

## CHAPTER 424—H. F. No. 1078

[Not Coded]

*An act relating to the public employees retirement association; providing an adjustment of benefits to certain annuitants.*

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

Section 1. **Public employees retirement association; special benefits.** Notwithstanding the provisions of Minnesota Statutes 1961, Chapter 353, and any acts amendatory thereof to the contrary, an annuitant of the public employees retirement association who was a contract employee of a school district, and who joined the association in September 1951, who became a deferred annuitant on June 1, 1957, and who retired on June 1, 1962, for the purposes of this act, shall receive the benefits at the same rate as though he had retired on June 1, 1957, and as provided in Minnesota Statutes 1953, Chapter 353, as amended by Laws 1955, Chapter 815, with the benefits computed under Laws 1957, Chapter 935.

Any person entitled to benefits under this section, and who has heretofore been paid such benefits shall have the benefits recomputed to June 1, 1962.

Approved May 1, 1963.

## CHAPTER 425—H. F. No. 1087

*An act relating to the sale of property in port and industrial development districts by port authorities in cities of the first class; amending Minnesota Statutes 1961, Section 458.196*

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

Section 1. Minnesota Statutes 1961, Section 458.196, is amended to read:

458.196 **Port and industrial development districts; sale of property.** Subdivision 1. When a port authority deems it for the best interests of the district and the people thereof and in furtherance of its general plan of ~~harbor~~ port improvement, or industrial development, or both, it may sell and convey any property or part thereof owned by it within a ~~river, harbor and port or~~ industrial district. This section shall not be limited by other laws pertaining to powers of port authorities.

Subd. 2. The port authority shall give notice of the proposed

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sale by publication in ~~two newspapers~~ *a newspaper published and of general circulation in the county; if there are two such newspapers, and by posting in three public places in the and port district at least ten days before the date fixed for the hearing thereon.* The notice shall describe the property to be sold and state that *the terms and conditions of the sale are available for public inspection at the office of the port authority and that at the time and place specified therein, in the notice the authority will meet at its usual meeting place, designating it, to hear and determine the advisability of the sale.* The hearing shall be held not more than ~~ten~~ *20* days from the publication of notice. At the hearing the authority shall hear the reasons of any taxpayer in the port district for or against the sale.

Subd. 3. Within ~~three~~ *30* days after the hearing, the authority shall make its findings and determination on the advisability of making the sale and enter its determination on its records. Any ~~aggrieved party taxpayer~~ *aggrieved party taxpayer* may appeal the determination of the authority by filing *a notice of appeal* with the district court of the county in which the district is located, *and serving the same upon the secretary of the port authority,* within 20 days of the entry of the determination but no appeal shall be allowed except on the grounds that the action of the authority was arbitrary, capricious, or ~~unlawful~~ *contrary to law.*

Subd. 4. ~~If the determination is against the sale, all proceedings thereon shall terminate. If the authority determines in favor of the sale, it shall enter an order fixing a period, not less than 20 nor more than 30 days from the date of the order, during which bids will be received for the property or any part thereof, and give notice thereof in the same manner as for the hearing on the proposal to sell.~~

Subd. 5 4. Bids may be submitted for the property or any part of it, ~~and The terms and conditions of sale of any property shall state include the use which the bidder intends will be permitted to make of it.~~ The authority may require the ~~successful bidder purchaser~~ *successful bidder purchaser* to file additional information as to the intended use; and may require of him security as assurance that the property will be used for that purpose. ~~All sales shall be made to the best bidder, and In determining the best bid said sale terms and conditions the port authority may also consider the nature of the proposed use and the relation thereof to the improvement of the harbor, the riverfront and the city of the first class and the business and the facilities of the port authority in general. Within 30 days after the last day for submitting bids the port authority shall decide which, if any, bids it accepts. All sales shall be made upon such terms and conditions as said the port authority may prescribe. In any case where the port authority has may placed place property on the market for sale in accordance with the bidding procedures of Laws 1957, Chapter 812, and no bids have~~

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been received; upon advertisement for bids published in the same manner as and simultaneously with the notice of hearing required in this section, and award the sale in accordance with the bid deemed by it to be most favorable having regard to the price and the intended use specified, but the port authority shall have the power to sell said properties at private sale at a negotiated price if such sale is deemed in the public interest by the port authority and in furtherance of the aims and purposes of ~~Laws 1957, Chapter 812 sections 458.09 to 458.1991~~, after hearing as herein required.

