

CHAPTER. 496—H. F. No. 1595

An act relating to the provision of land for military or naval training purposes, authorizing the acquisition of land therefor, appropriating money therefor, authorizing tax levies and the sale of certificates of indebtedness to provide funds therefor, prescribing procedure for condemnation of such land, authorizing the use of tax-forfeited land for military or naval training purposes, and authorizing the leasing of land to the United States for such purposes.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Adjutant general may acquire land for military and naval purposes.—The adjutant general is hereby authorized to acquire in the name of the state by purchase, gift, or condemnation such lands as he deems necessary for military or naval training purposes adjacent to or in the vicinity of the military field training center at Camp Ripley or at other suitable places in this state, subject to the approval of the executive council and subject to the limitations of funds appropriated and available therefor. Such authority shall continue until and including June 30, 1943, and shall then terminate; provided, that any proceedings for the condemnation of land commenced on or before said date may be prosecuted to completion thereafter.

Sec. 2. "Military and naval land fund" created—tax levy.—There is hereby created a special fund to be known as the Military and Naval Land Fund, to be used for the purposes hereinafter specified. To provide money for said fund the state auditor is hereby authorized and directed to levy upon all taxable property in the state in the manner in which other state taxes are levied in the taxable years 1943, 1944, 1945, 1946, and 1947, such sums as may be necessary to meet the appropriations and pay the certificates of indebtedness hereinafter authorized, not exceeding \$200,000 for each of said taxable years, and not exceeding \$1,000,000 in the aggregate, and to levy and collect annually such additional sum or sums as may be necessary to meet the interest on said certificates of indebtedness. In case of a deficiency in the proceeds of such tax levy for any year, the auditor shall levy sufficient additional amounts in succeeding years to compensate therefor until the full amount herein authorized has been raised. The proceeds of such taxes shall be credited to said Military and Naval Land Fund.

Sec. 3. May issue certificates of indebtedness.—Pending the levy and collection of such taxes, upon request of the adju-

tant general, with the approval of the executive council, the state auditor is hereby authorized and directed to issue and sell certificates of indebtedness of the state as funds are needed for the purposes of this act, not exceeding the amounts required from time to time to meet the appropriations herein-after made and not exceeding \$1,000,000 in the aggregate. Such certificates shall be known as Military and Naval Land Fund Certificates of Indebtedness, shall be numbered consecutively, and shall be issued and sold at not less than par upon sealed bids after two weeks published notice, unless sold to the State Board of Investment as hereinafter provided. Such certificates shall be in such form and of such denominations and shall mature at such times as the auditor may determine, not exceeding the time when funds shall be available for the payment thereof from the tax levies herein authorized. Such certificates shall bear such rate of interest, payable semi-annually, and shall contain such other terms and provisions, not inconsistent herewith, as the auditor may determine. Such certificates shall be signed by the state treasurer and attested by the state auditor under their official seals, and the auditor and treasurer shall keep records thereof. Such certificates shall be a charge upon and lien against the taxes herein authorized. The principal and interest of such certificates shall be payable only from the proceeds of such taxes, and so much thereof as may be necessary is hereby appropriated for such payments; provided, that such interest as may become due at any time when there is not on hand a sufficient amount from the proceeds of such taxes to pay the same shall be paid out of the general revenue fund, and the amount necessary therefor is hereby appropriated, to be reimbursed from the proceeds of such taxes when received. All moneys received from the sale of such certificates shall be credited to said Military and Naval Land Fund.

Sec. 4. State Board of Investment may purchase certificates.—The State Board of Investment is hereby authorized to invest any funds under its control or direction in any certificates of indebtedness issued hereunder and to purchase such certificates at a rate of interest not exceeding three per cent per annum, and such certificates may be issued and sold to said board without advertising for bids.

Sec. 5. Appropriations from fund.—There is hereby appropriated to the adjutant general out of said Military and Naval Land Fund such sums as he, without the approval of the executive council, may request from time to time after the passage of this act until and including June 30, 1943, for the cost of acquisition of lands hereunder and expenses inci-

dent thereto, not exceeding \$1,000,000 in the aggregate. Any balance of the sums so requested remaining unexpended at the end of any fiscal year shall be carried over and be available for the next and succeeding fiscal years until all proceedings for acquisition of lands authorized hereunder have been completed and until all obligations incurred hereunder have been paid.

Sec. 6. Condemnation proceedings.—Proceedings for the condemnation of lands hereunder shall be governed by the provisions of Mason's Minnesota Statutes 1927, Chapter 41, and acts amendatory thereof and supplementary thereto, so far as applicable, subject to the further provisions of this act.

