

reconstruction projects designated in subdivision 3 of this section.

Subd. 5. BOND SALE; DEBT SERVICE. To provide the money appropriated from the state building fund in subdivisions 2, 3 and 4 the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$3,275,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67, and by the Constitution, Article XI, Sections 4 to 7.

Sec. 5. EFFECTIVE DATE. This act is effective the day following final enactment.

Approved May 31, 1979.

CHAPTER 301—H.F.No.1253

An act relating to open space and recreation; providing for the acquisition and betterment of open space lands, state trails, forests, fish and wildlife management, natural and scientific areas, and accesses to public waters; payments to counties in lieu of taxes on public hunting grounds and game refuges; establishing Tettegouche State Park; prescribing the powers and duties of the commissioner of natural resources in relation to Tettegouche State Park; establishing a citizen's advisory task force on the Boundary Waters Canoe Area; authorizing the issuance of bonds; appropriating money; amending Minnesota Statutes 1978, Section 97.49, Subdivision 3; and Laws 1977, Chapter 421, Section 13, Subdivision 3.

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

Section 1. OUTDOOR RECREATION BONDING. To provide the money appropriated by this act from the state building fund, the commissioner of finance, upon request of the governor, shall sell and issue bonds of the state in the amount of \$48,065,000 in the manner and upon the terms prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67, and the Minnesota Constitution, Article XI, Sections 4 to 7.

Sec. 2. METROPOLITAN AREA RECREATION OPEN SPACE; APPROPRIATION FOR ACQUISITION AND DEVELOPMENT. \$27,000,000 is appropriated from the Minnesota state building fund to the state planning agency for payment to the metropolitan council, established under Minnesota Statutes, Section 473.123. The state planning agency shall transfer the amount to the metropolitan council, upon receipt of a certified copy of a council resolution requesting payment. The appropriation shall be used to pay the cost of the acquisition and betterment by the metropolitan council and local governmental units of regional recreation open space in accordance with the council's policy plan, as provided in Minnesota Statutes, Sections 473.301 to 473.341 including relocation costs and tax equivalents required to be paid by sections 473.315 and 473.341. Of the amount appropriated by this section, the metropolitan council may expend no more than \$200,000 for staff and independent professional services necessary to acquire and better open space and for the performance

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of duties of the metropolitan council under this section.

Sec. 3. The following sums are appropriated from the state building fund to the commissioner of natural resources for the acquisition and betterment of public outdoor recreation lands and capital improvements described as follows, respectively:

- (1) For acquisition of state trails listed and described in Minnesota Statutes, Section 85.015, and pursuant to Minnesota Statutes, Section 84.029, Subdivision 2 \$ 750,000
- (2) For betterment of state trails 1,800,000

No further expenditure of money shall be made on the Luce Line trail west of the eastern corporate limits of the city of Winsted except for maintenance and replacement of drainage tile, culverts and fences, noxious weed control and similar expenses. No further expenditure of money for development of the Luce Line trail shall be made until the commissioner of natural resources has prepared a comprehensive management plan covering development of the trail, submitted the plan to the senate agriculture and natural resources committee, to the house environment and natural resources committee, the house appropriations committee, and the senate finance committee for the purpose of consultation, and received their recommendations thereon. The recommendations are advisory only.

- (3) For betterment of public land and improvements needed for skiing, hiking and bicycling within state parks and recreation areas listed and described in sections 85.012 and 85.013 and state forests, as listed and described in section 89.021 1,105,000
- (4) For acquisition of state forests listed and described in Minnesota Statutes, Section 89.021 2,000,000
- (5) For betterment of state forests, priority to be given to the Richard J. Dorer Memorial Hardwood Forest 180,000
- (6) For acquisition of fishing management lands including riparian rights and other interests therein needed for management of waters for primary wildlife use and benefit and for access to fishing waters pursuant to Minnesota Statutes, Section 97.48, Subdivisions 8, 11 and 15 1,008,000
- (7) For acquisition of wildlife management areas pursuant to Minnesota Statutes, Section 97.48,

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<u>Subdivision 14 and Section 97.481</u>	<u>4,000,000</u>
<u>(8) For betterment of such wildlife management areas</u>	<u>500,000</u>
<u>(9) For acquisition of natural and scientific areas designated pursuant to Minnesota Statutes, Section 84.033</u>	<u>538,000</u>
<u>(10) For costs of staff and independent professional services necessary for the acquisition and betterment of the lands and improvements described above</u>	<u>2,081,500</u>
<u>(11) For acquisition of lands to provide access for the public to public waters outside the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver</u>	<u>1,500,000</u>
<u>(12) For development and improvement of lands, owned by the state or any of its subdivisions, which give the public free access to and use of public waters outside the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver</u>	<u>1,000,000</u>

Sec. 4. Lands shall be acquired by the commissioner of administration upon request of the commissioner of natural resources and in accordance with the policies established in Minnesota Statutes, Sections 86A.01 to 86A.09. Those acquired for each unit of the outdoor recreation system shall be suited for the purpose of that unit and suited for management in accordance with the principles applicable to it. The commissioner of natural resources shall submit semiannual work progress reports to the legislative commission on Minnesota resources, in the form requested by the commission, and shall submit a work program to the commission and request its recommendation thereon before expending any funds appropriated by this act for any purpose. The commission's recommendation shall be advisory only. Failure to respond to a request within 60 days after receipt shall be deemed a negative recommendation.

Sec. 5. BICYCLE TRAIL GRANTS. Subdivision 1. The sums set forth in this section are appropriated to the commissioner of transportation for the purposes indicated.

Subd. 2. For betterment of public land and improvements needed for state bicycle trails primarily on existing road rights-of-way, pursuant to Minnesota Statutes, Section 160.265, Subdivision 1. 1,000,000

Subd. 3. Local bicycle trail grants, pursuant to section 160.265, subdivision 2. 2,000,000

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Subd. 4. Of the amounts appropriated by subdivision 2 of this section, not more than 15 percent, and of the amounts appropriated by subdivision 3 of this section, not more than five percent, may be expended by the commissioner for staff and independent professional services needed for the grant program.

Sec. 6. GRANTS FOR PARKS AND TRAILS. Subdivision 1. The state planning agency shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States office of management and budget, but outside of the metropolitan area defined in section 473.121. The grants shall be for acquisition and betterment by units of government of public land and improvements needed for parks, trails, conservatories, zoos and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. Appropriations made for this purpose shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures. The local contribution required shall be identical to that required by the legislative commission on Minnesota resources for grants-in-aid for recreation open space of regional significance. The program shall be administered so as to ensure the maximum possible use of available federal money.

Subd. 2. The sum of \$1,600,000 is appropriated from the state building fund to the state planning agency for the purposes of this section. \$1,000,000 of this appropriation shall be used for grants for acquisition of parks and trails, \$600,000 of this appropriation shall be used for grants for betterment of parks, trails, conservatories, zoos and other special use facilities.

Sec. 7. TRAIL ACQUISITION CRITERIA; PUBLIC MEETINGS. Subdivision 1. In the acquisition of land for the purposes of section 3, clauses (1) and (11) in addition to the criteria stated in Minnesota Statutes, Section 86A.05, Subdivision 4, Clause (b), the commissioner shall also give priority to land acquisition which maximizes the number of potential users and minimizes adverse effect on adjoining agricultural land and property owners.

Subd. 2. Whenever under this act the commissioner of natural resources intends to acquire lands described in subdivision 1, he shall cause notice of such intention to be given by prominent notices published in newspapers of general circulation in each county where the land is to be acquired and by notification to each county board. The notice shall specify the land to be acquired and the purposes for public use of such land; the statutes and regulations under which the commissioner intends to act; the name, address and telephone number of a person to be contacted for information in the office of the commissioner; and the date, time and place where a public informational meeting shall be held on the proposed acquisition. A public hearing pursuant to chapter 15 shall be held on each trail acquisition not less than 30 nor more than 90 days after the publication of the notice, at which any person may speak and present evidence on the appropriateness of the acquisition. Following the public hearing, the commissioner shall determine, based on

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the record, whether to proceed with the acquisition and issue a written order stating that decision.

Subd. 3. Judicial review shall be available of the commissioner's decision in the manner provided in Minnesota Statutes, Sections 15.0424, 15.0425, and 15.0426. Judicial review shall not delay the commissioner's acquisition, but no development shall occur until after a final judicial determination. The court shall not consider the fact of acquisition in making its decision. If the court determines the commissioner lacks authority to acquire, the land shall be sold as surplus property in the manner provided by law.

Sec. 8. Minnesota Statutes 1978, Section 97.49, Subdivision 3. is amended to read:

Subd. 3. A sum equal to: (1) 35 percent of the gross receipts from all special use permits and leases of lands acquired for public hunting grounds and game refuges, or (2) 50 cents per acre on purchased land actually used for public hunting grounds and game refuges, or (3) three-quarters of one percent of the appraised value of purchased land actually used for public hunting grounds and game refuges, whichever amount is the greater, shall be paid out of the game and fish fund annually to the county in which said lands are located, to be distributed by the county treasurer among the county and the respective towns and school districts wherein such grounds and refuges lie, on the same basis as if the payments were received as taxes on such lands, payable in the current year, but this provision shall not apply to state trust fund lands or any other state lands not purchased for game refuge and public hunting ground purposes. The county's share of the proceeds shall be deposited in the county general revenue fund. For the purpose of determining the applicability of payments pursuant to clause (3) above, the appraised value of the lands acquired shall be deemed to be the purchase or acquisition price thereof during the first five years following acquisition. After the expiration of five years from the date of acquisition or, in the case of lands acquired prior to July 1, 1974, within 90 days after the effective date of this act, and thereafter at five year intervals, a current appraisal of the land shall be made by the appropriate county assessor, and shall govern payments.

Sec. 9. There is appropriated for 1981 from the game and fish fund to the commissioner of natural resources the sum of \$580,000 or so much thereof as may be required, for the purpose of making payments to counties pursuant to section 8.

Sec. 10. TETTEGOUCHE STATE PARK. Subdivision 1. Tettegouche State Park is established in Lake County.

Subd. 2. The commissioner of natural resources is authorized to acquire by gift or purchase the lands for Tettegouche State Park. Those lands commonly referred to as Tettegouche Camp and presently the subject of an option agreement between the owners of Tettegouche Camp and the Nature Conservancy may be acquired for a sum not to exceed \$880,000 plus the actual expenses of the Nature Conservancy in negotiating and acquiring the option in an amount not to exceed \$10,000 and any actual interest costs that arise between the time the option is exercised by the Nature Conservancy and the land is acquired by the commissioner. Any land which now is tax-forfeited land and is located

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within the boundaries of Tettegouche State Park is hereby withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from any trust in favor of the interested taxing districts. The transfer of such tax-forfeited land is effective only after an amount equal to the fair market value of the land is paid by the commissioner to the county. Any money appropriated for state park land acquisition may be expended for this payment related to tax-forfeited land. The county auditor shall apportion this money in the manner provided in Minnesota Statutes, Section 282.08 for the apportionment of proceeds from the sale of tax-forfeited lands. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state and shall transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes. All lands within the boundaries of Baptism River State Park as it exists on the effective date of this act and which have been acquired for state park purposes are hereby incorporated into and made a part of Tettegouche State Park. The previous designation of such lands as Baptism River State Park shall be discontinued by the commissioner within three years of the effective date of this act. All lands acquired for Tettegouche State Park shall be administered in the same manner as provided for other state parks and shall be perpetually dedicated for such use.

Subd. 3. When the privately owned Tettegouche Camp is acquired for inclusion within Tettegouche State Park, and when, as a result of the acquisition, taxes are no longer assessed against the tract or improvements thereon, the following amount shall be paid by the commissioner of natural resources to Lake County for distribution to the taxing districts: In the first year after taxes are last required to be paid on the property, 90 percent of the last required payment; in the second year, 80 percent; in the third year, 70 percent; in the fourth year, 60 percent; in the fifth year, 50 percent; in the sixth year, 40 percent; in the seventh year, 30 percent; in the eighth year, 20 percent; and in the ninth year, ten percent. The commissioner shall make such payments from any money appropriated for state park maintenance and operation. The county auditor shall certify to the commissioner of natural resources the total amount due to a county on or before March 30 of the year in which money must be paid 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 the taxing district bears to the total levy on the property in the last year taxes were required to be paid on the property.

Subd. 4. (a) The commissioner shall offer for sale in the manner provided by law or declare surplus for sale in the manner provided by law lands outside the boundaries of Tettegouche State Park on the open market valued at not less than \$888,000 or, in the event the lands known as the Tettegouche Camp are valued for purposes of federal matching funds at a higher amount, that higher value. In addition to lands outside the park boundaries, the commissioner may also sell any lands within the park boundaries located in township 57 north, range 7 west located north and west of C.S.A.H. 4 in partial satisfaction of the requirement to sell lands on the open market. Upon such sale, the park boundaries shall be modified to exclude any parcels sold. In no case shall the amount of land offered for sale exceed 3,400 acres in total area. All lands offered for sale shall be located in Lake County, to offset the removal from the tax rolls of those private lands acquired for Tettegouche State Park after the effective date of this act.

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(b) The commissioner shall select lands for sale that minimize impact on timber production and public recreation and have maximum potential for private development with minimum public costs or allow consolidation of ownership. The commissioner shall consult with the Lake County board before offering lands for sale or declaring lands surplus. Prior to September 1, 1979, the commissioner shall identify the lands to be offered for sale and submit a list of these lands to the legislative commission on Minnesota resources. The commissioner may modify this list thereafter with the approval of the legislative commission on Minnesota resources.

Non-trust fund lands identified for sale shall be certified to the commissioner of administration not later than November 1, 1979 and the commissioner shall cause these lands to be offered for sale in the manner required by law, except that such lands shall not be offered first to other state agencies, the University of Minnesota, county government or other local governmental units. The commissioner shall offer any trust fund lands identified for sale not later than January 1, 1980. Minnesota Statutes, Sections 89.01 and 92.45 shall not apply to or limit sales of land under this section. The commissioner shall not acquire the private Tettegouche Camp from the Nature Conservancy until all lands identified for sale have been either certified to the commissioner of administration as surplus for sale or first advertised for sale by the commissioner.

(c) Upon request of Lake County, the commissioner shall offer for exchange or sale, in the manner provided by law, lands necessary and appropriate for a road right-of-way on state land located in township 62 north, range 11 west, section 14.

Subd. 5. The following described lands are located within the boundaries of Tettegouche State Park:

In township 57 north, range 7 west.

All of the southeast quarter, northeast quarter and southeast quarter of the northwest quarter of section 31.

All of the southwest quarter of the southwest quarter of section 32.

In township 56 north, range 8 west.

That part of the southeast quarter of the southeast quarter of section 1 lying southeasterly of C.S.A.H. 4.

All of government lot 7, section 12.

In township 56 north, range 7 west.

All of sections 5, 7, and 8.

All of the northeast quarter, northwest quarter, southeast quarter, northwest quarter of the southwest quarter, and the south half of the southwest quarter of section 9.

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All of the southwest quarter and the west half of the southeast quarter of section 4.

All that part of section 6 lying southeasterly of C.S.A.H. 4.

All of the southwest quarter, west half of the southeast quarter, southeast quarter of the northwest quarter, and southwest quarter of the northeast quarter of section 10.

