

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 1051**

(SENATE AUTHORS: CARLSON, Dibble, Seeberger, Westlin and Mitchell)  
DATE 02/01/2023 D-PG Introduction and first reading  
OFFICIAL STATUS Referred to Judiciary and Public Safety

1.1 A bill for an act

1.2 relating to real property; exempting state agencies from actions under the

1.3 Marketable Title Act; amending Minnesota Statutes 2022, section 541.023,

1.4 subdivision 6.

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

1.6 Section 1. Minnesota Statutes 2022, section 541.023, subdivision 6, is amended to read:

1.7 Subd. 6. **Limitations; certain titles not affected.** This section shall not affect any rights

1.8 of the federal government; nor increase the effect as notice, actual or constructive, of any

1.9 instrument now of record; nor bar the rights of any person, partnership, state agency or

1.10 department, or corporation in possession of real estate. This section shall not impair the

1.11 record title or record interest, or title obtained by or through any congressional or legislative

1.12 grant, of any railroad corporation or other public service corporation or any trustee or receiver

1.13 thereof or of any educational or religious corporation in any real estate by reason of any

1.14 failure to record further evidence of such title or interest even though the record thereof is

1.15 now or hereafter more than 40 years old; nor shall this section require the recording of any

1.16 notice as provided for in this section as to any undischarged mortgage or deed of trust

1.17 executed by any such corporation or any trustee or receiver thereof or to any claim or action

1.18 founded upon any such undischarged mortgage or deed of trust. The exceptions of this

1.19 subdivision shall not include (1) reservations or exceptions of land for right-of-way or other

1.20 railroad purposes contained in deeds of conveyance made by a railroad company or by

1.21 trustees or receivers thereof, unless said reserved or excepted land shall have been put to

1.22 railroad use within 40 years after the date of said deeds of conveyance, (2) nor any rights

1.23 under any conditions subsequent or restrictions contained in any such deeds of conveyance.