51 s 11, 1976 c 2 s 172, 1987 c 229 art 1 s 1

84A 23 COUNTY AUDITOR TO CERTIFY TAX DELINQUENT LANDS

Subdivision 1 **First report** As soon as practicable after the approval and acceptance of a project, the auditor of each county where the project is situated shall certify to the commissioner of finance a list of lands within the project, except lands within the boundaries of a city, that have been bid in for the state at the delinquent tax sale held in 1928 for the nonpayment of taxes or special drainage assessments and not redeemed or assigned to an actual purchaser. The certificate must contain

(1) the legal description of each parcel of the lands,

(2) the amount of the principal and interest of delinquent drainage assessments, if any, or installments of assessments for all years before the date of the report against each parcel of land, and

(3) the amount of drainage assessments assessed against each parcel of land, that have been or are to be extended on the county tax rolls for collection with the taxes for 1927 and later years

Subd 2 **Supplemental reports** On or before June 15 of each year after the report, the county auditor shall certify to the commissioner of finance a supplemental report giving the information contained in the original report covering the lands within each project bid in for the state at the annual tax sale of that year and not included in the previous reports

Subd 3 **Redemption or lien assignment, proceeds** When redemption is made of any parcel of the land within a project that has been bid in for the state at a tax sale for taxes levied before April 25, 1931, or when tax liens on these lands are assigned to an actual purchaser, the county auditor shall report the fact to the commissioner of finance, and the county treasurer shall send the proceeds of the redemption or assignment to the state treasurer

Subd 4 **Drainage ditch bonds, reports** (a) Immediately after a project is approved and accepted and then after each distribution of the tax collections on the June and November tax settlements, the county auditor shall certify to the commissioner of finance the following information relating to bonds issued to finance or refinance public drainage ditches wholly or partly within the projects, and the collection of assessments levied on account of the ditches

(1) the amount of principal and interest to become due on the bonds before the next tax settlement and distribution,

(2) the amount of money collected from the drainage assessments and credited to the funds of the ditches, and

(3) the amount of the deficit in the ditch fund of the county chargeable to the ditches

(b) On approving the certificate, the commissioner of finance shall draw a warrant on the state treasurer, payable out of the fund pertaining to the project, for the amount of the deficit in favor of the county

(c) As to public drainage ditches wholly within a project, the amount of money paid to or for the benefit of the county under paragraph (b) must never exceed the principal and interest of the bonds issued to finance or refinance the ditches outstanding at the time of the passage and approval of sections 84A 20 to 84A 30, less money on hand in the county ditch fund to the credit of the ditches. The liabilities must be

reduced from time to time by the amount of all payments of assessments after April 25, 1931, made by the owners of lands assessed before that date for benefits on account of the ditches

(d) As to public drainage ditches partly within and partly outside a project, the amount paid from the fund pertaining to the project to or for the benefit of the county must never exceed a certain percentage of bonds issued to finance and refinance the ditches so outstanding, less money on hand in the county ditch fund to the credit of the ditches on April 25, 1931. The percentage must bear the same proportion to the whole amount of these bonds as the original benefits assessed against lands within the project bear to the original total benefits assessed to the entire system of the ditches. This liability shall be reduced from time to time by the payments of all assessments extended after April 25, 1931, made by the owners of lands within the project of assessments for benefits assessed before that date on account of a ditch.

(e) The commissioner of finance may provide and prescribe forms for reports required by sections 84A 20 to 84A 30 and require any additional information from county officials that the commissioner of finance considers necessary for the proper administration of sections 84A 20 to 84A 30.

History (6452 4) 1931 c 407 s 4, 1973 c 123 art 5 s 7, 1973 c 492 s 14, 1986 c 444, 1987 c 229 art 1 s 1

84A 24 [Repealed, 1949 c 498 s 8]

84A 25 [Repealed, 1949 c 498 s 8]

84A 26 PROJECT LANDS TO BE HELD BY STATE

The title to parcels of land within a project, except lands within the boundaries of a city, that are acquired by the state under Laws 1927, chapter 119, as amended, must be held by the state free from the trust in favor of the taxing districts specified in that chapter. Title must be held and used or disposed of in accordance with sections 84A 20 to 84A 30.

