

*property used for residential or townsite purposes, including utility services thereto.*

Approved April 22, 1955.

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CHAPTER 730—H. F. No. 1776

[Coded]

*An act relating to the taxation of taconite railroads and the distribution of the proceeds of such taxes; and providing penalties for the violation thereof.*

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

Section 1. [294.21] **Taconite railroad company.** For the purposes of this act a taconite railroad company is any company owning or operating, other than as a common carrier, a railway principally used for the transportation of taconite concentrates from the plant at which such taconite concentrates are produced in shipping form to a point of consumption or port for shipment beyond the state.

Sec. 2. [294.22] **Gross earnings tax.** Every company owning or operating any taconite railroad shall pay annually into the state treasury a sum of money equal to five percent of the gross earnings derived from the operation of such taconite railway within the state. The gross earnings of such a taconite railroad company from the transportation of taconite concentrates from the Mesabi Range to ports on Lake Superior, for all purposes hereof, shall be a sum of money equal to the amount which would be charged under established tariffs of common carriers for the transportation of an equal tonnage of iron ore from Mesabi Range points to ports at the head of Lake Superior, including the established charges for loading such ore on boats. For all purposes of Minnesota Statutes 1953, Chapter 298 the amount of the gross earnings as so calculated shall be treated as the cost of transportation of such concentrates between such points. If such a taconite railroad company transports coal or any other commodity, except taconite concentrates, its gross earnings shall include an amount equal to the established tariffs of common carriers for the transportation of the same quantities of similar commodities for corresponding distances, not, however, including any such charges for any such commodities used or intended to be used in the construction, operation or maintenance of such railroad.

Sec. 3. [294.23] **Companies liable for tax.** If a company producing concentrates from taconite shall transport the taconite in the course of the concentrating process and be-

fore such concentrating process is completed to a concentrating plant located within the state over a railroad which is not a common carrier and shall not use a common carrier or taconite railroad company as defined in section 1 hereof for the movement of the concentrate to a point of consumption or port for shipment beyond the state, then such company nevertheless shall pay annually into the state treasury a tax equal to five percent of the amount which would be charged for the transportation of such concentrates produced by such taconite company as if such concentrates were transported by a common carrier under established tariffs of common carriers from the Mesabi Range or other iron range point nearest to the mine at which such taconite is quarried to ports at the head of Lake Superior, including established charges for loading such ore on boats. For the purposes of the succeeding sections of this act, such a company shall be considered a taconite railroad company.

Sec. 4. [294.24] **Tax is in lieu of other taxes.** The taxes imposed by sections 2 and 3 hereof shall be in lieu of all taxes upon all property within the state owned or operated for such railway purposes by such taconite railroad companies, including all equipment, appurtenances, appendages and franchises thereof, and including all docks, dock storage and loading or unloading facilities, and harbors, harbor facilities and equipment owned and operated by such company in connection therewith.

Sec. 5. [294.25] **Reports, payment of taxes.** Taconite railroad companies shall file reports and make payment of such taxes at the same times and in the same manner as required of railroad companies under Minnesota Statutes 1953, Sections 294.01 to 294.12, inclusive, and Sections 295.02 to 295.05, inclusive, all the provisions of which, except as otherwise herein specifically provided, shall be applicable to such companies, and such companies shall be subject to the penalties provided by such statutes for violation of any of the requirements thereof.

Sec. 6. [294.26] **Division of proceeds of tax.** The proceeds of the taxes collected under this act shall be distributed by the state treasurer, upon certificate of the commissioner of taxation, to the general fund of the state and to the various taxing districts in which such railway operations are conducted, in the following proportions: 22 percent thereof to the city, village or town; 50 percent thereof to the school district; 22 percent thereof to the county; six percent thereof to the state. If such railroad operation, or different steps therein, are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the

tax going to cities, villages or towns among such subdivisions, and the part going to school districts among such districts, and the part going to counties among such counties, upon the basis of attributing 40 percent of the proceeds of the tax to the terminal facilities at each end of the railway line of a taconite railroad company, and the remaining 20 percent thereof to the railway trackage connecting such terminals; and with respect to each such portion giving due consideration to the relative extent of such portion of the operation performed in each such taxing district. His order making such apportionment shall be subject to review by the board of tax appeals at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner. The amount so distributed shall be divided among the various funds of the taxing district in the same proportion as the general ad valorem property tax thereof.

**Sec. 7. [294.27] Filing of reports.** Each taconite railroad company, at the time it reports its gross earnings, shall file with the commissioner of taxation a report showing:

(a) The names of the taxing districts of each class in which its terminal facilities or any part thereof are located, indicating such districts separately for such terminal facilities at each end of its railway line; if such terminal facilities at either end of said railway line are located in more than one taxing district of the same class, such report shall set forth the relative extent of the terminal operations performed in each such taxing district.

(b) The names of taxing districts of each class in which any portion of its railway line (other than terminal facilities) is located; if any portions of said railway lines are located in more than one taxing district of the same class, such report shall indicate the main line track mileage in each such district.

(c) Such additional information as the commissioner may deem necessary to make proper allocation of the taxes paid.

**Sec. 8. [294.28] Proceeds not included in computing permissible levies.** The amount distributed to any city, village or school district under the provisions hereof shall not be included in computing the permissible levies of such city, village or school district under Minnesota Statutes 1953, Sections 275.11 or 275.12, so long as such levies are based upon a population not exceeding the population used as the basis for spreading the tax levy in the year 1954. In the event that as the result of taking any census the population basis for com-

puting the limit of levies under said sections is increased above the population used as a basis for spreading the tax levy in the year 1954. In the event that as a result of taking any census the population basis for computing the limit of levies under said sections is increased above the population used as a basis for spreading the tax levy in the year 1954, or in the event that the basis of either Section 275.11 or 275.12 is changed to a basis other than population, the amount of tax distributed pursuant hereto shall be included in computing the permissible levies under either of said sections.

Approved April 22, 1955.

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CHAPTER 731—H. F. No. 1791

[Not Coded]

*An act relating to radio broadcasting stations owned and operated by counties having a population of 500,000 or more for police, fire and direction of highway equipment purposes; amending Laws 1947, Chapter 371, as amended, and amending the Title thereof.*

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

Section 1. Laws 1947, Chapter 371, Section 1, as amended by Laws 1951, Chapter 612, Section 1, is amended to read:

Section 1. **Hennepin county, police radio broadcasting station.** Any county now or hereafter having *not less than 500,000 inhabitants* may rent, lease or establish, construct, equip and maintain a radio broadcasting station, with land-fixed repeater stations and two-way communication mobile units as may be necessary, to be used for police, fire, and the direction of highway equipment purposes only, under the direction of the sheriff, and to acquire land by gift, purchase, or condemnation for use as a site for *any* such station.

Sec. 2. **Title amended.** The title to Laws 1947, Chapter 371, is amended to read:

An act authorizing and empowering any county now or hereafter having *not less than 500,000 inhabitants* to establish, equip, and maintain a radio broadcasting station or stations with mobile units to be used for police, fire, and direction of highway equipment purposes; to extend radio service to certain municipalities and counties; to acquire land for con-