

STATE OF MINNESOTA

SIXTY-EIGHTH SESSION - 1974

ONE HUNDRED-ELEVENTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 22, 1974

The House convened at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called, and the following members were present:

Adams, J.	DeGroat	Johnson, D.	McMillan	Samuelson
Adams, S.	Dieterich	Johnson, J.	Menke	Sarna
Andersen, R.	Dirlam	Johnson, R.	Miller, D.	Savelkoul
Anderson, D.	Eckstein	Jopp	Miller, M.	Schreiber
Anderson, G.	Eken	Jude	Moe	Schulz
Anderson, I.	Enebo	Kahn	Mueller	Searle
Becklin	Erdahl	Kelly	Munger	Sherwood
Belisle	Erickson	Kempe	Myrah	Sieben, H.
Bell	Esau	Klaus	Nelson	Sieben, M.
Bennett	Faricy	Knickerbocker	Newcome	Skaar
Berg	Ferderer	Knoll	Niehaus	Smith
Berglin	Fjoslien	Kostohryz	Norton	Spanish
Biersdorf	Forsythe	Kvam	Ohnstad	Stangeland
Braun	Fudro	Laidig	Ojala	Stanton
Brinkman	Fugina	Larson	Parish	Swanson
Carlson, A.	Graba	LaVoy	Patton	Tomlinson
Carlson, B.	Graw	Lemke	Pavlak, R.	Ulland
Carlson, D.	Grove	Lindstrom, J.	Pehler	Vanasek
Carlson, L.	Hagedorn	Lombardi	Peterson	Vento
Casserly	Hanson	Long	Pieper	Voss
Cleary	Haugerud	Mann	Prahl	Weaver
Clifford	Heinitz	McArthur	Quirin	Wenzel
Connors	Hook	McCarron	Resner	Wigley
Culhane	Jacobs	McCauley	Rice	Wohlwend
Cummiskey	Jaros	McEachern	Ryan	Wolcott
Dahl	Johnson, C.	McFarlin	St. Onge	Mr. Speaker

A quorum was present.

Lindstrom, E., was excused until 5:45 p.m. Pavlak, R. L., was excused until 3:00 p.m. Pleasant was excused until 12:45 p.m. Salchert was excused until 12:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day, when on the motion of Mr. Johnson, C., the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2785, 3182, 2928, 3337, and 3382 and S. F. Nos. 3323, 3580 and 2683 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

March 21, 1974

The Honorable Martin O. Sabo
Speaker of the House

Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the office of the Secretary of State the following House File:

H. F. No. 3041, An act relating to aeronautics; defining certain terms; amending Minnesota Statutes 1971, Section 360.013, Subdivisions 11, 17, and 19.

Sincerely,

WENDELL R. ANDERSON
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

March 21, 1974

The Honorable Martin O. Sabo
Speaker of the House
276 State Office Building
St. Paul, Minnesota

Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 892, An act relating to labor, veterans; encouraging the employment of Vietnam-era veterans by requiring the listing of job openings with the department of manpower services.

H. F. No. 1795, An act relating to the Hennepin county conciliation court; amending Minnesota Statutes 1971, Sections 488A.14, Subdivision 5, and by adding a subdivision; 488A.16, Subdivisions 6 and 8; and 488A.17, Subdivisions 2, 4 and 5.

H. F. No. 1952, An act relating to the construction, maintenance and repair of any county ditches in Ramsey county; repealing Laws 1957, Chapter 682.

H. F. No. 1966, An act relating to the city of Minneapolis; authorizing compensation for members of the board of park commissioners.

H. F. No. 1967, An act relating to the library board of the city of Minneapolis; authorizing compensation for members.

H. F. No. 1986, An act relating to the city of Virginia; firemen's service, disability, and survivors pensions; repealing Laws 1953, Chapter 399, Sections 18, 20 and 23, as amended.

H. F. No. 2043, An act relating to the operation of state government; updating statutory references to printing; providing for more complete advance payments to state employees for travel expenses; clarifying the commissioner of administration's responsibility to supervise and control all state telecommunication facilities; enabling the commissioner of administration to dispose of lost or abandoned property in alternate ways; eliminating the requirement for contractor's bonds or security for negotiated state public work contracts; specifying certain services to be performed by the commissioner for other state departments or agencies; clarifying the state record disposition and record management functions; clarifying procedures for extending social security benefits to certain governmental entities; amending Minnesota Statutes 1971, Sections 3.21; 15.181; 16.02, by adding a subdivision; 16.022; 16.0231; 16.07, Subdivision 11; 94.10, Subdivision 1; 138.17, Subdivisions 1 and 7; 138.19; 138.20; 138.21; 331.09; and 355.17.

H. F. No. 2144, An act relating to wild animals; affording protection to the wolverine; providing a penalty; amending Minnesota Statutes 1971, Section 97.55, Subdivision 8; and 100.27, Subdivision 1.

H. F. No. 2553, An act relating to garnishment proceedings in certain municipal courts in Ramsey county; repealing Laws 1961, Chapter 649.

H. F. No. 2595, An act relating to the Minnehaha creek watershed district; providing for the establishment of a district water

maintenance and repair fund; authorizing a tax levy for water maintenance and repair purposes.

H. F. No. 2829, An act relating to the firemen's relief association of the city of Goodview; providing that years of service with Goodview volunteer fire department shall be treated as years of service with the Goodview firemen's relief association.

