

Sec. 5. This act shall be effective immediately upon its final enactment.

Approved April 29, 1957.

CHAPTER 849—H. F. No. 1552

[Coded in Part]

An act providing for the conservation, protection and reclamation of publicly-owned harbor lands in the state of Minnesota, creating a Minnesota Seaway Property Conservation Fund, providing for the levy of taxes for the support thereof, and the issuance of tax anticipation certificates of indebtedness, providing for the use of said funds and a public audit of the recipients thereof; creating a commission to investigate and study the need for further state participation in the conservation, protection and reclamation of publicly-owned harbor lands and appropriating moneys therefor.

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

Section 1. [458.50] **Policy declaration.** It is hereby determined and declared that the harbors in this state are valuable natural resources; that there are tracts of land in this state located in harbors upon the Great Lakes-St. Lawrence Seaway, which by reason of topography, submersion, erosion, depletion and other causes tend to impede navigation and are valueless for any useful riparian purpose; that the conservation, development, reclamation and protection of these lands so as to constitute them economically valuable is an essential governmental function of the state of Minnesota; that the conservation, development, reclamation and protection of such lands will promote the public welfare of the state of Minnesota by developing to usefulness certain of these lands, and that such processes are essential to assure the inclusion of the state of Minnesota in both domestic and foreign systems of water-borne commerce; that the fortunate position of the state of Minnesota with respect to the Great Lakes-St. Lawrence Seaway will not be fully realized in terms of economic benefit to the citizens of this state unless certain of such lands are conserved, developed, reclaimed, and protected; that these processes of restoring such lands to economic usefulness will provide employment; will reduce unemployment; will tend to increase navigation and commerce in the state of Minnesota; and will benefit in many other ways the people of the state of Minnesota.

✓ **Sec. 2. [458.51] Minnesota Seaway Property Conservation Fund.** There is hereby created a special fund to be known as the Minnesota Seaway Property Conservation Fund. To provide moneys for this fund there are hereby levied upon all taxable property in the state of Minnesota, to be spread by the state auditor upon the tax rolls in the manner in which other state taxes are spread, for the taxable years 1957 to 1971, inclusive, taxes sufficient to produce the sum of \$333,333.34 for each of the years 1958 to 1972, inclusive, together with such additional sums as may be necessary to pay the interest upon the certificates of indebtedness hereinafter authorized. 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 the Minnesota Seaway Property Conservation Fund. ✓

/ **Sec. 3. [458.52] Certificates of indebtedness, issuance.** Pending the levy and collection of such taxes, and upon request of the governor, the state auditor shall issue and sell certificates of indebtedness of the state as funds are needed for the purposes of this act, not exceeding the amount required from time to time to meet the appropriations hereinafter made and not exceeding \$5,000,000 in the aggregate. Such certificates shall be known as Minnesota Seaway Property Conservation Certificates of Indebtedness, 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 authorized by section 2 of this act. Such certificates shall bear such rate of interest 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 a lien against the taxes authorized by section 2 of this act. 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 the Minnesota Seaway Property Conservation Fund.

Sec. 4. [458.53] **Purchase of certificates of indebtedness by state board of investment.** 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 such rate of interest as it may determine, and such certificates may be issued and sold to the board without advertising for bids.

Sec. 5. [458.54] **Appropriation to governor.** There is hereby appropriated to the governor out of the Minnesota Seaway Property Conservation Fund all moneys which from time to time may be credited to said fund for the purposes hereinafter specified. Any balance remaining at the end of any fiscal year shall be carried over and shall be available for the purposes of this act until July 1, 1972, and thereafter until all obligations theretofore incurred hereunder have been paid.

Sec. 6. [458.55] **Port authorities may apply to governor for aid.** Any port authority organized and operating under Minnesota Statutes 1953, Sections 458.09 through 458.19, or amendatory and supplemental laws, which owns land in a port district upon the Great Lakes-St. Lawrence Seaway, which are submerged, eroded or depleted, or which for any reason are valueless for riparian purposes, which land is so situated so as to be beneficial to the citizens of this state were the land to be developed to economic usefulness, may apply to the governor for assistance in conserving, reclaiming, developing or protecting such land. The application to the governor shall describe the lands sought to be conserved, developed, reclaimed or protected; shall contain photographs or surveys showing the tract and its proximity to navigable waterways; an estimate of the cost of such; plans showing the manner in which the conservation, development, reclamation or protection of such lands may best be achieved; the use to which such lands will be put upon their conservation, development, reclamation or protection; the benefit to the people of this state from such a project; and a request of the governor for funds necessary to conserve, develop, reclaim and protect any such tract or tracts, by piling, bulkheading, filling or any other means, without limitation, by reason of the enumeration of the foregoing.

Sec. 7. [458.56] **Appropriation by port authority before application.** Before submitting such an application such port authority shall by resolution appropriate its funds in an amount equal to that requested of the governor for expendi-

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ture upon the conservation, development, reclamation, or protection of the lands described in the application or for expenditure for capital improvements necessary to render such rehabilitated lands useful for port authority purposes. The funds appropriated by any such port authority shall be spent solely for the purposes detailed in the resolution and in furtherance of the plan submitted to the governor or modified with his consent and the approval of the state executive council. Such port authority may for the purpose of furthering a single integrated project as described in its initial application for funds to the governor make further applications for additional funds in the same manner as set forth herein.