Sec. 7. May file certificate of taking.—Subdivision 1. If the adjutant general shall determine that it is necessary to take immediate possession of any land which is under condemnation hereunder prior to the vesting of title thereto in the state in the regular course of proceedings, he may, at any time after the filing of the petition for condemnation, file with the court a certificate of taking, describing the land and declaring that the same is taken for the purposes herein authorized. At the time of filing such certificate he shall deposit with the clerk of the court such sum of money as the court may approve to secure payment of the final award for the land to the person or persons entitled thereto. The court's approval of the amount of the deposit shall be indorsed upon the certificate of taking. A certified copy of such certificate and indorsement shall be recorded with the register of deeds. Thereupon title to the land described in the certificate shall become vested in the state, and the adjutant general may take possession thereof in behalf of the state.

Subdivision 2. The final amount of the award shall bear interest at the rate provided by law from the time of the filing of the certificate of taking, except such sum as may be certified for immediate payment as hereinafter provided.

Subdivision 3. The adjutant general shall file with every such deposit a separate certificate stating the amount which he deems to be just compensation for the land taken and authorizing immediate payment of such amount under the order of the court. After the filing of such certificate no interest shall be allowed upon that part of the award represented by the amount so certified. Upon application of any party interested and upon notice and hearing as in case of distribution of an award paid into court, the court shall order the amount so certified by the adjutant general to be paid over to the person or persons entitled to compensation for

the land taken according to their respective interests. Every such payment shall be applied and credited on the award.

Subdivision 4. Upon the determination of the final award any amount thereof not already paid as hereinbefore provided shall be paid from the amount deposited hereunder upon like proceedings as in case of an award paid into court. Any deficiency shall be payable as in other cases of awards.

Subdivision 5. The provisions of this section shall not preclude the application of any other provision of law which may be applicable in the premises.

Sec. 8. May sell and lease lands now held.—The adjutant general, with the approval of the executive council, may lease any lands now owned or hereafter acquired by the state for military or naval training purposes, including the military training center at Camp Ripley, or any part thereof, to the United States for military or naval training purposes during such times and upon such terms as they deem proper, provided, that no lease shall be made for a term longer than 20 years, and sufficient facilities at said training center shall be reserved for the maintenance and field training of the national guard of the state.

Sec. 9. May requisition tax forfeited lands. — Subdivision 1. The adjutant general, with the approval of the executive council, may requisition for military or naval training purposes any tax-forfeited land in the state or any state land in the custody or under the control of the commissioner of conservation or any agency of the department of conservation, subject to the conditions hereinafter prescribed. Such requisition shall be made by filing a certificate thereof executed by the adjutant general, together with a certified copy of the resolution of the executive council approving the same, as follows:

(a) With the county auditor of the county in which the land is situated in the case of tax-forfeited land held subject to any control or authority of the county board;

(b) With the officer having custody of the state land records in the department of conservation in the case of any tax-forfeited land or other state land not subject to any control or authority of a county board.

Subdivision 2. No such requisition shall be made in the case of any state land which has been designated or set apart for any specific public use without the approval of the commissioner of conservation.

Subdivision 3. No such requisition shall be made in the case of any tax-forfeited land within the limits of any city or village without the approval of the governing body thereof.

Subdivision 4. Land so requisitioned may be leased to the United States for military or naval training purposes as hereinafore provided.

Subdivision 5. Land so requisitioned, so long as used by the state or by the United States for military or naval training purposes, shall be relieved from any trust in favor of any taxing district and from any control or authority of any other public agency for any other purposes. In case the use of such land for military or naval training purposes should cease it shall revert to its status immediately prior to being requisitioned for such purposes, and shall be subject to all the conditions and incidents attached to such status.

Subdivision 6. Expenses incident to the requisitioning of land for military or naval training purposes hereunder, to the leasing of such land to the United States, and to proceedings to perfect the title to such land, if necessary, shall be payable from the appropriations hereinbefore made for acquisition of land.

Sec. 10. **Must be used solely for military purposes.**—No land or lands may be acquired, requisitioned or leased, nor may any other powers be exercised under this act unless and until the executive council has received reasonable assurance from the duly authorized representative or representatives of the federal government that such land or lands are to be used solely for military purposes.

Approved April 28, 1941.

CHAPTER 497—H. F. No. 1593

An act relating to the organization and administration of state government, appropriating money therefor, creating a legislative advisory committee, abolishing the legislative emergency committee and transferring its powers and duties, and amending Mason's Supplement 1940, Section 53-18t.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—Mason's Supplement 1940, Section 53-18t, is hereby amended so as to read as follows: