

with a copy of the certificate prepared by the director of the youth conservation commission.

Sec. 4. *There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of \$200,000, or as much thereof as may be necessary for the fiscal year ending June 30, 1960, and \$205,000 for the fiscal year ending June 30, 1961, for the purpose of providing state aid to counties as authorized by section 1, subdivisions 5 and 6 of this act.*

Sec. 5. *There is hereby appropriated to the youth conservation commission out of any money in the state treasury not otherwise appropriated, the sum of \$90,000, or as much thereof as may be necessary for the fiscal year ending June 30, 1960, and \$178,012 for the fiscal year ending June 30, 1961, for the purpose of carrying out the provisions of this act.*

Sec. 6. *Except as otherwise provided herein, this act takes effect July 1, 1959.*

Approved April 24, 1959.

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#### CHAPTER 699—H. F. No. 1191

*An act relating to powers and duties of port authorities; amending Minnesota Statutes 1957, Sections 458.16, 458.17, and 458.19.*

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

Section 1. Minnesota Statutes 1957, Section 458.16, is amended to read:

458.16 **Powers and duties.** It shall be the general duty of any such port authority to promote the general welfare of the port district, and of the port as a whole; to endeavor to increase the volume of the commerce thereof; to promote the efficient, safe and economical handling of such commerce, and to provide or promote adequate docks, railroad and terminal facilities open to all upon reasonable and equal terms for the handling, storage, care and shipment of freight and passengers to, from and through the port. It shall further be the special duty of such port authority:

(1) To confer with any similar body created under laws of any state embracing within its boundaries any part of any port or harbor of which the port district forms a part,

and in so far as agreement shall be possible to adopt in conjunction with said similar body a comprehensive plan for the regulation and future development and improvement of the entire harbor and port;

(2) To consider and adopt detailed and comprehensive plans for the regulation, future development and improvement of the port district, which plans shall, so far as may be, be consistent with the general plan above referred to;

(3) To confer from time to time with any such similar body and, so far as may be, to agree therewith upon legislation and regulations needed for the regulation and control of the port as a whole, and to recommend the adoption of such legislation and regulations to the appropriate councils, legislatures or other legislative and regulatory bodies;

(4) To determine upon legislation and regulations needed for the regulation and improvement of the conduct of navigation and commerce within the port district and to similarly recommend the same;

(5) Either jointly with a similar body, or separately, to recommend to the proper departments of the government of the United States, or any state or subdivision of either, or to any other body, the carrying out of any public improvement for the benefit of the port or port district;

(6) To investigate the practices, rates and conduct of privately owned or operated dock, terminal and port facilities within the port district, *and in the case of any Seaway Port authority such investigative powers shall include stevedoring and car contractors, ship chandlers, and other organizations upon which a port is dependent for its orderly development and operation*, and to institute such proceedings and take such steps to remedy any abuses as may seem in the public interest; in connection with any such investigation, and port authority shall have power, by subpoena issued out of the district court of the county where the port authority is situated, to require the attendance of witnesses and the production of books and documents, and to examine witnesses under oath *and if deemed necessary, to bring suit for any irregularities before the proper courts of the state or the United States*; and

(7) Annually in January of each year to make written report to the council of such city, giving a detailed account of its activities and of its receipts and expenditures during the preceding calendar year, together with such further matters and recommendations as it shall deem advisable for the advancement of the commerce and welfare of the port district;

(8) *In furtherance of any of its authorized purposes any Seaway Port authority may in its discretion provide for membership in any official, industrial, commercial, or trade association, or any other organization concerned with such purposes, for receptions of officials or others as may contribute to the advancement of the port, and for such other public relation activities as will promote the same, and such activities shall be considered a public purpose.*

Sec. 2. Minnesota Statutes, 1957, Section 458.17, is amended to read:

458.17 **Additional powers.** *The port authority, in its own name, shall have full power and authority to acquire, purchase, construct, lease, or operate any bulkheads, jetties, piers, wharves, docks, landing places, warehouses, storehouses, elevators, cold storage plants, terminals, bridges, and such other terminal or transportation facilities as may be necessary or convenient for storing, handling, or transporting freight, for the handling of passenger traffic, and for the establishment of rail and water transfer within the district; to make rules, regulations, and charges for the use thereof, and for any service rendered; for such purposes to own, hold, lease, or operate real and personal property, to borrow money and to secure the same by bonds or mortgages upon any property held or to be held by it, and in the case of any seaway port authority only to issue and sell negotiable revenue bonds of the port authority for such purposes, or any of the purposes outlined in this chapter for the development of a seaport, such bonds to be issued, sold and secured in the same manner as provided below for the construction of a vehicular toll bridge or tunnel, except that a trust indenture may but is not required to be executed, and in and by the resolutions and indenture, if any, authorizing the bonds the port authority shall define the facilities whose net revenues are to be pledged thereto, and may in its discretion mortgage such facilities to a trustee for the bondholders, which facilities may be all of those owned by the authority (except any vehicular bridge or tunnel) and all subsequent additions thereto and betterments thereof, or may be restricted to one or more described facilities, including or not including the facilities financed by the bonds, and may be facilities which are either operated by the authority or are leased to others, and the authority may establish such covenants and restrictions regarding the issuance of additional bonds payable from net revenues of the same facilities, the subsequent amendment of the bond resolutions or indenture, the remedies and priorities of the bondholders in the event of default and, without limitation, all*

*such other matters pertinent to the security of the bonds, as the authority may determine to be necessary for the marketing of the bonds to the best advantage; to sell, convey, and exchange any real or personal property owned or held by it in such manner and on such terms as it may see fit; save that no real property owned by the authority shall be so sold, exchanged, or the title thereto transferred without the unanimous vote of all the members of the port authority. The port authority is hereby empowered to acquire by condemnation any property, corporeal or incorporeal, within the port district which may be needed by it for public use; and the fact that the property so needed has been acquired by the owner under the power of eminent domain or is already devoted to a public use shall not prevent its acquisition by the port authority by the exercise of the right of eminent domain hereby conferred. No property now or hereafter vested in or held by the state of Minnesota, or any city, county, village, school district, town, or other municipality, shall be so taken or acquired by the port authority without the consent of the state, municipality, or governmental subdivision. The necessity of the taking of any property by the port authority shall be determined by resolution duly adopted by the commissioners, which shall describe the property as nearly as may be and state the use and purpose to which it is to be devoted. The acquisition of such property shall be thereafter accomplished by proceedings by law, as in taking land for public use by right of eminent domain under the laws of the state.*

In addition to the power and authority heretofore conferred upon the port authority, the port authority, in its own name, shall have full power and authority to acquire and thereafter operate and maintain any existing vehicular toll bridge across any waters which form a common boundary between any city of the first class in the state and any other city either within or without the state and to reconstruct, improve, and repair such existing bridge; and to construct, maintain, and operate an additional vehicular toll bridge and approaches across these waters at a point suitable to the interests of navigation, and to reconstruct, repair, and improve the same; and to construct, maintain, and operate a tunnel under these waters and to reconstruct, repair, and improve the same; and to issue and sell the negotiable revenue bonds of the port authority for such purposes. Such bonds shall be authorized by resolutions as the port authority may determine from time to time, such resolutions to contain such provisions with respect to the form thereof and maturity, interest rate, sinking fund, redemption, and refunding as are customary

and usual; and such bonds shall be issued under a trust indenture from the port authority to a corporate trustee, which indenture shall contain the usual and customary provisions with respect to the issuance of bonds, the application of the revenues of such bridge or tunnel for the creation of a sinking fund to provide for the payment of such bonds and interest thereon, and for the holding of the proceeds of the bonds in a special trust for the purpose of acquiring or constructing such bridge or tunnel, and for the pledge and assignment by the port authority to the trustee under such trust indenture of the revenues of such bridge or tunnel over and above the cost of operation and maintenance thereof as security for the payment of the principal of and interest on such bonds. The port authority shall establish, maintain, and collect tolls for transit over such bridge or through such tunnel acquired or constructed hereunder sufficient at all times to pay the cost of the operation and maintenance thereof and to pay the principal of and interest on the bonds issued hereunder; and such bonds and the coupons evidencing interest thereon shall constitute an irrevocable contract between the holders thereof and the port authority that such tolls shall always be sufficient therefor. No bonds issued hereunder shall bear interest at a rate exceeding five percent per annum and all such bonds so issued hereunder shall be sold for not less than par and accrued interest to the date of delivery and payment and may be sold at private sale without prior publication of notice thereof. All such bonds issued hereunder shall never constitute an indebtedness of any such city of the first class chargeable to its debt limit or payable from ad valorem taxes, but such bonds shall be payable solely and only from the toll revenues earned by such bridge or tunnel pledged to the payment thereof.

When the port authority determines to acquire any of these existing bridges, or to construct the additional bridge or tunnel, the port authority shall have all rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use such real estate and other property as may be needed for the location, construction, operation, and maintenance of such bridge or tunnel and approaches thereto as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the state in which such real estate or other property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of the state in which such property may be located and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such state.