History (6452 7) 1931 c 407 s 7, 1973 c 123 art 5 s 7, 1976 c 2 s 46, 1987 c 229 art 1 s 1

84A 27 PROJECT LANDS CLASSIFIED

On receiving the reports of the county auditor specified in section 84A 23, the commissioner of finance shall certify a copy of the report to the department. The department shall classify the lands as to their suitability for agriculture or for afforestation, reforestation, or for the purpose of impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams, or for other state purposes. After the state acquires title to the lands as provided in sections 84A 20 to 84A 30, they may be reclassified. Lands that become the absolute property of the state under sections 84A 20 to 84A 30 and have been classified as suitable for agriculture, and timber from any lands so acquired, may be sold by the state.

History (6452 8) 1931 c 407 s 8, 1973 c 492 s 14, 1986 c 444, 1987 c 229 art 1 s 1

84A 28 DEPARTMENT TO ACCEPT GIFTS

The department may receive for the state and acknowledge any gift, bequest, devise, or grant of land or interests in lands in a project, or of money or personal property of any kind, that it considers suitable for use in connection with the operation, control, development, or use of projects.

History (6452 9) 1931 c 407 s 9, 1987 c 229 art 1 s 1

84A 29 EMINENT DOMAIN

The department has the right of eminent domain in chapter 117. The department may acquire by eminent domain or by purchase, lands or interests in lands in any project that the department considers necessary for state ownership, use, or develop-

ment for the purposes of sections 84A 20 to 84A 30 No money shall be used to acquire land or interest in it until the department and the commissioner of finance determine that the money will not be required to meet the requisitions of the counties authorized under section 84A 23 or to pay certificates of indebtedness and their interest provided for in section 84A 23

History (6452 10) 1931 c 407 s 10, 1973 c 492 s 14, 1987 c 229 art 1 s 1

84A 30 RULES VIOLATION A MISDEMEANOR

Within the limits of a project, a willful violation of a rule of the department adopted under sections 84A 20 to 84A 30 is a misdemeanor

History (6452 12) 1931 c 407 s 12, 1985 c 248 s 70, 1987 c 229 art 1 s 1

REFORESTATION AREAS AND PROJECTS, 1933

84A 31 STATE REFORESTATION PROJECTS

Subdivision 1 Purposes The powers in this section are granted for the purpose of

(1) vesting and revesting the state with title to lands suitable primarily for the development of forests and prevention of forest fires, and for experimenting in and practically advancing afforestation and reforestation,

(2) impounding, controlling, and regulating the water of meandered lakes and the flow of natural streams of the state,

(3) creating and establishing wild game and fishing reserves, or

(4) any other public state purpose

Subd 2 County proposal to state Under certain conditions, the board of county commissioners of any county may by resolution propose that the state take over part of the tax delinquent lands in the county The board may propose this if

(1) the county contains land suitable for the purposes in subdivision 1,

(2) on January 1, 1933, the taxes on more than 25 percent of the acreage of the lands in a town in the county are delinquent, as shown by its tax books,

(3) on January 1, 1933, the taxes or ditch assessments on more than 50 percent of the acreage of the lands to be taken over are delinquent, as shown by the county's tax books, and

(4) on January 1, 1933, the bonded ditch indebtedness of the county equals or exceeds 15 percent of the assessed value of the county for 1932 as fixed by the Minnesota tax commission, exclusive of money and credits

Subd 3 Form Specifically, the board may propose that any "area in the county consisting of one or more townships, or part of any township, containing such lands be taken over by the state for afforestation, reforestation, flood control projects, wild game and fishing reserves, or other public state purpose, to be managed, controlled, and used for the development of forests and prevention of forest fires, and for the purpose of experimenting in and practically advancing afforestation, reforestation, or for the purpose of impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams, or for the purpose of creating and establishing wild game and fishing reserves, or for either or any such purposes," or for any other public state purpose, on lands to be acquired by the state within such projects, as set forth in this section Each area must include lands assessed for all or part of the cost of the establishment, construction, or repair of public drainage ditches under state law, and on which the assessments or installments on them are delinquent