Subd. 6 5. The purchaser shall, within one year from the date of the purchase, devote the property to its intended use, or shall commence work on the improvements thereon to devote it to such use, and if he fails to do so, the port authority may cancel the sale and title to the property shall revert to the district *it*. Extension of time to comply with such condition may be granted by the port authority on good cause shown by the purchaser. The terms of sale may contain any other provision by the port authority which it deems necessary and proper to protect the public interest. No purchaser shall transfer title to such property within one year without the consent of the port authority.

Subd. 7 6. All sales made in accordance with the provisions of ~~Laws 1957, Chapter 812~~, *this section* shall have incorporated in the instrument of conveyance of title the conditions of ~~Laws 1957, Chapter 812, sections 458.09 to 458.1991~~ relating to the use of the land as a covenant running with the lands. Any violation of such covenant shall result in a right by the authority to declare a breach of the covenant running with the land and seek a judicial decree from the district court declaring a forfeiture and a cancellation of any deed so given.

Subd. 8 7. All properties now held or acquired in the manner herein set forth may be utilized and developed by such port authority pursuant to the provisions of ~~Laws 1957, Chapter 812~~. The port authority, after public hearing of which notice shall be given once at least ten days prior to such hearing; by publishing in a newspaper of general circulation in the county, describing the property to be sold; and stating the date, time and place of such hearing; and providing that such hearing shall be held not more than 20 days after such publication; may sell and convey any of the property so acquired by it within a river, harbor or industrial district. No sales conveyance shall be made; however, of the property of any river, harbor or industrial development district until the purchaser thereof shall have submitted to the port authority plans and specifications for the development of said *the property sold*, and said plans and specifications shall be approved in writing. before said property shall be conveyed; and

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the conditions upon which said properties are conveyed shall be set forth in the instrument conveying title thereof with the further condition that all of the provisions herein set forth shall be covenants running with the lands. *However, nothing herein shall require the preparation of final plans and specifications before the hearing on the sale, unless so directed by the authority.*

Approved May 1, 1963.

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CHAPTER 426—H. F. No. 1199

*An act relating to the classification of iron ore produced for purposes of taxation; amending Minnesota Statutes 1961, Section 273.13, Subdivision 2.*

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

Section 1. Minnesota Statutes 1961, Section 273.13, Subdivision 2, is amended to read:

Subd. 2. **Iron ore; taxation; class 1.** Iron ore, whether mined or unmined, shall constitute class 1 and shall be valued and assessed at 50 percent of its full and true value. If unmined, it shall be assessed with and as a part of the real estate in which it is located, but at the rate aforesaid. Iron ore which either (a) is mined by underground methods and *either placed in stockpile or concentrated and placed in stockpile* or (b) is mined by open-pit methods; and, in accordance with good engineering and metallurgical practice, requires concentration other than crushing or screening or both to make it suitable for commercial blast furnace use, *and is either placed in stockpile for the purpose of concentration in the course of a concentration operation, or is concentrated and placed in stockpile, for three taxable years after being mined only,* shall be listed and assessed in the taxing district where mined at the same amount per ton as it would be assessed if still unmined, *except that if such ore contains phosphorous in excess of .180 percent or is classified in the trade as manganiferous ore, then it shall be so listed and assessed as if it were unmined ore for five taxable years after being mined only,* and thereafter such ore in stockpiles shall be valued and assessed as mined iron ore, as otherwise provided by law. The real estate in which iron ore is located, other than the ore, shall be classified and assessed in accordance with the provisions of classes 3, 3b, and 4, as the case may be. In assessing any tract or lot of real estate in which iron ore is known to exist the assessable value of the ore exclusive of the land in which it is located, and the assessable value of the land ex-

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