

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

S.F. No. 125

(SENATE AUTHORS: GREEN and Gruenhagen)

DATE
01/10/2023

D-PG

Introduction and first reading
Referred to State and Local Government and Veterans

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to local government; establishing procedures for a county to alter a
1.3 preexisting boundary line; requiring counties to restore and perpetuate United
1.4 States public land survey monuments; amending Minnesota Statutes 2022, sections
1.5 381.12, subdivision 1; 508.671, by adding a subdivision; 559.23.

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

1.7 Section 1. Minnesota Statutes 2022, section 381.12, subdivision 1, is amended to read:

1.8 Subdivision 1. **Surveyor, employment.** When the county board determines that the
1.9 monuments established by the United States in the public lands survey to mark public land
1.10 survey corners have been destroyed or are becoming obscure, it ~~may~~ must employ a land
1.11 surveyor licensed under chapter 326 to perpetuate said corners with durable magnetic
1.12 monuments. The land surveyor shall make full and accurate notes and records from which
1.13 the entire survey can be retraced, and, no later than one year after perpetuating the corners,
1.14 shall file the records of such survey and a certificate of location of government corner for
1.15 each corner, prepared in compliance with subdivision 3. The land surveyor shall file the
1.16 records and certificate in the office of the county surveyor if an office is maintained in a
1.17 building maintained by the county for county purposes on a full-time basis, and if not, the
1.18 land surveyor shall record them in the office of the county recorder. The monuments are
1.19 prima facie evidence of the original United States public land survey corners.

1.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.1 Sec. 2. Minnesota Statutes 2022, section 508.671, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 4. **Preestablished boundary lines.** A county that seeks to alter a preestablished
2.4 boundary line when there is no pending action under subdivisions 1 and 2 must file a petition
2.5 with the court administrator to alter the boundary line. The county must file, record, and
2.6 provide notice of the petition in the same manner required under subdivision 1. Following
2.7 the final determination of the court, the court and the county must issue, file, and record a
2.8 copy of the final order in the same manner required under subdivisions 2 and 3. The county
2.9 is responsible for expenses related to surveying lands and expenses related to filing and
2.10 recording the petition and final order.

2.11 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2023, and
2.12 applies to actions pending on or commenced on or after that date.

2.13 Sec. 3. Minnesota Statutes 2022, section 559.23, is amended to read:

2.14 **559.23 ACTION TO DETERMINE BOUNDARY LINES.**

2.15 (a) An action may be brought by any person owning land or any interest therein against
2.16 the owner, or persons interested in adjoining land, to have the boundary lines established;
2.17 and when the boundary lines of two or more tracts depend upon any common point, line,
2.18 or landmark, an action may be brought by the owner or any person interested in any of such
2.19 tracts, against the owners or persons interested in the other tracts, to have all the boundary
2.20 lines established. If a boundary line is in common with registered land, the determination
2.21 of the boundary must be made pursuant to section 508.671. The court shall determine any
2.22 adverse claims in respect to any portion of the land involved which it may be necessary to
2.23 determine for a complete settlement of the boundary lines, and shall make such order
2.24 respecting costs and disbursements as it shall deem just. The decree of the court shall be
2.25 filed with the court administrator, and a certified copy thereof shall be recorded in the office
2.26 of the county recorder; provided that such decree shall not be accepted for such recording
2.27 or filing until it shall be presented to the county auditor who shall enter the same in the
2.28 transfer record and note upon the instrument over the auditor's official signature the words
2.29 "ENTERED IN THE TRANSFER RECORD."

2.30 (b) A county that seeks to alter a preestablished boundary line when there is no pending
2.31 action under paragraph (a), must file a petition to alter the boundary line pursuant to section
2.32 508.671, subdivision 4.

3.1 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2023, and
3.2 applies to actions pending on or commenced on or after that date.

3.3 Sec. 4. **ASSESSMENT AND PRESERVATION OF MONUMENTS REQUIRED.**

3.4 On or before December 31, 2025, a county must conduct a comprehensive assessment
3.5 of monuments established by the United States in the public land survey that exist within
3.6 the boundaries of the county. On or before December 31, 2026, a county must preserve and
3.7 restore all monuments that are destroyed or obscured in accordance with the requirements
3.8 and procedures of Minnesota Statutes, section 381.12, subdivision 2, in excess of \$.....

3.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.