

## CHAPTER 195

### STATE AIRBASE

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**195.01 ADJUTANT GENERAL TO ACQUIRE LAND FOR AIRBASE.** Subdivision 1. The adjutant general may acquire in the name of the state by purchase, gift or condemnation proceedings, all lands or any interest therein which he may deem necessary, including lands already devoted to a public use, for the establishment of an airbase.

Subd. 2. Where necessary and in order to provide unobstructed air space for the landing and taking off of aircraft using the airbase, the adjutant general may also acquire, in the same manner as is provided for the acquisition of land in subdivision 1, easements or other interests in air space over land and water, easements or other interests in airbase hazards outside the boundaries of the airbase, and such other airbase protection privileges as may be necessary to insure safe approaches to the landing areas of said airbase, and the safe and efficient operation thereof. The term "airbase hazard" as used in sections 195.01 to 195.10 has the same meaning as the term "airport hazard" as defined in Minnesota Statutes, section 360.013, subdivision 22.

Subd. 3. The adjutant general may acquire in the same manner as is provided for the acquisition of land in subdivision 1, such interests or rights in lands as he may deem necessary as sites for the erection and operation of air navigation aids and facilities outside the boundaries of the airbase, together with means of access thereto.

Subd. 4. The authority conferred upon the adjutant general by this section is subject to the approval of the governor.

Subd. 5. It shall be unlawful for any person to in any way encroach upon any airbase protection privilege acquired by the adjutant general under the provisions of this section. Any such encroachment is declared to be a public nuisance and may be abated in the same manner as provided by law for the abatement of such nuisances, or the adjutant general or any one in charge of the airbase for which airbase protection privileges have been acquired under this section may enter upon the lands of others and remove any such encroachment without being liable in any manner for so doing. The term "airbase protection privilege" as used in this chapter has the same meaning as "airport protection privilege" as defined in Minnesota Statutes, section 360.013, subdivision 24.

Subd. 6. The adjutant general shall not acquire any lands under the authority herein granted until such time as an agreement has been entered into with the United States of America programming the development and use of the airbase by the reserve elements of the United States Air Force and the United States Navy and agreeing that on the completion of the development all jet operations of these elements will be removed from Wold Chamberlain Field to the airbase.

[1957 c 900 s 1]

**195.02 LANDS ACQUIRED FOR PUBLIC PURPOSES.** The lands acquired for the establishment of an airbase are hereby declared to be for public and governmental purposes.

[1957 c 900 s 2]

**195.03 STATE, OWNER OF AIRBASE.** The airbase herein provided for is declared to be an airport owned or operated by the State of Minnesota and all of the provisions of Minnesota Statutes, sections 360.061 to 360.174, as amended inclusive, are applicable thereto, notwithstanding any provision in this chapter indicating the contrary.

[1957 c 900 s 3]

**195.04 POSSESSION OF LAND BY ADJUTANT GENERAL.** The adjutant general may, except as to lands already devoted to a public use, at any time after the filing of a petition for the condemnation of any lands or interests therein authorized by this chapter, take possession thereof. Proceedings for the condemnation of lands and interests therein authorized by the terms and provisions hereof are governed by Minnesota Statutes, chapter 117, and acts amendatory thereof and supplementary thereto.

[1957 c 900 s 4]

**195.05 SALE OF PROPERTY ON LANDS ACQUIRED FOR AIRBASE.** The adjutant general with the approval of the governor may sell, in the manner provided by law, all timber, growing crops, buildings, and other improvements, if any, situated upon the lands acquired by the state under the authority of this chapter and not needed for airbase purposes. The proceeds, if any, of any such sale are hereby appropriated to the adjutant general for any of the purposes authorized by this chapter in addition to any other moneys appropriated hereby.

[1957 c 900 s 5]

**195.06 ROADS AND HIGHWAYS MAY BE CLOSED.** Subdivision 1. The adjutant general with the approval of the governor may close and obliterate all public roads and highways existing over and upon any of the lands acquired under the authority hereof. Except however, that no roads or highways of community interest shall be closed or obliterated until such time as an alternate route has been established, the location and design standards of which shall meet the state aid standards.