H. F. No. 2833, An act relating to the appointment of a law clerk for the district judge assigned to hold court in the counties of Rice, Steele and Waseca; setting the salary thereof; amending Laws 1967, Chapter 355, Section 1, Subdivision 2.

H. F. No. 2926, An act relating to taxation; prescribing eligibility for rent and property tax credits; amending Minnesota Statutes, 1973 Supplement, Sections 290.0601, Subdivisions 6 and 9; and 290.061.

H. F. No. 2936, An act relating to the city of Minneapolis; abolishing the board of public welfare of said city.

H. F. No. 3009, An act relating to the city of Lake St. Croix Beach; authorizing the city to conduct a public or private sale of certain real property, whether or not dedicated to the public for park and recreational purposes, to use the net proceeds of such sale to pay existing debt service, and to acquire other real property for park and recreational purposes in substitution thereof.

H. F. No. 3055, An act authorizing the issuance of certain refunding bonds by independent school district No. 748.

H. F. No. 3086, An act relating to aeronautics; aircraft registration and taxation; definitions; amending Minnesota Statutes 1971, Section 360.511, Subdivision 8.

H. F. No. 3121, An act relating to intoxicating liquor; redefining the term "restaurant"; amending Minnesota Statutes 1971, Section 340.07, Subdivision 14.

H. F. No. 3142, An act relating to the city of Eden Prairie; authorizing the planning, construction and financing of a major center area ring road project.

H. F. No. 3233, An act relating to taxation; increasing the levy limit bases of governmental subdivisions to include gross earnings aids and inheritance tax distributions; amending Minnesota Statutes, 1973 Supplement, Sections 275.50, Subdivision 5; and 275.51, Subdivision 3.

H. F. No. 3264, An act relating to taxes on and measured by net income; credits against tax; amending Minnesota Statutes 1971, Section 290.0601, Subdivision 9, as amended.

H. F. No. 3322, An act relating to intoxicating liquor; county licenses in unorganized or unincorporated areas of certain counties; amending Laws 1973, Chapter 566, Section 1.

H. F. No. 3331, An act relating to taxes on and measured by net income; amending Minnesota Statutes 1971, Section 290.01, Subdivision 20, as amended.

H. F. No. 3384, An act relating to public transit in the city of Red Wing; providing for continued municipal financial assistance and expanding the definition of public transit; amending Laws 1969, Chapter 538, Sections 1, Subdivision 2; and 6.

H. F. No. 3394, An act relating to insurance; variable contracts; amending Minnesota Statutes, 1973 Supplement, Section 61A.17.

Sincerely,

WENDELL R. ANDERSON
Governor

UNANIMOUS CONSENT

Kvam requested unanimous consent to offer a motion. The request was granted.

Kvam moved that H. F. No. 3143 be recalled from the Senate for further consideration by the House. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Mr. Norton from the Committee on Appropriations to which was referred:

H. F. No. 3575, A bill for an act providing additional bond issuing authority to provide compensation to those members of the armed forces who served during the Vietnam conflict; and appropriating the proceeds thereof.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Mr. Pavlak, R., from the Committee on Taxes to which was referred:

H. F. No. 560, A bill for an act relating to taxes on and measured by net income; rent credit entitlement; amending Minnesota Statutes 1971, Sections 290.982 and 290.983, Subdivision 1.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 3724, 3575, and 560 were read for the second time.

INTRODUCTION OF BILLS

Kvam, Eckstein, Larson, Stangeland, and Ryan introduced:

H. F. No. 3725, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 1; providing that the legislature meet in regular session only in odd numbered years.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Johnson, R.; Graw; and Adams, S., introduced:

H. F. No. 3726, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 1; prescribing the times for meetings of the legislature.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Johnson, R.; Graw; and Adams, S., introduced:

H. F. No. 3727, A bill for an act relating to the legislature; regulating the sessions and interim activities of the legislature; amending Minnesota Statutes, 1973 Supplement, Section 3.011; repealing Minnesota Statutes, 1973 Supplement, Section 3.012.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 389, A bill for an act relating to public safety; fines and forfeited bail money from persons apprehended by the highway patrol; providing for the distribution and use of such money; amending Minnesota Statutes 1971, Section 299D.03, Subdivision 5.

H. F. No. 485, A bill for an act relating to the state junior college board; appropriating money for a special assessment.

H. F. No. 545, A bill for an act relating to the Willmar state junior college; appropriating money to the city of Willmar for costs incurred on behalf of the college.

H. F. No. 3239, A bill for an act relating to aeronautics; appropriating and transferring certain funds.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 2799, A bill for an act relating to charitable organizations; exempting firemen from the prohibition against uniformed personnel of governmental agencies or departments soliciting contributions on the behalf of a charitable organization; amending Minnesota Statutes 1971, Section 309.55, Subdivision 4, as added.

H. F. No. 2930, A bill for an act relating to the city of Brooklyn Park; appropriating funds for special assessments levied by the city against property of the North Hennepin community college.

H. F. No. 3027, A bill for an act relating to housing and redevelopment authorities; changing classification of certain regulated property and necessary findings; amending Minnesota Statutes 1971, Sections 462.415, Subdivision 4; 462.421, Subdivision 11; 462.425, Subdivision 1; 462.426, Subdivision 1; and 462.445, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1951, A bill for an act relating to the metropolitan council; granting the metropolitan council the powers of a municipal housing and redevelopment authority in the metropolitan area, subject to municipal approval; providing for revenues.

