

CHAPTER 60—H. F. No. 133

An act to repeal General Statutes 1923, Sections 5852 to 5854, inclusive, relating to the registration of persons engaged in horse-shoeing.

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

Section 1. **Law repealed.**—General Statutes 1923, Sections 5852 to 5854, inclusive, are hereby repealed.

Approved March 9, 1929.

CHAPTER 61—H. F. No. 238

An act to create a commission known as a port authority in all cities of over 50,000 inhabitants which are or may be situated on, or embrace in whole or in part, a port or harbor in which the total annual freight movement has exceeded or shall exceed 40,000,000 tons; to provide for the organization and the appointment and tenure of officers thereof; to regulate the conduct and define the powers and duties thereof; to authorize the levy of taxes and the appropriation of money for the support thereof; and to grant to cities and counties in which any such port authority is situated certain powers with regard thereto.

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

Section 1. **Port Authority Commission established.**—A Commission to be known as "Port Authority of" is hereby established in and for every city in this State which has, or shall have over 50,000 inhabitants and which is or shall be situated upon, or adjacent to, or which embraces or shall embrace within its boundaries, in whole or in part, a port or harbor in which the total amount of arriving and departing water borne freight for such entire port or harbor shall have heretofore exceeded in any calendar year, or shall hereafter exceed in any calendar year, a total of forty million tons. This act is expressly declared to be applicable to all such cities, whether now or hereafter existing under a charter framed and adopted under Section 36 of Article 4 of the State Constitution or not.

Sec. 2. **Members—Terms—Vacancies.**—Such Port Authority for any city shall consist of three commissioners who shall serve without compensation for their services, or any remuneration, save for expenses incurred in the performance of their duty. They shall be appointed by the city council of each city in and for which such Port Authority is hereby created. The first commissioners of any such Port Authority shall be appointed for terms as follows: one for two years; one for four years; and one for six years. Thereafter as the term of any Commissioner expires a successor shall be

appointed to serve for a term of six years. Vacancies in the office of any commissioner shall be filled by the said council for the balance of the term in which such vacancy occurs.

Sec. 3. By-laws and rules—Duties.—The commissioners constituting such Port Authority may adopt by-laws and rules of procedure governing their action, not inconsistent with this or other laws, and shall adopt an official seal. They shall elect from among their number a president, a vice-president and a treasurer, and shall also elect a secretary who may or may not be a member of such commission; any of said offices except those of president and vice-president may be held by one commissioner. The said officers shall have the duties and powers usually attendant upon such offices, and such other duties and powers not inconsistent herewith, as may be provided by the Port Authority. The treasurer shall receive and be responsible for all moneys of the Port Authority from whatever source derived, and the same shall be deemed public funds. He shall disburse the same only on order signed by the secretary and countersigned by the president or vice-president, or other vouchers authorized by law, and each order shall state the name of the payee, and the nature of the claim for which the same is issued. He shall keep an account of all moneys coming into his hands, showing the source of all receipts, and the nature, purpose and authority of all disbursements, and at least once each year, at times to be determined by the Port Authority, shall file with the secretary a detailed financial statement of the Port Authority showing all receipts and disbursements, the nature of the same, the moneys on hand, and the purposes for which the same are applicable, the credits and assets of the Port Authority and its outstanding liabilities, which report, together with the treasurer's vouchers, shall be examined by the Port Authority, and if found correct approved by resolution entered on the records. The treasurer of every Port Authority shall give bond to the state in a sum equal to twice the amount of money which will probably be in his hands at any time during any one year of his term, said amount to be determined at least annually by the Port Authority, such bond to be conditioned for the faithful discharge of his official duties, and to be approved as to both form and sureties by the Port Authority and filed with its secretary.

Sec. 4. Depositories to be designated.—The Port Authority shall biennially designate a National or State Bank or banks as depositories of its money. Such depositories shall be designated only within the State of Minnesota and upon condition that bonds approved as to form and surety by the Port Authority and at least equal in amount to the maximum sum expected to be on deposit at any one time, shall be first given by such depositories to the Port Authority, such bonds to be conditioned for the safe keeping and prompt repayment of such deposits. Whenever any of the funds of

the Port Authority shall be deposited by the treasurer in any such depository, the treasurer and the sureties on his official bond shall, to such extent, be exempt from liability for the loss of any such deposited funds by reason of the failure, bankruptcy, or any other act or default of such depository.

Sec. 5. Territorial jurisdiction.—The territorial jurisdiction and authority of the Port Authority shall cover and include all portions of any city in and for which the same is created and established as aforesaid, and, all portions of such port or harbor within said city. Said city and said portions of such port or harbor, are hereinafter referred to as the Port District.

