

CHAPTER 852—H.F.No.1337

[Coded]

An act relating to Voyageurs National Park; authorizing the donation of state lands to the United States for the park; authorizing condemnation of state trust fund lands and lands of political subdivisions located within the park boundaries; authorizing acquisition of unencumbered title to lands held in trust for taxing districts; authorizing the filing of certain claims; consenting to federal land acquisition within the park; specifying powers and duties of public officials in relation thereto; appropriating money and authorizing the issuance and sale of state bonds for the acquisition of lands within the park.

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

Section 1. **[84B.01] VOYAGEURS NATIONAL PARK; LEGISLATIVE FINDINGS.** Subdivision 1. **HISTORY OF EFFORTS TO ESTABLISH.** The legislature finds that the untiring efforts of citizens of the state of Minnesota, first formally enunciated by the legislature in 1891 by concurrent resolution number 13, together with efforts of citizens of other states, have culminated in the enactment by the second session of the 91st Congress of an act authorizing the establishment of Voyageurs National Park in the state of Minnesota; (Public Law 91-661).

Subd. 2. **PURPOSE OF PARK.** The legislature concurs with the stated purpose of Congress in authorizing the establishment of the park. It is, therefore, the purpose of this act to preserve, for the inspiration and enjoyment of present and future generations, the outstanding scenery, geologic conditions, and waterway system which constituted a part of the historic route of the voyageurs, who contributed significantly to the opening of the northwestern United States.

Subd. 3. **PUBLIC INTERESTS SERVED BY ESTABLISHMENT OF THE PARK.** This act of the legislature is a necessary first step in the establishment of the park and is in furtherance of the provisions of section 101 of the act of Congress authorizing the establishment of the park. The Voyageurs National Park will be the largest park area within the state and will be of especial and immediate benefit to the citizens of the state, due to its accessibility to them, and to the effect it may reasonably be expected to have on the development of tourism and related economic activities. This act will, therefore, promote the health and welfare of the citizens of the state of Minnesota.

Sec. 2. **[84B.02] WITHDRAWAL OF LANDS FROM KABETOGAMA STATE FOREST.** All lands, including but not limited to

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trust fund lands, tax forfeited lands, and acquired lands lying within the boundaries of Voyageurs National Park as described by section 102 of the act of Congress authorizing the establishment of the park are withdrawn from the Kabetogama state forest.

Sec. 3. [84B.03] DONATION OF STATE LANDS. Subdivision 1. **GOVERNOR'S DUTIES.** Notwithstanding the provisions of any other law to the contrary, the governor, after consulting with the commissioner of natural resources and, in regard to lands forfeited to the state for nonpayment of taxes and held in trust by the state for taxing districts, the commissioner of taxation, shall donate and convey to the United States of America the state's interest in all of the following lands lying within the boundaries of Voyageurs National Park, as described by section 102 of the act of Congress authorizing the establishment of the park: (1) trust fund lands; (2) lands forfeited to the state for nonpayment of taxes and held in trust by the state for taxing districts; and (3) other lands acquired or otherwise owned by the state. Each conveyance of these lands shall contain the following: (1) a provision that the lands shall revert to the state of Minnesota if (a) the secretary of the interior does not establish the park within five years after donation of all state owned lands, or if (b) the lands so conveyed are no longer used for national park purposes; (2) a reservation to the state of all minerals and water power rights; (3) a provision that the conveyance is subject to the rights of any person having an interest in the land on the date of conveyance pursuant to state lease, license, or permit; and (4) to satisfy the provisions of section 301(c) of the act authorizing the establishment of Voyageurs National Park, each conveyance of these lands also shall contain the covenant required by that section to prohibit mining or water power development.