The Senate has appointed as such committee Messrs. Humphrey; Keefe, J.; and Stokowski.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2120, A bill for an act relating to workmen's compensation; supplementary benefits; amending Minnesota Statutes 1971, Section 176.132, Subdivision 3; and Minnesota Statutes, 1973 Supplement, Section 176.132, Subdivision 2.

The Senate has appointed as such committee Messrs. Milton, Bang, and Hansen, Baldy.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 3712, A bill for an act relating to claims against the state; appropriating moneys for the payment thereof; amending Minnesota Statutes 1971, Section 3.732, Subdivisions 2, 4 and 5.

The Senate has appointed as such committee Messrs. Purfeerst, Blatz, and Thorup.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1060, A bill for an act relating to highway traffic regulations; bicycle regulations; pedestrian rules; prohibiting certain soliciting; requiring certain precautions when opening certain vehicle doors; amending Minnesota Statutes 1971, Sections 169.01, Subdivision 51; 169.21, Subdivisions 3 and 5; 169.22;

169.221, Subdivisions 1 and 6; and Chapter 169, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1060

March 20, 1974

Honorable Alec G. Olson
President of the Senate
Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 1060, report that we have agreed upon the items in dispute and recommend as follows: That the House recede from its amendments and that S. F. No. 1060 be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1971, Section 169.01, Subdivision 51, is amended to read:

Subd. 51. [BICYCLE.] "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over (20) 14 inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or rear wheels.

Sec. 2. Minnesota Statutes 1971, Section 169.21, Subdivision 5, is amended to read:

Subd. 5. [WALK ON LEFT SIDE OF ROADWAY.] Pedestrians when walking along a roadway shall, *when practicable*, walk (NEAR) *on* the left side of the roadway *or its shoulder* giving way to oncoming traffic. Where sidewalks are provided and usable it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

Sec. 3. Minnesota Statutes 1971, Section 169.22, is amended to read:

169.22 [HITCHHIKING; SOLICITATION OF BUSINESS.]
Subdivision 1. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

Subd. 2. No person shall stand on a roadway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

Sec. 4. Minnesota Statutes 1971, Section 169.221, Subdivision 1, is amended to read:

169.221 [BICYCLES.] Subdivision 1. [TRAFFIC LAWS APPLY.] Every person riding a bicycle upon a roadway or upon any path set aside for the exclusive use of bicycles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this chapter and except as to those provisions of this chapter which by their nature can have no application.

Sec. 5. Minnesota Statutes 1971, Section 169.221, Subdivision 2, is amended to read:

Subd. 2. [MANNER AND NUMBER RIDING.] (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, *except on a baby seat attached to the bicycle, provided that such seat is equipped with a harness to hold the child securely in the seat and that protection is provided against the child's feet hitting the spokes of the wheel or in a seat attached to the bicycle operator.*

Sec. 6. Minnesota Statutes 1971, Section 169.221, Subdivision 6, is amended to read:

Subd. 6. [LIGHTING AND BRAKE EQUIPMENT.]

(a) Every bicycle when in use at nighttime shall be equipped with, or its operator shall carry, a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department of public safety which is visible from all distances from (50) 100 feet to (300) 600 feet to the rear when directly in front of lawful (UPPER) lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. *No person may after January 1, 1976 at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead operate a bicycle unless the bicycle or its operator is equipped with reflective surfaces that shall be visible during the hours of darkness from 600 feet when viewed in front of lawful lower beams of head lamps on a motor vehicle.*

The reflective surfaces shall include reflective materials on each side of each pedal to indicate their presence from the front

or the rear and with a minimum of 20 square inches on each side of the bicycle or its operator, of white reflective material. All reflective materials used in compliance with this subdivision shall meet the requirements as prescribed by the commissioner of public safety.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.”.

Further strike the title and insert in lieu thereof:

“A bill for an act relating to highway traffic regulations; bicycle regulations; pedestrian rules; prohibiting certain soliciting; amending Minnesota Statutes 1971, Sections 169.01, Subdivision 51; 169.21, Subdivision 5; 169.22; and 169.221, Subdivisions 1, 2 and 6.”.

We request adoption of this report and repassage of the bill in accordance therewith.

Senate Conferees: CLARENCE PURFEERST, C. R. BALDY HANSEN, and J. A. JOSEPHSON.

House Conferees: JOAN R. GROWE, M. J. MCCAULEY, and GORDON O. VOSS.

Grove moved that the report of the Conference Committee on S. F. No. 1060 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1060, A bill for an act relating to highway traffic regulations; bicycle regulations; pedestrian rules; prohibiting certain soliciting; requiring certain precautions when opening certain vehicle doors; amending Minnesota Statutes 1971, Sections 169.01, Subdivision 51; 169.21, Subdivisions 3 and 5; 169.22; 169.221, Subdivisions 1 and 6; and Chapter 169, by adding a section.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 94, and nays 24, as follows:

Those who voted in the affirmative were:

Adams, J.	Berg	Carlson, D.	Cummiskey	Faricy
Andersen, R.	Berglin	Carlson, L.	Dahl	Forsythe
Anderson, I.	Biersdorf	Casserly	Dieterich	Fudro
Becklin	Brinkman	Clifford	Eckstein	Fugina
Bell	Carlson, A.	Connors	Enebo	Graba
Bennett	Carlson, B.	Culhane	Erickson	Graw

