

# MINNESOTA STATUTES 1979 SUPPLEMENT

## WATER TRANSPORTATION FACILITIES; PORT AUTHORITIES 458.192

### 453A.11 Employees, definition.

Employees of a municipal gas agency shall be "public employees" within the meaning of section 353.01, and the provisions of chapter 353 shall apply to employees of a municipal gas agency.

[ 1979 c 140 s 11 ]

### 453A.12 Construction.

Subdivision 1. Sections 453A.01 to 453A.12 shall be construed liberally to effectuate its legislative intent and purpose, as complete and independent authority for the performance of each and every act and thing authorized by sections 453A.01 to 453A.12, and all authority granted shall be broadly interpreted to effectuate this intent and purpose and not as a limitation of powers.

Subd. 2. In the event of any conflict or inconsistency between sections 453A.01 to 453A.12 and any other law or charter provision, the provisions of sections 453A.01 to 453A.12 shall prevail.

[ 1979 c 140 s 12 ]

## CHAPTER 458. WATER TRANSPORTATION FACILITIES; PORT AUTHORITIES

Sec.  
458.192 Additional powers.

### 458.192 Additional powers.

[For text of subs 1 to 10, see M.S.1978]

Subd. 11. Upon or after the creation of an industrial development district under section 458.191 which is not subject to the provisions of sections 273.71 to 273.78, the auditor of the county in which it is situated shall upon request of the port authority certify the then most recently determined assessed valuation of all or so much of the taxable real property within the district as is identified by legal description in the request, other than that portion of the valuation which is contributed to an area-wide tax base under chapter 473F. The auditor shall certify to the authority in each year thereafter the amounts and percentages of subsequent increases or decreases in such valuation other than that portion of such increases or decreases which is contributed to an area-wide tax base under chapter 473F. The auditor shall compute the mill rates of taxes against such original valuation but shall extend such rates also against any incremental value and remit the resulting tax increment to the port authority in the same manner as that provided for the computation and remittance of tax increments under section 462.585, subdivisions 2 and 3. The port authority shall segregate tax increments received with respect to any such property district in a special account on its official books and records. Such tax increments shall be remitted to the port authority until the cost of redevelopment of the marginal land within the district, including interest thereon, has been fully reimbursed from the tax increments. When such full reimbursement has been made, it shall be reported by the port authority to the county auditor, who shall thereafter include the entire assessed valuation of the property in the assessed valuations upon which tax mill rates are computed and extended and taxes are remitted to all taxing districts. Any part or all of such tax, if so directed by the city council, shall be pledged and appropriated for the payment of any general obligation bonds of the port authority. Increases in the value of such property, subsequent to certification of the base for computing the tax increment therefrom, shall not be included in the assessed valuation of any taxing district for the purpose of computing any debt or levy limitation or the amount of any state or federal aid to the taxing district, so long as the tax increment therefrom is segregated under the provisions of this section. The provisions of this subdivision shall not apply with respect to any project, certification of which is requested subsequent to August 1, 1979.

Subd. 12. [ Repealed, 1979 c 322 s 25 ]

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 458.192 WATER TRANSPORTATION FACILITIES; PORT AUTHORITIES

[For text of subd 13, see M.S.1978]

[ 1979 c 322 s 11 ]

### CHAPTER 458A. ST. CLOUD METROPOLITAN TRANSIT COMMISSION

Sec. 458A.03	Commission; organization and operation.	Sec. 458A.06	Special provisions.
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#### 458A.03 Commission; organization and operation.

[For text of subd 1, see M.S.1978]

Subd. 2. **Rules and regulations.** The commission may prescribe and promulgate rules and regulations as it deems necessary or expedient in furtherance of the purposes of sections 458A.01 to 458A.15 upon like procedure and with like force and effect as provided for state agencies by sections 15.0411 to 15.0422.

[For text of subds 3 to 9, see M.S.1978]

[ 1979 c 50 s 57 ]

#### 458A.06 Special provisions.

Subdivision 1. **Condemnation of public property or property of public service corporations.** The commission may exercise the right of eminent domain as provided by chapter 117 for the purpose of acquiring any land, waters, easements, or other rights or interests therein which it is herein authorized to acquire by condemnation. The fact that any such property is owned by or is in charge of a public agency or a public service corporation organized for a purpose specified in section 300.03, or is already devoted to a public use or to use by such a corporation or was acquired therefor by condemnation shall not prevent its acquisition by the commission by condemnation; provided, that in the case of such property in actual public use or in actual use by such a corporation for any purpose of interest or benefit to the public, the taking thereof by the commission by condemnation shall not be authorized unless the court shall find and determine that there is greater public necessity for the proposed use by the commission than for the existing use thereof. Except in case of property in actual public use or in actual use by such a public service corporation for a purpose of interest or benefit to the public, the commission may take possession of any property for which condemnation proceedings have been commenced at any time after the filing of the petition describing the property in the proceedings.

[For text of subds 2 and 3, see M.S.1978]

Subd. 4. **Proceedings for changes before public service commission.** If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change in routes, schedules, or stops will be in the public interest, the commission shall file a petition for the proposed change or changes with the secretary of the public service commission and serve copies thereof on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving such a petition, the public service commission shall set a hearing thereon at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the public service commission an answer stating the grounds of such opposition and serve a copy thereof on the secretary of the transit commission. If no such answers are so filed and serviced within such 30 day period, the public service commission shall, upon finding that the change proposed in the petition is in the public interest, order such change. If any answer opposing the petition is received by the public service commission within such 30 day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and regulations. An