Subd. 2. **TRUST FUND LAND; CONDEMNATION.** For the purpose of satisfying the public sale requirements of Minnesota Constitution, Article 8, Section 4, and other applicable provisions of Minnesota's Constitution, including but not limited to Article 4, Section 32, and in keeping with the decision of the Minnesota supreme court in the case of Independent School District of Virginia v. State, 124 Minn. 271, where the court held that condemnation satisfied the public sale requirement of the Minnesota Constitution, the commissioner of administration shall acquire, by condemnation, fee title to all trust fund lands lying within the boundaries of Voyageurs National Park. The commissioner of administration shall not condemn the interests of any person holding a lease, license, or permit from the state in the lands condemned. Before any parcel of trust fund land is donated to the United States, the commissioner of administration shall certify to the governor that the parcel has been condemned, the condemnation award has been paid, and the time to appeal from the award has expired.

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Subd. 3. TAX FORFEITED LAND; REIMBURSEMENT OF LOCAL TAXING DISTRICTS. The commissioner of administration shall also acquire fee title, free from any trust or other encumbrance, to all land lying within the boundaries of Voyageurs National Park, the title to which has vested or may vest in the state due to nonpayment of taxes and expiration of the period for redemption, after the giving of notice thereof as provided by law, and is held by the state pursuant to Minnesota Statutes, Section 281.25, in trust for the respective taxing districts interested in the taxes, assessments, penalties, interest, and costs accrued against the land at the time of expiration of the period of redemption. The commissioner of administration, in cooperation with the commissioner of natural resources, shall appraise the land at its fair market value. Upon determining the value of the land, the commissioner of administration shall transfer to the appropriate county auditor, from money appropriated for this purpose, an amount of money equal to the appraised value of the land, whereupon fee title to the land, free from any trust or other encumbrance, shall vest in the state of Minnesota. When a county is not satisfied with the valuation determined by the commissioner of administration, it may appeal the matter to the district court in Ramsey county. The appeal shall be conducted so far as possible in the manner provided for eminent domain proceedings by Minnesota Statutes, Chapter 117. The county auditor shall apportion the money in the manner provided in Minnesota Statutes, Section 282.08, for the apportionment of proceeds from the sale of tax forfeited lands.

Sec. 4. [84B.04] ACQUISITION OF LANDS OF POLITICAL SUBDIVISIONS. The commissioner of administration shall acquire, by condemnation or purchase, fee title to lands owned by any political subdivision of the state located within the boundaries of Voyageurs National Park. Upon certification by the commissioner that the lands have been acquired and that any appeal time has expired, the governor shall donate and convey these lands to the United States for the park, in the manner provided in section 3 of this act.

Sec. 5. [84B.05] OWNERS OF CERTAIN IMPROVED PROPERTIES MAY FILE CLAIMS. Any person leasing land of the state of Minnesota for cabin site purposes within the boundaries of Voyageurs National Park may file with the state claims commission, in the manner provided in Minnesota Statutes, Sections 3.66 to 3.84, a claim for the fair market value of any recreational residential dwelling, the construction of which was commenced on or after January 1, 1969 and before January 1, 1970. Jurisdiction to hear and determine these claims is hereby conferred upon the state claims commission.

Sec. 6. [84B.06] STATE'S CONSENT TO ACQUISITION OF LANDS. Consent of the state of Minnesota is given to the acquisition by the United States in any manner authorized by act of Congress of

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lands lying within the boundaries of Voyageurs National Park for any purpose incident to the development and maintenance of the park, subject to concurrent jurisdiction of the state and the United States as defined in Minnesota Statutes, Section 1.041.

Sec. 7. [84B.07] APPROPRIATION IN LIEU OF PROPERTY TAXES. When a tract or lot of privately owned property is acquired by the federal government for inclusion within Voyageurs National Park, and when, as a result of the acquisition, taxes are no longer assessed against the tract or lot or any improvements thereon, the following amount is annually appropriated from the general fund to the county of Koochiching or St. Louis for distribution to the taxing districts: In the first year after taxes are last required to be paid on the property, 80 percent of the last required payment; in the second year after taxes are last required to be paid on the property, 60 percent of the last required payment; in the third year after taxes are last required to be paid on the property, 40 percent of the last required payment; in the fourth year after taxes are last required to be paid on the property, 20 percent of the last required payment. The county auditor shall certify to the state auditor the total amount due to a county on or before March 30 of the year in which money is appropriated pursuant to this section. Money received by a county pursuant to this subdivision shall be distributed to the various taxing districts in the same proportion as the levy of a taxing district bears to the total levy on the property in the last year taxes were required to be paid on the property. In no case shall the total amount of money appropriated to Koochiching county exceed \$19,000, and in no case shall the total amount of money appropriated to St. Louis county exceed \$111,000.

Sec. 8. [84B.08] APPROPRIATION AND BONDS. Subdivision 1. For the purpose of providing funds to pay the cost of acquisition of public land in the manner and upon the conditions set forth in section 3, subdivisions 2 and 3, and section 4, including but not limited to the cost of appraisals, court costs, and legal services, the state auditor is authorized upon request of the governor to sell and issue bonds of the state to be designated as Voyageurs National Park bonds in an aggregate amount not to exceed \$5,870,000, in the manner and upon the conditions prescribed in this section and in the Constitution, Article IX, Section 6. The proceeds of such bonds, except accrued interest and premium, are appropriated to the commissioner of administration and shall be credited to a special bookkeeping account in the general fund and used solely for the purpose for which the bonds were authorized as provided in this section. Such bonds shall not be subject to restrictions or limitations contained in any other law. The appropriation of the proceeds thereof shall not lapse until the purpose for which it is made has been accomplished or abandoned. When such purpose has been accomplished or abandoned, the commissioner of administration shall so certify to the state auditor, and the

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unexpended balance of the appropriation, unless transferred by law to another purpose, shall be transferred and is appropriated to the state bond fund.

Subd. 2. The bonds shall be sold and issued in one or more series as requested by the governor, upon sealed bids and upon such notice, at such price, in such form and denominations, bearing interest at such rate or rates, maturing in such amounts and on such dates, without option of prepayment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks within or outside the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with such further regulations, as the auditor shall determine, subject to the approval of the attorney general, but not subject to the provisions of sections 15.0411 to 15.0422. The bonds shall be executed by the state auditor and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any appurtenant interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The state auditor shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the proceeds of the bonds, and the amounts necessary therefor are appropriated for that purpose.

Subd. 4. The state auditor shall maintain in the state bond fund a separate bookkeeping account which shall be designated as the Voyageurs National Park bond account, to record receipts and disbursements of money transferred to the fund to pay Voyageurs National Park bonds and interest thereon. The premium and accrued interest received on each series of such bonds shall be credited to this account.

Subd. 5. In order to reduce the amount of taxes otherwise required to be levied there shall also be credited to the bond account from the general fund, on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand therein, to pay all Voyageurs National Park bonds and interest

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thereon due and to become due to and including July 1 in the second ensuing year. All money so credited is annually appropriated to the bond account for the payment of such bonds and interest thereon, and shall be available in the bond account prior to the levy of the tax in any year required by the Constitution, Article IX, Section 6. The state auditor and treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Subd. 6. On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money then and theretofore credited to the bond account, to pay the entire amount of principal and interest then and theretofore due and principal and interest to become due on or before July 1 in the second year thereafter on Voyageurs National Park bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of section 273.13, subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all such bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments.

Sec. 9. **[84B.09] LIMITATION ON APPROPRIATIONS.** It is the intent of the legislature that the appropriations made by section 7, as payments to counties in lieu of taxes, and by section 8, as proceeds from the sale of Voyageurs National Park bonds, shall not exceed \$6,000,000 and shall constitute the total expenditure of the state or any state agency for the purposes of this act, notwithstanding any other provisions of law or any appropriation made by law.

Sec. 10. **[84B.10] ENVIRONMENTAL PROTECTION.** Before any lands are conveyed to the United States pursuant to this act, the state shall enter into a written agreement with the secretary of the interior or his designee pursuant to which the parties agree to cooperate to maintain in the park the highest standards relating to air, land, and water quality, whether these highest standards be state or federal, consistent with the lawful authority possessed by the state of Minnesota and the secretary of the interior in his administration of the national park system to maintain air, land, and water quality in the park.

Sec. 11. **EFFECTIVE DATE.** This act is effective upon final enactment.

Approved June 4, 1971.

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