Grove	Kelly	McFarlin	Pavlak, R.	Sieben, M.
Hanson	Kempe	McMillan	Pehler	Smith
Haugerud	Knickerbocker	Menke	Peterson	Stanton
Heinitz	Knoll	Moe	Quirin	Swanson
Hook	Kvam	Munger	Resner	Ulland
Jacobs	Laidig	Myrah	Rice	Vento
Jaros	La Voy	Nelson	Ryan	Voss
Johnson, C.	Lemke	Newcome	St. Onge	Weaver
Johnson, D.	Lombardi	Norton	Sarna	Wenzel
Johnson, J.	McArthur	Ohnstad	Schreiber	Wigley
Jopp	McCarron	Ojala	Schulz	Wolcott
Jude	McCauley	Parish	Sherwood	Mr. Speaker
Kahn	McEachern	Patton	Sieben, H.	

Those who voted in the negative were:

Anderson, D.	Dirlam	Hagedorn	Mueller	Skaar
Anderson, G.	Eken	Larson	Niehaus	Stangeland
Braun	Erdahl	Long	Pieper	Vanasek
Cleary	Esau	Mann	Savelkoul	Wohlwend
DeGroat	Fjoslien	Miller, M.	Searle	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1530, A bill for an act relating to education; authorizing and prohibiting fees for public educations.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1530

March 19, 1974

Honorable Alec G. Olson
President of the Senate
Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 1530, report that we have agreed upon the items in dispute and recommend as follows: That the House recede from its amendments and that S. F. No. 1530 be further amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. This act may be cited as "The Minnesota Public School Fee Law."

Sec. 2. [GENERAL POLICY.] It is the policy of the state of Minnesota that public school education shall be free and no pupil shall be denied an education because of economic inability to furnish educational books and supplies necessary to complete educational requirements necessary for graduation. Any practice leading to suspension, coercion, exclusion, withholding of grades or diplomas, or discriminatory action based upon nonpayment of fees denies pupils their right to equal protection and entitled privileges. It is recognized that school boards do have the right to accept voluntary contributions and to make certain charges and to establish fees in areas considered extra curricular, non-curricular or supplementary to the requirements for the successful completion of a class or educational program. No public school board may require, except as authorized by sections 3 and 5, the payment of fees.

Sec. 3. [AUTHORIZED FEES.] Subdivision 1. A school board is authorized to require payment of fees in the following areas:

(a) In any program where the resultant product, in excess of minimum requirements and at the pupil's option, becomes the personal property of the pupil;

(b) Admission fees or charges for extra curricular activities, where attendance is optional;

(c) A security deposit for the return of materials, supplies, or equipment;

(d) Personal physical education and athletic equipment and apparel, although any pupil may provide his own if it meets reasonable requirements and standards relating to health and safety established by the school board;

(e) Items of personal use or products which a student may purchase at his own option such as student publications, class rings, annuals, and graduation announcements;

(f) Fees specifically permitted by any other statute;

(g) Field trips considered supplementary to a district educational program;

(h) Any authorized voluntary student health and accident benefit plan;

(i) For the use of musical instruments owned or rented by the district, a reasonable rental fee not to exceed either the rental cost to the district or the annual depreciation plus the actual annual maintenance cost for each instrument.

Subd. 2. Students may be required to furnish personal or consumable items including pencils, paper, pens, erasers and notebooks.

Subd. 3. This act shall not preclude the operation of a school store wherein pupils may purchase school supplies and materials.

Subd. 4. A school board may waive any such deposit or fee if any pupil or his parent or guardian is unable to pay it.

Sec. 4. [PROHIBITED FEES.] Subdivision 1. A school board is not authorized to charge fees in the following areas:

(a) Textbooks, work books, art materials, laboratory supplies, towels;

(b) Supplies necessary for participation in any instructional course except as authorized in sections 3 and 5;

(c) Field trips which are required as a part of a basic education program or course;

(d) Graduation caps, gowns, any specific form of dress necessary for any educational program, and diplomas;

(e) Instructional costs for necessary school personnel employed in any course or educational program required for graduation;

(f) Library books required to be utilized for any educational course or program;

(g) Admission fees, dues, or fees for any activity the pupil is required to attend;

(h) Any admission or examination cost for any required educational course or program;

(i) Locker rentals.

Subd. 2. No pupil's rights or privileges, including the receipt of grades or diplomas may be denied or abridged for non-payment of fees; but this provision shall not prohibit a school district from maintaining any action provided by law for the collection of such fees authorized by sections 3 and 5.

Sec. 5. Subdivision 1. Prior to the initiation of any fee not authorized or prohibited by sections 3 and 4, the local school board shall hold a public hearing within the district upon three weeks published notice in the district's official newspaper. The local school board shall notify the state board of any fee it proposes to initiate under this section. If within 45 days of this notification, the state board does not disapprove the proposed fee, the local school board may initiate the proposed fee.

Subd. 2. The state board pursuant to the administrative procedures act, Minnesota Statutes, Sections 15.04 to 15.0426, and consistent with the general policy of section 2 shall have the power to specify further authorized and prohibited fees and to adopt rules and regulations for the purposes of this act.

Sec. 6. This act shall not be construed to prohibit a school board from charging reasonable fees for goods and services provided in connection with any post-secondary instructional program, including but not limited to vocational-technical, adult veterans, continuing education, community services, evening school and general educational development programs.