Subd 4 Action on resolutions A copy of the resolutions must be filed with the department and considered and acted upon by the department If approved by the department, it must then be submitted to, considered, and acted upon by the executive council If approved by the executive council, the proposition must be formally

accepted by the governor Acceptance must be communicated in writing to and filed with the auditor of the county

Subd 5 Definitions State school, swamp, indemnity, and institutional lands that are sold as provided by law and for which certificates of sale have been issued at the time of the passage of the resolution by the county board, and lands owned by the conservator of rural credit are taxable lands within the meaning of this section If the taxes or ditch lien installments on the lands or the interest of the purchaser in them are delinquent, they are lands on which the taxes are delinquent within the meaning of subdivision 2

History (4031 75) 1933 c 402 s 1, 1986 c 444, 1987 c 229 art 1 s 1

84A 32 DEPARTMENT TO MANAGE PROJECTS

Subdivision 1 Rules (a) The department shall manage and control each project approved and accepted under section 84A 31 The department may adopt and enforce rules for the purposes in section 84A 31, subdivision 1, for the prevention of forest fires in the projects, and for the sale of merchantable timber from lands acquired by the state in the projects when, in the opinion of the department, the timber may be sold and removed without damage to the purposes of the projects Rules must not interfere with, destroy, or damage any privately owned property without just compensation being made to the owner of the private property by purchase or in lawful condemnation proceedings The rules may relate to the care, preservation, protection, breeding, propagation, and disposition of any species of wildlife in the projects and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, or other uses of these areas consistent with applicable state law

(b) The department may provide for the policing of each project as necessary for the proper development, use, and protection of the project, and of its purpose Supervisors, guards, custodians, and caretakers assigned to duty in a project have the powers of peace officers while employed by the department

(c) Lands within the project are subject to these rules, whether owned by the state, or privately consistent with the constitutional rights of the private owners or with applicable state law The department may exclude from the operation of the rules any lands owned by private individuals upon which taxes are delinquent for three years or less Rules must be published once in the official newspaper of each county affected and take effect 30 days after publication They must also be posted on each of the four corners of each township of each project affected

(d) In the management, operation, and control of areas taken for afforestation, reforestation flood control projects, and wild game and fishing reserves, nothing shall be done that will in any manner obstruct or interfere with the operation of ditches or drainage systems existing within the areas, or damage or destroy existing roads or highways within these areas or projects, unless the ditches, drainage systems, roads, or highways are first taken under the right of eminent domain and compensation made to the property owners and municipalities affected and damaged Each area or project shall contribute from the funds of the project, in proportion of the state land within the project, for the construction and maintenance of roads and highways necessary within the areas and projects to give the settlers and private owners within them access to their land The department may construct and maintain roads and highways within the areas and projects as it considers necessary

Subd 2 Proceeds paid into state treasury The following funds must be paid to the state treasury and credited to the projects to which they pertain and are annually appropriated for its purposes

- (1) the proceeds of certificates of indebtedness issued under sections 84A 31 to 84A 42,
- (2) money received from redemption as provided in sections 84A 33 to 84A 42,
- (3) money received as gifts to the state for the purpose of projects,

(4) income from the operation, development, management, and use of projects, including fees received from the sale of birds, animals, fish, and plants from the projects, and the sale of all lands and timber on them owned by the state within the area, other than university, school, swamp, indemnity, or institutional lands, and state forests set apart under the Minnesota Constitution, article XI, section 11, and state lands acquired under the system of rural credit, and

(5) state money transferred to the projects under state law

Under sections 84A 31 to 84A 42, the total of all certificates of indebtedness issued must not exceed \$750,000

History (4031 77, 4031 78) 1933 c 402 s 3,4, 1965 c 51 s 12, 1976 c 2 s 172, 1985 c 248 s 70, 1987 c 229 art 1 s 1

84A 33 COUNTY AUDITORS TO CERTIFY TAX DELINQUENT LANDS

Subdivision 1 **First report** As soon as practicable after the approval and acceptance of a project, the auditor of each county where the project is situated shall certify to the commissioner of finance a list of lands within the project, except lands within the boundaries of an incorporated city, upon which taxes are delinquent for three years or more, which have been bid in for the state at any delinquent tax sale, and not redeemed or assigned to any actual purchaser. The certificates must contain

(1) the legal description of each parcel of the land, and

(2) the name and number of the ditch and the amount of the principal and interest of each delinquent drainage assessment as it appears on the county tax books for all years before the date of the certificate against each parcel of land, together with interest on the amount at six percent annually since the due date of the installment.