The port authority shall also have full right and power to cause to be made a survey or investigation relating to the proper uses, operations, improvement, and development of the port district, the stimulation of employment by reason thereof, and the benefit to the city and county in which such district lies and to the state of Minnesota. The port authority may also cause to be prepared a plan for future construction, development, and improvement of the port, which plan may be integrated into any existing or future city plans of any city in the port district. Upon completion of the plan, and after public hearing, such port authority may adopt the same as its official plan for the port district. Thereafter such plan may be extended, modified, or amended after hearing. Upon the adoption of any such plan, all improvements made by such port authority shall conform thereto.

*Any Seaway Port authority may also operate its port terminal facilities constructed on their premises as terminal operators and as such, may contract with a warehouse operator or operators performing other terminal services on an agency basis. They may enter into such a contract which may provide that the agent will be paid a compensation on a monthly basis to operate the facilities and that said agent may hire the necessary personnel to carry all the functions assumed in said contract, and that any and all employees engaged by said agent shall be considered employees of such agent and not of the port authority, and he shall be responsible for the payment of their compensation and in the compliance with all local ordinances, state or federal laws in regard to employees. Such Seaway Port Authority may also contract with any other agent or agents for the performing of any and all functions that the port authority has power by law to execute in a like manner. In contracting with so-called managing agent, but in remaining the terminal operator, the Seaway Port Authority may contract to retain power over the setting of all rates for any services to be performed in any terminal facility owned, leased, or operated by said Seaway Port Authority.*

Sec. 3. Minnesota Statutes, 1957, Section 458.19, is amended to read:

**458.19 Application.** Until and unless otherwise provided by law, all laws now or hereafter vesting jurisdiction or control in the railroad and warehouse commission of the state of Minnesota, the interstate commerce commission or war department of the United States, or similar regulatory bodies shall apply to any transportation, terminal, or other

facility owned, operated, leased, or controlled by the port authority with the same force and effect as if the transportation, terminal, or other facility was so owned, operated, leased, or controlled by a private corporation; *provided, however, that the railroad and warehouse commission of the state of Minnesota shall have no control over any seaway port authority operating under this chapter for the following matters:*

- (1) *Charges for stevedoring of vessels;*
- (2) *Receiving and delivering cargo for vessels;*
- (3) *Car and truck unloading and loading cargo for vessels;*
- (4) *Watching cargo for vessels;*
- (5) *Charges for vessels for use of facilities;*
- (6) *Charges against railroad, trucking companies and/or shippers for their use of port facilities;*
- (7) *Charges for delivering cargo to and from warehouses on seaway port authority property and warehouse charges on the same, provided all of these items are in connection with handling of interstate commerce.*

The port authority shall have authority either alone or jointly with any similar body having jurisdiction of any part of such port to petition any interstate commerce commission, railroad and warehouse commission, public service commission, public utilities commission, or any like body or any other federal, municipal, state, or local authority, administrative, executive, judicial, or legislative, having jurisdiction in the premises, for any relief, rates, change, regulation, or action which in the opinion of the port authority may be designed to improve or better the handling of commerce in and through the port or improve terminal and transportation facilities therein, and may intervene before any such body in any proceeding affecting the commerce of the port and in any such matters shall be considered along with other interested persons one of the official representatives of the port district.

Sec. 4. *The amendments herein contained relating to the affairs of seaway port authorities apply to the seaway port authority of Duluth. As to said seaway port authority this law shall become effective upon approval by resolution duly adopted by the favorable vote of a majority of the commissioners of the authority. As to any other seaway port*

*authorities to which this law may apply in the future, it shall become effective upon like approval by resolution of the commissioners of that port authority.*

Approved April 24, 1959.

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CHAPTER 700—S. F. No. 618

[Coded in Part]

*An act prescribing qualifications for county superintendents of schools; amending Minnesota Statutes 1957, Sections 130.02, 382.01.*

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

Section 1. Minnesota Statutes 1957, Section 382.01, is amended to read:

**382.01 Elected officers; terms.** In every county in this state there shall be elected at the general election in 1918 a county auditor, a county treasurer, sheriff, register of deeds, county attorney, and coroner, and county superintendent of schools.

The terms of office of these officers shall be four years and shall begin on the first Monday in January next succeeding their election. *They shall hold office until their successors are elected and qualified.* These officers shall be filled by election every four years thereafter.

**Sec. 2. [121.48] Establishment, discontinuance or reestablishment of office; salary and clerk hire.** *Except in a county wherein the school districts are consolidated into one county district or in a county wherein the office of county superintendent of schools is abolished, the county board may:*

(1) *Establish, discontinue, or reestablish the office of county superintendent of schools.*

(2) *Determine the salary above the prescribed minimums for the county superintendent of schools and audit and allow necessary expenses and salaries of professional and clerical help necessary to perform the duties of the office.*

Sec. 3. Minnesota Statutes, Section 130.02, is hereby amended to read:

**130.02 Teacher defined for certification purposes.** For