Sec. 7. [EFFECTIVE DATE.] This act shall be effective on July 1, 1975."

Further delete the title in its entirety and insert in lieu thereof:

"A bill for an act relating to education, authorizing and prohibiting certain pupil fees."

We request adoption of this report and repassage of the bill in accordance therewith.

Senate Conferees: RALPH DOTY, GERALD WILLET, and ROBERT DUNN.

House Conferees: MIKE JAROS, CARL JOHNSON, and GERALD KNICKERBOCKER.

Johnson, C., moved that the report of the Conference Committee on S. F. No. 1530 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1530, A bill for an act relating to education; authorizing and prohibiting fees for public educations.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 81, and nays 48, as follows:

Those who voted in the affirmative were:

Adams, J.	Faricy	Klaus	Norton	Sieben, H.
Andersen, R.	Ferderer	Knickerbocker	Ohnstad	Sieben, M.
Anderson, I.	Fudro	Knoll	Ojala	Smith
Bell	Fugina	Kostohryz	Parish	Spanish
Bennett	Graba	LaVoy	Patton	Stanton
Berg	Graw	Lemke	Pehler	Tomlinson
Berglin	Growe	Mann	Prahl	Ulland
Brinkman	Hanson	McArthur	Quirin	Vanasek
Carlson, A.	Haugerud	McCarron	Resner	Vento
Carlson, B.	Jacobs	McEachern	Rice	Voss
Carlson, L.	Jaros	McMillan	Ryan	Wenzel
Casserly	Johnson, C.	Menke	St. Onge	Wolcott
Cummiskey	Johnson, D.	Miller, D.	Samuelson	Mr. Speaker
Dahl	Johnson, J.	Miller, M.	Sarna	
Dieterich	Jude	Moe	Savelkoul	
Eken	Kahn	Munger	Schulz	
Enebo	Kelly	Nelson	Sherwood	

Those who voted in the negative were:

Anderson, D.	Culhane	Heinitz	Long	Schreiber
Anderson, G.	DeGroat	Hook	McCauley	Searle
Becklin	Dirlam	Johnson, R.	McFarlin	Skaar
Belisle	Eckstein	Jopp	Mueller	Stangeland
Biersdorf	Erdahl	Kempe	Myrah	Swanson
Braun	Erickson	Kvam	Newcome	Weaver
Carlson, D.	Esau	Laidig	Niehaus	Wigley
Cleary	Fjoslien	Larson	Pavlak, R.	Wohlwend
Clifford	Forsythe	Lindstrom, J.	Peterson	
Connors	Hagedorn	Lombardi	Pieper	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 96, A bill for an act relating to motor vehicle insurance; providing for basic reparation insurance benefits, regardless of fault, in cases of accident; limiting the recovery of general damages in bodily injury tort claims; requiring no-fault reparation insurance; providing for the administration of a no-fault reparation system and providing penalties; providing for mandatory arbitration of certain claims; providing for the partial abrogation of tort liability; repealing Minnesota Statutes 1971, Sections 65B.01 to 65B.27; 168.054; 168.833; 170.21; 170.22; 170.23; 170.231; 170.25 to 170.58; and 171.12, Subdivision 4.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 96

March 21, 1974

Honorable Alec G. Olson
President of the Senate
Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 96, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 96 be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. [CITATION.] Sections 1 to 35 may be cited as the "Minnesota no-fault automobile insurance act".

Sec. 2. [PURPOSE.] The detrimental impact of automobile accidents on uncompensated injured persons, upon the orderly and efficient administration of justice in this state, and in various other ways requires that this act be adopted to effect the following purposes:

(1) To relieve the severe economic distress of uncompensated victims of automobile accidents within this state by requiring automobile insurers to offer and automobile owners to maintain automobile insurance policies or other pledges of indemnity which will provide prompt payment of specified basic economic loss benefits to victims of automobile accidents without regard to whose fault caused the accident;

(2) To prevent the overcompensation of those automobile accident victims suffering minor injuries by restricting the right to recover general damages to cases of serious injury;

(3) To encourage appropriate medical and rehabilitation treatment of the automobile accident victim by assuring prompt payment for such treatment;

(4) To speed the administration of justice, to ease the burden of litigation on the courts of this state, and to create a system of small claims arbitration to decrease the expense of and to simplify litigation, and to create a system of mandatory inter-company arbitration to assure a prompt and proper allocation of the costs of insurance benefits between motor vehicle insurers;

(5) To correct imbalances and abuses in the operation of the automobile accident tort liability system, to provide offsets to avoid duplicate recovery, to require medical examination and disclosure, and to govern the effect of advance payments prior to final settlement of liability.

Sec. 3. [DEFINITIONS.] Subdivision 1. The following words and phrases, shall, for the purpose of this act, have the meanings ascribed to them, except where the context clearly indicates a different meaning.

Subd. 2. "Motor vehicle" means every vehicle, other than a motorcycle or other vehicle with fewer than four wheels, which (a) is required to be registered pursuant to Minnesota Statutes, Chapter 168, (b) is designed to be self-propelled by an engine or motor for use primarily upon public roads, highways or streets in the transportation of persons or property, or (c) is a trailer, when connected to or being towed by a motor vehicle.

Subd. 3. "Maintenance or use of a motor vehicle" means maintenance or use of a motor vehicle as a vehicle, including, incident to its maintenance or use as a vehicle, occupying, entering into, and alighting from it. Maintenance or use of a motor vehicle does not include (1) conduct within the course of a business of repairing, servicing, or otherwise maintaining motor vehicles unless the conduct occurs off the business premises, or (2) conduct in the course of loading and unloading the vehicle unless the conduct occurs while occupying, entering into or alighting from it.

Subd. 4. "Owner" means a person who holds legal title to a motor vehicle, or in the event that a motor vehicle is the subject of a security agreement or lease with option to purchase and the debtor or lessee is entitled to the immediate use or possession of the vehicle, then the debtor or lessee shall be deemed the owner for the purposes of this act.

Subd. 5. "Insured" means an insured under a plan of reparation security as provided by this act, including the named insured and the following persons not identified by name as an insured while (a) residing in the same household with the named insured and (b) not identified by name in any other contract for a plan of reparation security complying with this act as an insured:

(1) a spouse,

(2) other relative of a named insured or

(3) a minor in the custody of a named insured or of a relative residing in the same household with a named insured.

A person resides in the same household with the named insured if that person usually makes his home in the same family unit, even though he temporarily lives elsewhere.

Subd. 6. "Income" means salary, wages, tips, commissions, professional fees, and other earnings from work or tangible things of economic value produced through work in individually owned businesses, farms, ranches or other work.

Subd. 7. "Loss" means economic detriment resulting from the accident causing the injury, consisting only of medical expense, disability and income loss, replacement services loss and, if the injury causes death, funeral expense, survivor's economic loss and survivor's replacement services loss. Noneconomic detriment is not loss; however, economic detriment is loss although caused by pain and suffering or physical or mental impairment.

Subd. 8. "Noneconomic detriment" means all dignitary losses suffered by any person as a result of injury arising out of the ownership, maintenance, or use of a motor vehicle including pain and suffering, loss of consortium, and inconvenience.

Subd. 9. "Reparation obligor" means an insurer or self-insurer obligated to provide the benefits required by this act, including natural persons, firms, partnerships, associations, corporations, governmental units, trusts and syndicates.

Subd. 10. "Basic economic loss benefits" means benefits as described in section 4.

Subd. 11. "Injury" means bodily harm to a person and death resulting from such harm.

Subd. 12. "Commercial vehicle" means:

- (a) any motor vehicle used as a common carrier,
- (b) any motor vehicle, other than a passenger vehicle or a station wagon, as those terms are defined in Minnesota Statutes, Section 168.011, Subdivisions 7 and 23, which has a curb weight of 5500 pounds apart from cargo capacity, or
- (c) any motor vehicle while used in the for-hire transportation of property.

Subd. 13. "Motorcycle" means a self-propelled vehicle designed to travel on fewer than four wheels which has an engine rated at greater than five horsepower.

Subd. 14. Except where otherwise indicated, "commissioner" means the commissioner of insurance of the state of Minnesota.

Sec. 4. [BASIC ECONOMIC LOSS BENEFITS.] Subdivision 1. Basic economic loss benefits shall provide reimbursement for all loss suffered through injury arising out of the maintenance or use of a motor vehicle, subject to any applicable deductibles, exclusions, disqualifications, and other conditions, and shall provide a maximum of \$30,000 for loss arising out of the injury of any one person, consisting of:

(a) \$20,000 for medical expense loss arising out of injury to any one person; and

(b) A total of \$10,000 for disability and income loss, replacement services loss, funeral expense loss, survivor's economic loss, and survivor's replacement services loss arising out of the injury to any one person.

Subd. 2. [MEDICAL EXPENSE BENEFITS.] Medical expense benefits shall reimburse all reasonable expenses for necessary medical, surgical, x-ray, optical, dental, chiropractic, and rehabilitative services, including prosthetic devices, prescription drugs, necessary ambulance, hospital, extended care and nursing services. "Extended care facility" means a place where skilled nursing care and related services are provided for patients who require post-hospitalization, in-patient medical, nursing, or therapy services. Hospital room and board benefits may be limited, except for intensive care facilities, to the regular daily semi-private room rates customarily charged by the institution in which the recipient of benefits is confined. Such benefits shall also include necessary remedial treatment and services recognized and permitted under the laws of this state for an injured person who relies upon spiritual means through prayer alone for healing in accordance with his religious beliefs. Medical expense loss includes medical expenses accrued prior to the death of a person notwithstanding the fact that benefits are paid or payable to the decedent's survivors. Medical expense benefits for rehabilitative services shall be subject to the provisions of section 5.

Subd. 3. [DISABILITY AND INCOME LOSS BENEFITS.] Disability and income loss benefits shall reimburse eighty-five percent of the injured person's loss of present and future gross income from inability to work proximately caused by the non-fatal injury subject to a maximum of \$200 per week. Compensation for loss of income from work shall be reduced by any income from substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work which he was capable of performing but unreasonably failed to undertake.

For the purposes of this section "inability to work" shall mean disability which continuously prevents the injured person from engaging in any substantial gainful occupation or employment, for wage or profit, for which he is or may by training become reasonably qualified.

Subd. 4. [FUNERAL AND BURIAL EXPENSES.] Funeral and burial benefits shall be reasonable expenses not in excess of \$1,250, including expenses for cremation or delivery under the Uniform Anatomical Gift Act, Minnesota Statutes, Sections 525.921 to 525.93.