All of government lots 1, 2, and 3 and the northwest quarter of the northwest quarter of section 14. All of the northeast quarter, east half of the northwest quarter, and northwest quarter of the southeast quarter of section 15.

All of government following described parcel:

Beginning at the water line of Lake Superior on the north and south line between government lots 1 and 2 in said section 15; thence north 5 degrees west, 7 chains; thence north 61 degrees east, 3 chains and 57 links; thence north 47 degrees east, 3 chains and 25 links; thence south 30 degrees east to the water line of Lake Superior; thence westerly along said water line to the point of beginning.

All of the north half of the northeast quarter and the northeast quarter of the northwest quarter of section 18.

All of the north half of the northwest quarter and the northwest quarter of the northeast quarter of section 17.

Subd. 6. In the next edition of Minnesota Statutes the revisor of statutes is directed to delete "Subd. 3. Baptism River state park, Lake county." from section 85.012, and to insert "Subd. 55a. Tettegouche State Park, Lake County." in section 85.012.

Subd. 7. The commissioner shall lease land, not to exceed 400 acres, inside the boundaries of Tettegouche State Park, on such terms as he deems proper, giving due consideration to insuring the protection of natural resources, for use as an environmental learning center to be constructed and operated by a nonprofit group. In no event shall the lease term exceed 40 years. If an environmental learning center is established, the commissioner shall manage the park in a manner consistent with its use by the environmental learning center.

Subd. 8. This section is effective the day following final enactment, provided no land may be purchased until a public hearing preceded by adequate public notice has been held in the city of Silver Bay. Following the public meeting or meetings, the commissioner shall determine whether to proceed with the acquisition and issue a written order stating that decision.

Sec. 11. [84.524] CITIZEN'S ADVISORY TASK FORCE ON THE BOUNDARY WATERS CANOE AREA. Subdivision 1. There is created a citizen's advisory task force on the Boundary Waters Canoe Area, consisting of 17 members selected as follows:

(1) Three residents of St. Louis County appointed by the governor;

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(2) Three residents of Cook County appointed by the governor;

(3) Three residents of Lake County appointed by the governor; and

(4) Eight residents of the state residing outside of the aforementioned counties appointed by the governor.

The governor shall designate one of the appointees to serve as chairman and the advisory task force may elect such other officers as it deems necessary. The advisory task force shall be subject to the provisions of Minnesota Statutes, Section 15.059, except that the advisory task force shall not expire until June 30, 1983.

Subd. 2. The advisory task force shall conduct meetings and research into all matters related to the establishment and operation of the Boundary Waters Canoe Area, and shall make such recommendations to the United States Forest Service and other federal and state agencies concerned, regarding operation of the area, as the advisory task force deems advisable. A copy of each recommendation shall be filed with the legislative reference library. The advisory task force shall not apply for or accept funds from public or private sources other than the legislature. Subject to the availability of legislative appropriation, the advisory task force may contract for services relating to matters within its authority.

Subd. 3. The sum of \$60,000 is appropriated from the general fund to the commissioner of administration for the purposes of this act to be available until June 30, 1981.

Subd. 4. This section is effective July 1, 1979, and expires June 30, 1983.

Sec. 12. Laws 1977, Chapter 421, Section 13, Subdivision 3, is amended to read:

Subd. 3. For acquisition of state trails,	
as listed and described in section 85.015,	
and pursuant to section 84.029.	
subdivision 2	1,805,000
For betterment of the trails	1,800,000

No further expenditure of money for development of the Luce Line Trail shall be made until the commissioner of natural resources has prepared a comprehensive ~~fish~~ management plan covering all costs associated with development of the trail, submitted the plan to the senate agriculture and natural resources committee, to the house environment and natural resources committee, the house appropriations committee and the senate finance committee for the purpose of consultation, and received their recommendations thereon. The recommendations are advisory only.

Approved May 31, 1979.

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