Sec. 6. Not to levy taxes—City to provide funds.—The Port Authority shall have no right or authority to levy any tax or special assessment, nor to pledge the credit of the state, or any other subdivision or municipal corporation thereof; nor to incur any obligation enforceable upon any property, either within or without the Port District, other than property owned by said Port Authority. Annually, at such time as may be fixed by charter, resolution or ordinance of the city in and for which any such Port Authority is created, the Port Authority shall transmit to the council of such city a detailed estimate, in writing, of the amount of money which in its opinion will be required for the business and proper conduct of its affairs during the next ensuing fiscal year, in excess of any expected receipts from the conduct of its business, or other sources, and any such city, in addition to all other powers now possessed thereby, and in addition to, and in excess of any limitation upon the amount it is otherwise permitted by law to levy as taxes, is hereby granted the power and authority, in its discretion, to levy taxes for the benefit of, and for expenditure by, such Port Authority, not exceeding, however, in any one year an amount equal to a tax of fifteen one-hundredths of one mill upon the dollar of the assessed valuation thereof, upon all the taxable property in such city, excluding moneys and credits, and any amount so levied for such purposes shall be paid over by the City Treasurer to the treasurer of said Port Authority, for expenditure by it as above provided. The fiscal year of such Port Authority shall be identical with the fiscal year of such city. The board of county commissioners of any county in which any such city is located, is also hereby authorized to appropriate for the use of such Port Authority, and to include therefor in its levy for general revenue purposes, such amount as it may deem proper; provided that the total amount permitted by law to be levied by any county for general revenue purposes shall not be deemed increased by this provision. Any amounts so appropriated by the county shall be paid over by the County Treasurer to the Port Authority for expenditure by it as herein provided, at such times and in such manner as the county board may provide.

Sec. 7. City to transfer property.—The city council of any such city may in its discretion, by majority vote, and with or without consideration, transfer or cause to be transferred to such Port Authority or may place in its possession and control, by lease, or other contract or agreement, either for a limited period or in fee, any dock, waterfront, or riparian property now or hereafter owned or controlled by such city, within the Port District, but nothing in this act contained shall be construed to impair or in any manner restrict any power of such city or any municipality to itself own, develop, use and improve port or terminal facilities. Any such city may issue its bonds for, and appropriate the proceeds thereof, to the purchase, construction, extension, improvement and maintenance of docks, warehouses or other port or terminal facilities owned or to be owned or operated by such Port Authority under the same conditions, to the same extent and in the same manner as if such properties were public utility plants, needful public buildings and public conveniences from which revenue may be derived, and were owned or to be owned or operated solely by said city. Such city may also in its discretion and with or without compensation therefor furnish to such Port Authority offices, warehouses, or other structures and space with or without heat, light and other service, and such stenographic, clerical, engineering or other assistance as its council may determine. The city attorney or similar law officer of any such city shall be the attorney and legal advisor of said Port Authority, but this provision shall not impair the power of the Port Authority to employ additional counsel when in the judgment of its members such action is for any reason advisable.

Sec. 8. 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;

(a) 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 insofar 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.

(b) 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.

(c) 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.

(d) 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.

(e) Either jointly with said 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.

(f) To investigate the practices, rates and conduct of privately owned or operated dock, terminal and port facilities within the Port District, 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, the 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.

(g) Annually in January of each year to make written report to the city 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.

Sec. 9. May hold property.—The Port Authority, in its own name, shall have full power and authority to acquire, purchase, construct, lease or operate any terminal or transportation facility within said 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; to sell 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 said 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 said 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 power of eminent domain, or is already devoted to a public use shall not prevent its acquisition by such Port Authority by the exercise of the right of eminent domain hereby conferred; provided, however, that no property now or hereafter vested in or held by the State of Minnesota, or any city, county, village, school district, township or other municipality shall be so taken or acquired by such Port Authority without the consent of such state, municipality, or public body. 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 at law, as in taking land for public use by right of eminent domain under the laws of the State of Minnesota.

Sec. 10. May employ engineers, etc.—The Port Authority shall have power and authority, in its own behalf, to employ such engineering, legal technical, clerical, stenographic, accounting and other assistance as it may deem advisable; to enter into contracts for the erection, repair, maintenance or operation of docks, warehouses, terminals, elevators or other structures upon or in connection with property owned or controlled by it; to contract for the purchase and sale of real and personal property; provided, however, that no such obligation or expense shall be incurred save upon such terms and at times when existing appropriations, together with the reasonable expected revenue of said Port Authority from other sources, shall be sufficient to enable the same to be discharged when due; and neither the state nor any municipal subdivision thereof shall be liable on any such obligation.

Sec. 11. 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 said transportation, terminal or other facility was so owned, operated, leased or controlled by a private corporation. 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 said 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. 12. This act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1929.

CHAPTER 62—H. F. No. 259

An act to amend Section 3, Chapter 303, General Laws 1905, as amended by Section 1, Chapter 333, General Laws 1915, being now Section 3339 General Statutes 1923 relating to the notice to be given for hearings upon the reinsurance, merger or consolidation of or by Minnesota insurance companies.

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

Section 1. **Mergers and consolidations.**—That Section 3, Chapter 303, General Laws 1905, as amended by Section 1, Chapter 333, General Laws 1915, being Section 3339, General Statutes 1923, be and the same hereby is amended so as to read as follows:

The insurance commissioner shall thereupon issue an order requiring notice to be given by mail to each policy holder or such company of such petition and the time and place at which hearing thereon will be held, and shall publish the said notice in five daily newspapers, once in each week, for at least two weeks before the time appointed for the hearing upon said petition, *provided, however, that whenever a fraternal benefit society organized under the laws of this state, having an insurance membership in good standing at the time of reinsurance, merger, or consolidation of not more than five thousand members and which has been engaged in business for more than 15 years prior to such time, is reinsured by or consolidated or merged with any Minnesota life insurance company, said order and notice need not be given, but in lieu thereof, the insurance commissioner shall thereupon issue an order of notice specifying the time and place at which hearing thereon will be held and shall cause said order to be published daily for seven consecutive days in five daily Minnesota newspapers, the last such publication to be not less than two weeks prior to the time appointed for such hearing.*

In lieu of proceeding under the foregoing paragraph of this Section and Section 2 of Chapter 303, Laws of 1905, any accident or