Sec. 8. [458.57] Governor to determine amount of funds to be allocated to port authority. Upon receipt of any such application, the governor, with the approval of the state executive council, shall determine what amount, if any, of the funds of the Minnesota Seaway Property Conservation Fund shall be paid over to the treasurer of any applying port authority, taking into consideration the location of the port authority with respect to the Great Lakes-St. Lawrence Seaway, the usefulness of the port as part of a domestic or foreign system of water-borne commerce; the use to which the reclaimed lands described in the application will be put by the port authority upon the conservation, reclamation, or protection of the lands; the benefit to the people of the state of Minnesota as distinguished from purely local benefits to be derived from the completed plans of any such port authority; the amount and nature of seaway property in said port unsuitable for maritime use because of submersion, erosion, or depletion; and the feasibility and cost of conserving, developing, reclaiming or protecting seaway property in any such port. Upon order of the governor, the treasurer shall pay from the Minnesota Seaway Property Conservation Fund such amounts and in such manner to such port authority as the governor, with the approval of the state executive council, may designate.

Sec. 9. [458.58] Limitation on expenditures of port authority. Any moneys paid to any such port authority from the Minnesota Seaway Property Conservation Fund shall be expended by such port authority solely for conservation, development, reclamation, or protection of the lands described in the application in accordance with the plan submitted to the governor and approved by him, with the approval of the state executive council. Such plans may be modified by the port authority from time to time only with the written consent of the governor and the approval of the state executive council.

The books, records, accounts and affairs of any such port

authority shall be audited by the public examiner in the same manner as he makes audits of any county and such port authority shall reimburse the public examiner for the reasonable cost thereof in the same manner as the public examiner is reimbursed by a county for an audit.

Sec. 10. [458.59] Declaration of public use. It is hereby determined and declared that the use of any submerged, eroded, or depleted tracts of land in harbors upon navigable water by any political subdivision of this state or by any port authority for the purpose of conserving, developing, reclaiming or protecting such lands so as to restore them to economic usefulness is a public use conferring a public benefit. The commissioner of taxation is authorized to transfer any of such tracts forfeited to the state for taxes to any political subdivision of this state or port authority for such use in accordance with the provisions of Minnesota Statutes 1953, Section 282.01. Any political subdivision of this state or any port authority acquiring such lands may conserve, develop, reclaim or protect them in any manner deemed suitable by the governing body. Upon their being restored to a state of economic usefulness, any such political subdivision or port authority may put them to their own use, or lease them upon such terms and conditions as the governing body may see fit.

No such lease shall be made and entered into without the approval of the governor and the state executive council.

No state-owned tax-forfeited land comprising riparian lands or submerged lands within the harbor line as duly established, and all such tax-forfeited lands lying within a distance of 1500 feet thereof, located in harbors upon the Great Lakes-St. Lawrence Seaway shall be offered for sale or sold to any private person, firm or corporation and all such tax-forfeited lands are hereby withdrawn from sale to such private persons, firms or corporations.

Sec. 11. Interim commission to study state participation in program for conservation of harbors. Subdivision 1. A commission to investigate and study the advisability and feasibility of further state participation in a program for the conservation, protection and reclamation of publicly owned harbor lands in the state of Minnesota is hereby created to consist of five members of the senate, to be appointed by the committee on committees, and five members of the house of representatives to be appointed by the speaker of the house.

Subd. 2. Seaway Port Authority interim commission. Such commission shall be known as the Seaway Port Authority Interim Commission and shall make a comprehensive, detailed

and complete investigation and study of the advisability and feasibility of further state participation in the conservation, protection and reclamation of publicly owned harbor lands in the state of Minnesota and the development of port facilities thereon and to report to the next session of the legislature.

Subd. 3. Meetings. The commission shall elect a chairman and such officers as it may determine, and hold meetings at such times and places as it may designate. The commission may employ such professional and technical assistants and employees as it deems necessary and convenient to accomplish its purposes and the members thereof shall be reimbursed for all expense actually and necessarily incurred in the performance of their duties.

Subd. 4. Appropriations. The sum of \$15,000 or so much thereof as may be necessary is hereby appropriated out of funds not otherwise appropriated in the state treasury, for the use of the commission in performing its duties under the provisions of this act. For the payment of such expenses the commission shall draw its warrant upon the state treasurer, which warrant shall be signed by the chairman and at least one other member of the commission and the state auditor shall then approve it and the state treasurer pay such warrants as and when presented.

Approved April 29, 1957.

CHAPTER 850—H. F. No. 1584

[Not Coded]

An act relating to fees of court reporters in the eleventh judicial district; amending Laws 1921, Chapter 460, Section 6.

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

Section 1. Laws 1921, Chapter 460, Section 6, is amended to read:

Sec. 6. Fees for transcript. In addition to such salaries the reporter may charge for one transcript of his record ordered by any person other than the judge, *twenty* cents per folio thereof and five cents per folio for each manifold or other copies thereof, when so ordered that it can be made with such original transcript.

Approved April 29, 1957.