Subd 2 **Further annual reports** On or before June 15 in each year after the report, the county auditor shall certify to the commissioner of finance a list of lands within the boundaries of a project, except lands within the boundaries of a city, and except lands described in any previous certificate, and upon which taxes are delinquent for three years or more and which have been bid in for the state at any delinquent tax sale and not redeemed or assigned to an actual purchaser. The certificate must contain

(1) The legal description of each parcel of the land, contained in an earlier certificate upon which all taxes have been redeemed

(2) The legal description of each parcel of the lands which, on May 14 of the year when the certificate is furnished, is delinquent for three years or more

(3) The name and number of the ditch and the amount of the principal and interest of each delinquent ditch assessment installment as it appears on the county tax books for all years before the date of the certificate against each parcel of land, together with interest on the amount at an annual rate of six percent since the due date of each installment. The certificate must not contain the delinquent drainage assessment installments included in any certificate furnished earlier.

Subd 3 **Drainage assessments, report when paid or assigned** When the delinquent drainage assessment installment on any parcel of land included in a certificate of the county auditor is redeemed, paid, or assigned to any person, the county auditor shall report the fact to the commissioner of finance. The county treasurer shall pay the state treasurer the amount paid in the county treasury on account of the delinquent drainage assessment installments.

Subd 4 **Ditch bonds, funds, payments to counties** (a) Upon the approval and acceptance of a project and after each distribution of the tax collections for the June and November tax settlements, the county auditor shall certify to the commissioner of finance the following information about bonds issued to finance or refinance public drainage ditches wholly or partly within the projects, and the collection of assessments levied for the ditches

(1) the amount of principal and interest to become due on the bonds before the next tax settlement and distribution,

(2) the amount of money collected from the drainage assessments and credited to the funds of the ditches, not already sent to the state treasurer as provided in sections 84A 31 to 84A 42, and

(3) the amount of the deficit in the ditch fund of the county chargeable to the ditches

(b) On approving this certificate of the county auditor, the commissioner of finance shall draw a warrant on the state treasurer, payable out of the fund provided for in sections 84A 31 to 84A 42, and send it to the county treasurer of the county. These funds must be credited to the proper ditch of the county and placed in the ditch bond fund of the county, which is created, and used only to pay the ditch bonded indebtedness of the county assumed by the state under sections 84A 31 to 84A 42. The total amount of warrants drawn must not exceed in any one year the total amount of the deficit provided for under this section.

(c) The state is subrogated to all title, right, interest, or lien of the county in or on the lands so certified within these projects.

(d) As to public drainage ditches wholly within a project, the amount paid to, or for the benefit of, the county under this subdivision must never exceed the principal and interest of the bonds issued to finance or refinance a ditch outstanding on April 22, 1933, less money on hand in the county ditch fund to the credit of a ditch. These liabilities must be reduced from time to time by the amount of any payments of assessments extended after April 22, 1933, made by the owners of lands assessed before that date for benefits on account of the ditches.

As to public drainage ditches partly within and partly outside a project the amount paid from the fund pertaining to the project to or for the benefit of the county must never exceed a certain percentage of bonds issued to finance and refinance a ditch so outstanding, less money on hand in the county ditch fund to the credit of a ditch on April 22, 1932. The percentage must bear the same proportion to the whole amount of the bonds as the original benefits assessed against these lands within the project bear to the original total benefits assessed to the entire system for a ditch. This liability must be reduced from time to time by the payments of all assessments extended after April 22, 1933, made by the owners of lands within the project of assessments for benefits assessed before that date on account of a ditch.

Subd 5 Forms and information. The commissioner of finance may provide and prescribe forms for required reports and require any further information from county officials which the commissioner of finance finds necessary for the administration of sections 84A 31 to 84A 42.

History (4031-79) 1933 c 402 s 5, 1973 c 123 art 5 s 7, 1973 c 492 s 14, 1986 c 444, 1987 c 229 art 1 s 1

84A 34 [Repealed, 1949 c 498 s 8]

84A 35 [Repealed, 1949 c 498 s 8]

84A 36 LANDS TO BE HELD BY STATE

The title to parcels of land within a project, except lands within the boundaries of a city, that are acquired by the state under Laws 1927, chapter 119, as amended, must be held by the state free from any trust in favor of the taxing districts specified in that chapter. Title must be held and used or disposed of in accordance with state law.

History (4031-82) 1933 c 402 s 8, 1973 c 123 art 5 s 7, 1976 c 2 s 47, 1987 c 229 art 1 s 1

84A 37 COMMISSIONER OF FINANCE TO CERTIFY LIST TO DEPARTMENT

On receiving the reports of the county auditor specified in section 84A 33, the commissioner of finance shall certify a copy of the report to the department. The department shall classify the lands as to their suitability for agriculture or for afforestation, reforestation, or for the purpose of impounding, controlling, and regulat

ing the waters of meandered lakes and flow of natural streams, or for other state purposes After the state acquires title to the land as provided in sections 84A 31 to 84A 42, the lands may be reclassified Lands that become the absolute property of the state under sections 84A 31 to 84A 42 and have been classified as suitable for agriculture, and timber from any lands so acquired, may be sold or rented by the state

History (4031 83) 1933 c 402 s 9, 1973 c 492 s 14, 1986 c 444, 1987 c 229 art 1 s 1

84A 38 DEPARTMENT TO ACCEPT GIFTS

The department may receive for the state and acknowledge any gift, bequest, devise, or grant of land, or interests in lands, in a project, or of money or personal property of any kind, that it finds suitable for use in connection with the operation, control, development, or use of projects

History (4031 84) 1933 c 402 s 10, 1987 c 229 art 1 s 1

84A 39 EMINENT DOMAIN

The department has the right of eminent domain in chapter 117 The department may acquire by eminent domain or by purchase any privately owned lands or interests in lands within a project that it considers necessary for state ownership, use, or development for the purposes of sections 84A 31 to 84A 42 No money shall be used to acquire land or interest in it until the department and the commissioner of finance determine that the money will not be required to meet the requisitions of the counties authorized under section 84A 33 or to pay certificates of indebtedness and their interest

History (4031 85) 1933 c 402 s 11, 1973 c 492 s 14, 1987 c 229 art 1 s 1

84A 40 COUNTY MAY ASSUME BONDS

Any county where a project or portion of it is located may voluntarily assume, in the manner specified in this section, the obligation to pay a portion of the principal and interest of the bonds issued before the approval and acceptance of the project and remaining unpaid at maturity, of any school district or town in the county and wholly or partly within the project The portion must bear the same proportion to the whole of the unpaid principal and interest as the last net tax capacity, before the acceptance of the project, of lands then acquired by the state under sections 84A 31 to 84A 42 in the school districts or towns bears to the total net tax capacity for the same year of the school district or town This assumption must be evidenced by a resolution of the county board of the county A copy of the resolution must be certified to the commissioner of finance within one year after the acceptance of the project

Later, if any of the bonds remains unpaid at maturity, the county board shall, upon demand of the governing body of the school district or town or of a bondholder provide for the payment of the portion assumed The county shall levy general taxes on all the taxable property of the county for that purpose, or issue its bonds to raise the sum needed, conforming to law respecting the issuance of county refunding bonds The proceeds of taxes or bonds must be paid by the county treasurer to the treasurer of the school district or town No payments shall be made by the county to the school district or town until the money in the treasury of the school district or town, together with the money to be paid by the county, is sufficient to pay in full each of the bonds as it becomes due

If a county fails to adopt and certify the resolution, the commissioner of finance shall withhold from the payments to be made to the county under section 84A 32 a sum equal to that portion of the principal and interest of the outstanding bonds that bears the same proportion to the whole of the bonds as the above determined net tax capacity of lands acquired by the state within the project bears to the total net tax capacity for the same year of the school district or town Money withheld from the county must be set aside in the state treasury and not paid to the county until the full principal and interest of the school district and town bonds have been paid

If any bonds remain unpaid at maturity, upon the demand of the governing body of the school district or town, or a bondholder the commissioner of finance 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's liability authorized in this section to be voluntarily assumed. Money received by a school district or town under this section must be applied to the payment of past due bonds and interest.

History (4031-86) 1933 c 402 s 12, 1973 c 492 s 14, 1987 c 229 art 1 s 1, 1988 c 719 art 5 s 84, 1989 c 329 art 13 s 20

84A 41 DEFINITIONS

Subdivision 1 **Taxes** "Taxes," as used in sections 84A 31 to 84A 42 includes taxes of every kind and special assessments of every kind

Subd 2 **Bonds and bonded indebtedness** "Bonds and "bonded indebtedness," as used in sections 84A 31 to 84A 42, include bonds and accumulated interest on bonds of every nature issued to finance or refinance the construction, maintenance, or repair of public drainage ditches

History (4031-76) 1933 c 402 s 2, 1987 c 229 art 1 s 1

84A 42 RULES VIOLATION A MISDEMEANOR

A person who within the limits of any project established in accordance with section 84A 31 willfully violates a rule of the department of natural resources adopted under sections 84A 31 to 84A 42 is guilty of a misdemeanor

History (4031 87) 1933 c 402 s 13, 1969 c 1129 art 10 s 2, 1985 c 248 s 70, 1987 c 229 art 1 s 1

FINANCES

84A 50 CERTAIN CERTIFICATES ACCEPTED AND VALIDATED

Certificates relating to bonds issued to finance or refinance public drainage ditches, the principal and interest of the bonds, the amount of money collected from drainage assessments and credited to ditches, and the amount of the deficit in the ditch fund made by a county auditor under section 84A 04, 84A 23, or 84A 33 to the commissioner of finance on which payment has been made by the state are accepted as correct and are validated

History 1949 c 498 s 1, 1973 c 492 s 14, 1987 c 229 art 1 s 1

84A 51 CONSOLIDATED CONSERVATION AREAS ACCOUNT

Subdivision 1 **Account created** There is created in the state treasury the consolidated conservation areas account, also called the consolidated account

Subd 2 **Funds transferred, appropriated** Money in any fund established under section 84A 03, 84A 22, or 84A 32, subdivision 2, is transferred to the consolidated account, except as provided in subdivision 3. The money in the consolidated account, or as much of it as necessary, is appropriated for the purposes of sections 84A 52 and 84A 53. Any remaining balance is transferred to the general fund

Subd 3 **Payments to county** Within 30 days after the end of each fiscal year the commissioner of finance shall pay one-half of the income received in the consolidated account in that fiscal year to the county containing the land from which the income is derived. That amount is so appropriated

Subd 4 **County's use of funds** The funds received by each county must be apportioned by the county auditor as follows

(1) 30 percent to a county development fund, which is created, to be spent under the direction of the county board for the rehabilitation and development of the portion of the county within the conservation area,

- (2) 40 percent to the capital outlay fund of the school district from which derived,
- (3) 20 percent to the county revenue fund, and
- (4) ten percent to the township road and bridge fund of the township from which derived

If the proceeds are derived from an unorganized township with no levy for road and bridge purposes, the township portion must be credited to the county revenue fund

Subd 5 [Unnecessary]

History 1949 c 498 s 2, 1957 c 675 s 1, 1973 c 492 s 14, 1987 c 229 art 1 s 1, 1989 c 335 art 4 s 20, 106

84A 52 ACCOUNTS, EXAMINATION, APPROPRIATION, PAYMENT

As a part of the examination provided for by section 6 48, of the accounts of the several counties within a game preserve, area, or project established under section 84A 01, 84A 20, or 84A 31, the state auditor shall segregate the audit of the accounts reflecting the receipt and disbursement of money collected or disbursed under this chapter or from the sale of tax forfeited lands held by the state under section 84A 07, 84A 26, or 84A 36 The auditor shall also include in the reports required by section 6 48 summary statements as of December 31 before the examination that set forth the proportionate amount of principal and interest due from the state to the individual county and any money due the state from the county remaining unpaid under this chapter, or from the sale of any tax forfeited lands referred to in this section, and other information required by the commissioner of finance On receiving a report, the commissioner of finance shall determine the net amount due to the county for the period covered by the report and shall draw a warrant upon the state treasury payable out of the consolidated fund for that amount It must be paid to and received by the county as payment in full of all amounts due for the period stated on the warrants from the state under any provision of this chapter

Money to pay the warrants is appropriated to the counties entitled to payment from the consolidated fund in the state treasury

History 1949 c 498 s 3, 1959 c 158 s 7, 1973 c 492 s 7, 14, 1Sp1981 c 4 art 1 s 64, 1987 c 229 art 1 s 1

84A 53 RECEIPTS NOT CREDITED TO CONSOLIDATED ACCOUNT

Subdivision 1 **Tax levies** Money collected from tax levies made before April 19, 1949, under this chapter, must be deposited in the state treasury to the credit of the general fund Upon completion of the payment provided for in section 84A 52, the commissioner of finance shall make the appropriate entries Money referred to in this section must not be used for the payments under section 84A 52 until all other money in the consolidated account has been spent

Subd 2 **Land sales** The portion of the money received from the sale of tax-forfeited lands that are held by the state under section 84A 07, 84A 26, or 84A 36, that would not be paid to the counties if all the sale proceeds were deposited in the consolidated account, must be deposited in the land acquisition account The remaining amount must be paid to the counties under section 84A 51 as if all the sale proceeds were deposited in the consolidated account

History 1949 c 498 s 4, 1969 c 399 s 1, 1973 c 492 s 14, 1984 c 654 art 2 s 80, 1987 c 229 art 1 s 1, 1989 c 335 art 4 s 106

84A 54 COLLECTIONS DEPOSITED IN CONSOLIDATED ACCOUNT

Except as provided in section 84A 53, money received after April 18, 1949, under this chapter must be deposited in the consolidated account

History 1949 c 498 s 5, 1984 c 654 art 2 s 81, 1987 c 229 art 1 s 1, 1989 c 335 art 4 s 106

ADMINISTRATION

84A 55 COMMISSIONER'S CONTROL OF CONSERVATION LANDS

Subdivision 1 **General control** Game preserves, areas, and projects established under section 84A 01, 84A 20, or 84A 31, are under the management, operation, and control of the commissioner of natural resources. The commissioner has the powers and duties provided in this section.

Subd 2 **Forest protection** The commissioner shall care for, preserve, protect, and develop the forests in preserves, areas, and projects, shall prevent forest fires in them so far as means are available, and may experiment in and practically advance afforestation and reforestation there.

Subd 3 **Timber sales** The commissioner may sell merchantable timber on lands held by the state under section 84A 07, 84A 26, or 84A 36. It must be sold in the same way as timber on other state lands.

Subd 4 **Waters** The commissioner may impound, control, and regulate the waters of meandered and other public lakes in preserves, areas, and projects and the flow of natural streams.

Subd 5 **Wildlife** The commissioner shall care for, protect, and preserve any species of wildlife there, so far as means are available.

Subd 6 **Regulation, licensing** The commissioner may regulate and license, subject to revocation for violation of any state law relating to wild animals or of this section, the breeding, propagation, and disposition of wildlife in preserves, areas, or projects by any person as necessary to execute subdivision 5.

Subd 7 **Hunting and other licenses** The commissioner may issue, subject to revocation for violation of state law relating to wild animals or of sections 84A 50 to 84A 55, special licenses or permits for hunting, fishing, camping, or other uses consistent with those sections or any other applicable state law.

Subd 7a **Snowmobiles on certain lands** Unless specifically prohibited by a rule of the commissioner, snowmobiles may be operated on lands subject to this section that have been identified by the commissioner as wildlife management areas.

Subd 8 **Policing** The commissioner may police the game preserves, areas, and projects as necessary to carry out this section. Persons assigned to the policing have the powers of police officers while so engaged.

Subd 9 **Drainage** The commissioner may make necessary investigations and surveys for and may undertake projects for the drainage of state-owned lands within a game preserve conservation area or other area subject to this section so far as the commissioner determines that the lands will benefit from the project for the purposes for which the area was established. The commissioner may pay the cost of drainage projects out of funds appropriated and available for them. If the commissioner finds after investigation that a project for the construction, repair, or improvement of a public ditch or ditch system undertaken by a county or other public agency as otherwise provided by law will benefit the lands for those purposes, the commissioner may cooperate in the project by joining in the petition for the project or consenting to or approving it on any conditions the commissioner determines. The commissioner shall authorize the imposition of assessments for the projects on the lands in any amounts the commissioner determines, or may make lump sum contributions to the county or other public funds established for the payment of the cost of the project. The assessments or contributions must not exceed the value of benefits to the state-owned lands as determined by the commissioner and specified by written certificates or other statement filed in the proceedings. Assessments or contributions are payable only out of funds appropriated and available for them in amounts the commissioner determines. The commissioner of natural resources shall establish by rule before January 1, 1986, the criteria for determining benefits to state-owned lands held or used to protect or propagate wildlife, provide hunting or fishing for the public, or serve other purposes.

relating to conservation, development, or use of soil, water, forests, wild animals, or related natural resources

Subd 10 Roads, landing strips The commissioner may construct and maintain and contribute funds for construction and maintenance of roads and airplane landing fields or strips within a game preserve, conservation area, or other area subject to this section. Payments for highway purposes under this subdivision may be made to any governmental subdivision or to the United States in amounts set by the commissioner from the account created by section 84A.51

Subd 11 Rules The commissioner may promulgate rules necessary for the execution of this section, including the conditions of licenses and permits under subdivision 7 and the amount of license fees. In addition to notice required by other law, the commissioner must give 30 days' notice posted in each township affected by the rules. The rules have the force of law, and any violation of rules is a misdemeanor. Lands within a game preserve, area, or project referred to in subdivision 1, whether owned privately or by the state or any governmental subdivision, are subject to the rules consistent with the constitutional rights of private owners or other applicable state law.

Subd 12 Compensation Nothing shall be done under this section that will interfere with the operation of ditches or drainage systems existing in any game preserve, area, or project referred to in subdivision 1, or damage or destroy any existing road or highway in it, so far as constructed, improved, or maintained by any governmental subdivision or public agency or person other than the commissioner, unless the right to them is first acquired by the commissioner by purchase or condemnation, upon payment of just compensation to the political subdivision, public agency, or person affected and damaged.

Subd 13 Buying land The commissioner may acquire by purchase or condemnation any land or interest in land or any public work or project or right in it necessary for any purpose authorized in this section.

Subd 14 Source of funds Salaries and expenses incurred to carry out this section must be paid from money appropriated from the consolidated account or other fund or account designated in the applicable appropriation.

History 1949 c 498 s 6, 1953 c 654 s 1, 1955 c 792 s 1, 1969 c 1129 art 10 s 2, 1978 c 674 s 14, 1984 c 654 art 2 s 82, 1985 c 248 s 70, 1986 c 444, 1987 c 229 art 1 s 1, 1989 c 335 art 4 s 21, 106, 1992 c 573 s 3

84A.56 CONSOLIDATED CONSERVATION LAND ACQUISITION AND DISPOSITION

Subdivision 1 Consolidated conservation land acquisition and disposition plan Before the commissioner may acquire or dispose of land in the game preserves, areas, and projects established under section 84A.01, 84A.20, or 84A.31 in any county, the commissioner must prepare a county land acquisition and disposition plan. The plan must identify the general areas where the commissioner intends to acquire or dispose of land and their accompanying reasons. The plan must emphasize a balance of uplands and wetlands.

Subd 2 Review by county board The plan must be submitted to the county board for review and comment. The board must notify the commissioner of natural resources of any concerns or disagreements with the plan within 90 days after receiving the plan or proposal.

Subd 3 Department review of appraisals The county board must submit appraisals for land offered for sale under this section to the commissioner for review at least 30 days before the date of the sale.

History 1984 c 654 art 2 s 83, 1987 c 229 art 1 s 1

84A.57 CERTAIN TAX FORFEITED LAND HELD IN TRUST FOR COUNTY

Notwithstanding any law to the contrary, land that forfeits to the state for nonpayment of taxes and is in a game preserve, area, or project established under section 84A 01, 84A 20, or 84A 31 must be held in trust for the taxing district as land outside a game preserve, area, or project. The lands must be disposed of and managed, and have income from the land allocated, in the same manner as land that is outside a game preserve, area, or project.

History 1984 c 654 art 2 s 84, 1987 c 229 art 1 s 1