Subd. 5. [REPLACEMENT SERVICE AND LOSS.] Replacement service loss benefits shall reimburse all expenses reasonably incurred by or on behalf of the nonfatally injured person in obtaining usual and necessary substitute services in lieu of those that, had he not been injured, the injured person would have performed not for income but for the direct benefit of himself or his household; if the nonfatally injured person normally, as a full time responsibility, provides care and maintenance of a home with or without children, the benefit to be provided under this clause shall be the reasonable value of such care and maintenance or the reasonable expenses incurred in obtaining usual and necessary substitute care and maintenance of the home, whichever is greater. These benefits shall be subject to a maximum of \$15 per day. All replacement services loss sustained on the date of injury and the first seven days thereafter is excluded in calculating replacement services loss.

Subd. 6. [SURVIVORS ECONOMIC LOSS BENEFITS.] Survivors economic loss benefits, in the event of death occurring within one year of the date of the accident, caused by and arising out of injuries received in the accident, shall reimburse loss after decedent's death of contributions of money or tangible things of economic value, not including services, subject to a maximum of \$200 per week that his surviving dependents would have received for their support during their dependency from the decedent had he not suffered the injury causing death.

For the purposes of definition under this act, the following described persons shall be presumed to be dependents of a deceased person: (a) a wife is dependent on a husband with whom she lives at the time of his death; (b) a husband is dependent on a wife with whom he lives at the time of her death; (c) any child while under the age of 18 years, or while over that age but physically or mentally incapacitated from earning, is dependent on the parent with whom he is living or from whom he is receiving support regularly at the time of the death of such parent. In all other cases, questions of the existence and extent of dependency shall be determined in accordance with the facts at the time of the death.

Payments to the surviving spouse shall be terminated in the event such surviving spouse remarries or dies. Payments to a dependent child who is not physically or mentally incapacitated from earning shall be terminated in the event he attains majority, marries or becomes otherwise emancipated, or dies.

Subd. 7. [SURVIVOR'S REPLACEMENT SERVICES LOSS.] Survivors replacement services loss benefits shall re-

imburse expenses reasonably incurred by surviving dependents after the date of the decedent's death in obtaining ordinary and necessary services in lieu of those the deceased would have performed for their benefit had he not suffered the injury causing death, minus expenses of the survivors avoided by reason of the decedent's death. These benefits shall be subject to a maximum of \$200 per week.

Subd. 8. "Basic economic loss benefits" do not include benefits for physical damage done to property or motor vehicles, including their contents.

Sec. 5. [REHABILITATION TREATMENT AND OCCUPATIONAL TRAINING.] Subdivision 1. A reparation obligor is responsible for the cost of a procedure or treatment for rehabilitation or a course of rehabilitative occupational training if the procedure, treatment, or training is reasonable and appropriate for the particular case, its cost is reasonable in relation to its probable rehabilitative effects, and it is likely to contribute substantially to medical or occupational rehabilitation.

Subd. 2. An injured person who has undertaken a procedure or treatment for rehabilitation or a course of rehabilitative occupational training, other than medical rehabilitation procedure or treatment, shall notify the reparation obligor that he has undertaken the procedure, treatment, or training within 60 days after a rehabilitation expense exceeding \$1,000 has been incurred for the procedure, treatment, or training, unless the reparation obligor knows or has reason to know of the undertaking. If the injured person does not give the required notice within the prescribed time, the reparation obligor is responsible only for \$1,000 or the expense incurred after the notice is given and within the 60 days before the notice, whichever is greater, unless failure to give timely notice is the result of excusable neglect.

Subd. 3. If the injured person notifies the reparation obligor of a proposed specified procedure or treatment for rehabilitation, or a proposed specified course of rehabilitative occupational training, and the reparation obligor does not promptly thereafter accept responsibility for its cost, the injured person may make a motion in an action to adjudicate his claim, or, if no action is pending, bring an action in the district court, for a determination that the reparation obligor is responsible for its costs. A reparation obligor may make a motion in an action to adjudicate the injured person's claim, or, if no action is pending, bring an action in the district court, for a determination that it is not responsible for the cost of a procedure, treatment, or course of training which the injured person has undertaken or proposes to undertake. A determination by the court that the reparation obligor is not responsible for the cost of a procedure, treatment, or course of training is not res judicata as to the propriety of any other proposal or the injured person's right to other benefits. This subdivision does not preclude an action by the reparation obligor or the injured person for declaratory relief under any

other law of this state, nor an action by the injured person to recover basic economic loss benefits.

Subd. 4. If an injured person unreasonably refuses to accept a rehabilitative procedure, treatment, or course of occupational training, a reparation obligor may make a motion in an action to adjudicate the injured person's claim, or if no action is pending, may bring an action in the district court, for a determination that future benefits will be reduced or terminated to limit recovery of benefits to an amount equal to benefits that in reasonable probability would be due if the injured person had submitted to the procedure, treatment, or training, and for other reasonable orders. In determining whether an injured person has reasonable ground for refusal to undertake the procedure, treatment, or training, the court shall consider all relevant factors, including the risks to the injured person, the extent of the probable benefit, the place where the procedure, treatment, or training is offered, the extent to which the procedure, treatment, or training is recognized as standard and customary, and whether the imposition of sanctions because of the person's refusal would abridge his right to the free exercise of his religion.

