

on. Such recommendation shall be advisory only. Failure or refusal of the commission to make a recommendation promptly shall be deemed a negative recommendation.

Sec. 45. Minnesota Statutes 1961, Sections 85.05, Subdivision 2, and 296.421, Subdivision 4 are repealed.

Sec. 46. This act is in effect on July 1, 1963. None of the moneys appropriated thereby shall cancel but shall be available until expended for the purposes provided for in this act.

Approved May 23, 1963.

CHAPTER 841—H. F. No. 2009

An act relating to certain iron bearing material other than taconite and semi-taconite; amending Minnesota Statutes 1961, Chapter 298, as amended by Laws 1963, Chapter 735.

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

Section 1. Minnesota Statutes 1961, Chapter 298, as amended by Laws 1963, Chapter 735, adding a new section thereto, is amended to read:

[298.405] Iron ore bearing material other than taconite and semi-taconite; taxation. Subdivision 1. **Imposition of tax.** In any year in which iron bearing material other than taconite and semi-taconite as defined by law, having not more than 46.5 percent natural iron content on the average, produced from any 40 acre tract or governmental lot, but not from more than three such tracts or lots by an individual producer, is finer than or is ground to 90 percent passing 20 mesh and is treated for the purpose of separating the iron particles from silica, alumina, or other detrimental compounds or elements unless used in a direct reduction process, and is treated *in Minnesota*:

- (a) By either electro-static separation, roasting and magnetic separation, or flotation or
- (b) By a direct reduction process or
- (c) By any combination of such processes or
- (d) By any other process or method not presently employed in gravity separation plants employing only crushing, screening, washing, jigging, heavy media separation, spirals, cyclones, drying or any combination thereof, the production of such ore shall be taxed in the

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manner and at the rates provided for the taxation of semi-taconite under section 298.35 provided that the amount of concentrates or final product so produced each year from any one 40 acre tract or governmental lot exceeds 100,000 tons or exceeds 25,000 tons from any one 40 acre tract or governmental lot where the average phosphorous content exceeds .125 percent dry analysis or .10 percent sulphur dry analysis. Such tax shall be in addition to the occupation and royalty taxes but shall be in lieu of all other taxes upon the said 40 acre tract or governmental lot, the iron ore contained therein, the concentrates produced, and the mining and beneficiating facilities used in such production. The determination as to what materials will qualify under this law will be made by the commissioner of taxation who may use the services of the ore estimate division of the university of Minnesota, school of mines and metallurgy, which is hereby established as a technical consultant to the commissioner for the purposes of this act. The tax imposed shall be collected, paid, and the proceeds thereof distributed in the same manner and at the same time as the tax imposed upon semi-taconite by section 298.35 is collected, paid, and distributed.

The tax imposed by this section is not an occupation, royalty or excise tax imposed upon or required to be paid with respect to the mining, production, or beneficiation of taconite or semi-taconite within the provisions of Laws 1963, Chapter 81, and the provisions of said chapter 81 have no application to the provisions of this section.

Subd. 2. Producer; annual report. On or before October 1 of each calendar year each producer of the iron bearing material described above in this section subject to taxation under Minnesota Statutes, Section 298.35 (hereinafter called "taxpayer") shall file with the commissioner of taxation a report in the form prescribed by the commissioner of taxation. Such report shall show, with such other facts as the commissioner may require, by months the number of tons of such iron bearing material produced in each 40 acre tract or governmental lot, with a description thereof and of the number of concentrates produced therefrom, all during the current calendar year; the estimated number of tons of such material and of concentrates which will be produced in each such tract or governmental lot during the remainder of the current calendar year and the name and location of the beneficiating facilities used in such production; and a description of the 40 acre tract or governmental lot and a description of the real property which it is claimed is exempt from taxation under the in lieu provisions of subdivision 1 by virtue of the removal of iron ore bearing material from such 40 acre tract or governmental lot. From such report, the commissioner

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of taxation shall tentatively determine the descriptions of real estate which it appears will not be subject to general ad valorem taxation under the in lieu provisions of subdivision 1 of this section, and certify the same to the appropriate county auditor. As soon as possible after each March 1, the commissioner of taxation shall make a final determination of the descriptions of the real estate which will not be subject to general ad valorem taxation under the in lieu provisions of subdivision 1 of this section, and certify the same to the appropriate county auditor.

Subd. 3. Producer; final report; payment. On or before February 15 of each calendar year the taxpayer shall file with the commissioner of taxation a final report in such form as the commissioner of taxation may prescribe setting forth the description of each 40 acre tract or governmental lot from which such iron bearing material was processed, and the number of tons of concentrate produced from such iron bearing materials from each 40 acre tract or governmental lot. The taxpayer shall pay the tax due on or before the March 1 next following.

Subd. 4. Commissioner of taxation; certification of nonexempt real property. If less than 100,000 tons of concentrates are produced from a 40 acre tract or governmental subdivision which was listed in the report required by subdivision 2 of this section in a calendar year, the commissioner of taxation shall certify such fact to the county auditor of the county in which the affected lands are located. If any of such lands and mining and beneficiating facilities have been treated as exempt from taxation under the provisions of this section, the county auditor shall treat such lands and facilities as omitted property and proceed with collection of the taxes thereon.

Approved May 23, 1963.

CHAPTER 842—S. F. No. 408

[Coded]

An act relating to the prevention of consumer fraud.

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

Section 1. [325.78] **Prevention of consumer fraud, definitions.** Subdivision 1. The following words and terms where used in this act shall have the meanings ascribed to them in this section.

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