Subd. 2. The commissioner of highways as to trunk highways, the town board as to town roads and the county board as to county roads shall cooperate with the adjutant general in the establishment of any public road and highway which may be required by reason of the closing and obliteration of any and all public roads and highways established over and upon the lands acquired for the airbase upon such terms and conditions as may be mutually agreed upon by such road authority and the adjutant general. The respective road authorities and the adjutant general may do any and all acts and things necessary to carry out the provisions of this section notwithstanding the provisions of any law to the contrary. The location and design standards of any roads shall be in accordance with the state aid standards and regulations as established and in force at the time of the establishment of the particular road or roads.

[1957 c 900 s 6]

**195.07 SCHOOL DISTRICTS LOCATED WITHIN AREA ACQUIRED, STATE AID.** Subdivision 1. In order to provide state aid to school districts having an outstanding bonded indebtedness and which are located either in whole or in part within the area acquired for the airbase, the sum of \$41,110 is hereby appropriated and made available out of the appropriations made by this chapter to be expended by the adjutant general in accordance with this section.

Subd. 2. On or about May 10 of the year following the acquisition of the lands for the airbase, and on or about the same date in each year thereafter for a total of twenty consecutive years, the adjutant general after consultation with the commissioner of education and the county auditor of any county in which the airbase is situated shall estimate the amount of taxes which would have been levied against the lands of the airbase for outstanding bonded indebtedness for school purposes incurred prior to the passage of this chapter, if such lands were subject to taxation. He shall then offer to each school district the proportionate amount of his estimate of such taxes conditioned upon such school district reducing its actual levy for school bond and interest purposes for that year in the amount of the offer. If such school district accepts the offer of the adjutant general and furnishes him with a certified copy of the resolution of its board agreeing to reduce its levy in accordance with the terms and conditions of the offer, he shall certify the fact thereof to the state auditor who shall draw his warrant upon the state treasurer payable to the school district in the amount of the offer.

Subd. 3. Upon acquisition of lands by the state under this chapter, Minnesota Statutes, section 360.133, shall apply to all lands so acquired, in the same manner that such section would apply if such lands were acquired for a major airport, as defined by law, and if such lands did constitute a part of such major airport; and this provision shall remain in effect, notwithstanding the transfer of such lands

by the state to the United States of America. For the purposes defined in Minnesota Statutes, section 360.133, all lands acquired under this chapter shall be deemed to be a major airport.

Subd. 4. When the properties of any school district in this state are detached from such school district because they comprise a part of or are located on an airport established under this chapter, such district shall receive annually an allocation from the proceeds of income taxes in the amount that would be produced by a tax on such detached properties at the current tax rate for school purposes in the school district.

Subd. 5. For the purpose of determining the amount of this refund, the value of such properties shall be set at thirty-five percent of their full and true value except that in no case shall the assessed value of said properties for this purpose exceed such an amount as when added to the assessed value of all other property in the school district exceed \$2,600 per resident pupil unit.

Subd. 6. In the determination of the amounts, to which the school districts shall be entitled in this distribution of any state aids that are based upon total valuation per pupil this valuation shall not be included.

Subd. 7. In no case shall the amount so allotted in any year exceed 20 percent of the amount levied in the school district for school purposes.

Subd. 8. Any school district desiring to take advantage of this section shall apply in writing for its allocation to the state auditor on or before the first of August of each year. Such application shall be accompanied by the following information:

(1) The full and true valuation, as determined by the assessment next preceding the year during which such application is made, of all properties which have been detached from the school district because they comprise a part of, or are located on, a major airport.

(2) The assessed value as of the first of May of the next preceding year of all property in the school district subject to ad valorem taxation.

(3) The current tax rate for school purposes in the school district.

(4) The amount levied in the school district for school purposes for the current year.

(5) The number of resident pupil units in average daily attendance during the current school year.

The clerk of the board of the school district shall apply to the county auditor of the county in which the school district is located for the information called for in paragraphs (1), (2), (3), (4). The county auditor shall forthwith ascertain and certify the information and shall transmit the information to the clerk.

The clerk of the board of the school district shall apply to the commissioner of education for the information called for in paragraph (5). The commissioner shall forthwith ascertain and certify the information and shall transmit the information to the clerk.

Subd. 9. The state auditor shall immediately consider the matter and determine whether or not such district is entitled to an allocation under the provisions of this section, and if he finds that the school district is entitled to an allocation he shall determine the amount to which it is entitled within the limitations of this section and shall draw his warrant upon the state treasurer, in favor of such school district for the amount to which it is so entitled, and deliver the same thereto, taking proper vouchers or receipts therefor.

[1957 c 900 s 7]

#### 195.08 LAND ACQUIRED MAY BE TRANSFERRED TO UNITED STATES.

Subdivision 1. All lands acquired under the provisions of this chapter and all easements and interests in land acquired in connection therewith may be transferred, conveyed, or assigned to the United States of America by the governor in the name of the state to the United States of America for such consideration and upon such terms and conditions as the governor may negotiate. Any transfer, conveyance or assignment made as a result of the authority herein granted shall be conditioned upon the continuance of the terms and conditions as contained in this chapter. It is understood, however, that in connection with any such conveyance, transfer or assignment, an agreement will be entered into between the State of Minnesota and the United States of America so as to assure the military and naval forces of the state an adequate site upon such airbase for its needs.

Subd. 2. The governor shall seek from the Congress of the United States an appropriation authorizing the State of Minnesota to be reimbursed for its costs incurred for the establishment of the airbase hereunder.

[1957 c 900 s 8]

**195.085 APPROPRIATION.** For the purposes of carrying out the terms and provisions of sections 195.01 to 195.10 there is hereby appropriated to the adjutant general from the airbase fund in the state treasury, which fund is hereby established, the sum of \$1,000,000 or so much thereof as may be necessary.

[1957 c 900 s 9]

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**195.09 TAX LEVIES AUTHORIZED.** Subdivision 1. For the purpose of providing funds appropriated by sections 195.01 to 195.10, there is hereby levied upon all the taxable property in this state a tax sufficient to produce \$1,000,000 which the state auditor shall cause to be extended and collected in the manner in which other state taxes upon real and personal property are extended and collected, to be included in the levies spread upon the tax rolls for the years 1959-1983, inclusive, in amounts sufficient to produce the sum of \$40,000 in each of the years 1960 to 1984, inclusive, plus additional amount sufficient to produce such sums as may be necessary to pay the interest upon certificates of indebtedness issued pursuant to the provisions of this chapter. The proceeds of such tax levies and of the sale of certificates of indebtedness issued hereunder shall be credited to the airbase fund. 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 moneys in the airbase fund are hereby appropriated for the purposes herein specified.

Subd. 2. The state auditor shall, in anticipation of the collection on taxes levied in subdivision 1 hereof, issue and sell certificates of indebtedness in the amount and subject to the limitations herein prescribed. Such certificates shall be known as airbase certificates of 1959-1983, and shall be issued upon the certification of the adjutant general that funds are needed for the purposes authorized herein, not exceeding \$1,000,000 in the aggregate. Such certificates 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, which may invest any funds under its control or direction in any such certificates of indebtedness so issued and to purchase such certificates, notwithstanding any limitations imposed by Minnesota Statutes, section 11.10 or any other law inconsistent herewith, at such rate of interest as it may determine. Such certificates shall be in such sum and of such denominations and shall mature at such times as the state auditor shall 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 state auditor may require. Such certificates shall be signed by the state treasurer and attested by the state auditor under their official seals, and the state auditor and the state treasurer shall keep records thereof. Such certificates shall be a charge against the taxes herein authorized. The principal and interest of such certificates shall be payable 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 in the state treasury, and the amount necessary therefor is hereby appropriated to be reimbursed from the proceeds of such taxes when received.

Subd. 3. Any expenses incidental to the printing and sale of certificates of indebtedness, including actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the airbase fund and the amounts therefor are hereby appropriated from such fund.

[1957 c 900 s 10]

**195.10 APPROPRIATIONS REMAIN AVAILABLE.** Notwithstanding any provision of law to the contrary, all the moneys appropriated herein are deemed for construction or other permanent improvements and are available until the purposes for which such appropriation is made have been accomplished or abandoned.

[1957 c 900 s 11, 12]