Sec. 6. [RIGHT TO BENEFITS.] Subdivision 1. If the accident causing injury occurs in this state, every person suffering loss from injury arising out of maintenance or use of a motor vehicle has a right to basic economic loss benefits.

Subd. 2. If the accident causing injury occurs outside this state, the following persons and their surviving dependents suffering loss from injury arising out of maintenance or use of a motor vehicle have a right to basic economic loss benefits:

(1) Insureds, and

(2) the driver and other occupants of a secured vehicle, other than (a) a vehicle which is regularly used in the course of the business of transporting persons or property and which is one of five or more vehicles under common ownership, or (b) a vehicle owned by a government other than this state, its political subdivisions, municipal corporations, or public agencies.

Subd. 3. For the purposes of this act, injuries suffered by a person while on, mounting or alighting from a motorcycle do not arise out of the maintenance or use of a motor vehicle although a motor vehicle is involved in the accident causing the injury.

Sec. 7. [PRIORITY OF APPLICABILITY OF SECURITY FOR PAYMENT OF BASIC ECONOMIC LOSS BENEFITS.] Subdivision 1. In case of injury to the driver or other occupant of a motor vehicle, if the accident causing the injury occurs while the vehicle is being used in the business of transporting persons or property, the security for payment of basic economic

loss benefits is the security covering the vehicle or, if none, the security under which the injured person is an insured.

Subd. 2. In case of injury to an employee, or to his spouse or other relative residing in the same household, if the accident causing the injury occurs while the injured person is driving or occupying a motor vehicle furnished by the employer, the security for payment of basic economic loss benefits is the security covering the vehicle or, if none, the security under which the injured person is an insured.

Subd. 3. In the case of any other person whose injury arises from the maintenance or use of a motor vehicle described in subdivision 1 or 2 who is not a driver or occupant of another involved motor vehicle, the security for the payment of basic economic loss benefits is the security covering the vehicle, or if none, the security under which the injured person is an insured.

Subd. 4. In all other cases, the following priorities apply:

(a) The security for payment of basic economic loss benefits applicable to injury to an insured is the security under which the injured person is an insured.

(b) The security for payment of basic economic loss benefits applicable to injury to the driver or other occupant of an involved motor vehicle who is not an insured is the security covering that vehicle.

(c) The security for payment of basic economic loss benefits applicable to injury to a person not otherwise covered who is not the driver or other occupant of an involved motor vehicle is the security covering any involved motor vehicle. An unoccupied parked vehicle is not an involved motor vehicle unless it was parked so as to cause unreasonable risk of injury.

Subd. 5. If two or more obligations to pay basic economic loss benefits are applicable to an injury under the priorities set out in this section, benefits are payable only once and the reparation obligor against whom a claim is asserted shall process and pay the claim as if wholly responsible, but he is thereafter entitled to recover contribution pro rata for the basic economic loss benefits paid and the costs of processing the claim. Where contribution is sought among reparation obligors responsible under clause (c) of subdivision 4, proration shall be based on the number of involved motor vehicles.

Subd. 6. Where a reparation obligor pays basic economic loss benefits which another reparation obligor is obligated to pay under the priority provided in this section, the reparation obligor that pays is subrogated to all rights of the person to whom benefits are paid.

Sec. 8. [REPARATION SECURITY COMPULSORY.] Subdivision 1. Every owner of a motor vehicle of a type which is required to be registered or licensed or is principally garaged in this state shall provide and maintain a plan of reparation security under provisions approved by the commissioner, insuring against loss resulting from liability imposed by law for injury and property damage sustained by any person arising out of the ownership, maintenance, operation or use of an automobile. Such coverage shall provide for basic economic loss benefits and residual liability coverage in amounts not less than those specified in section 9, subdivision 3, clauses (1) and (2). The non-resident owner of a motor vehicle which is not required to be registered or licensed, or which is not principally garaged in this state, shall maintain such security in effect continuously throughout the period of the operation, maintenance or use of such motor vehicle within this state with respect to accidents occurring in this state.

Subd. 2. The security required by this act may be provided by a policy of insurance complying with this act which is issued by or on behalf of an insurer authorized to transact business in this state or, if the vehicle is registered in another state, by a policy of insurance issued by or on behalf of an insurer authorized to transact business in either this state or the state in which the vehicle is registered or by qualifying as a self-insurer.

Subd. 3. Self-insurance, subject to approval of the commissioner, is effected by filing with the commissioner in satisfactory form:

(1) a continuing undertaking by the owner or other appropriate person to pay tort liabilities or basic economic loss benefits, or both, and to perform all other obligations imposed by this act;

(2) evidence that appropriate provision exists for prompt administration of all claims, benefits, and obligations provided by this act; and

(3) evidence that reliable financial arrangements, deposits, or commitments exist providing assurance, substantially equivalent to that afforded by a policy of insurance complying with this act, for payment of tort liabilities, basic economic loss benefits, and all other obligations imposed by this act.

Subd. 4. The state of Minnesota or any agency thereof and any political subdivision of the state or agency thereof shall provide security by lawfully obligating itself to pay benefits in accordance with this act, either as a self-insurer pursuant to subdivision 3, or through purchase of a plan of reparation security.

Subd. 5. Every owner of a motorcycle registered or required to be registered in this state or operated in this state by him or with his permission shall provide and maintain security for the

payment of tort liabilities arising out of the maintenance or use of the motorcycle in this state. Security may be provided by a contract of liability insurance complying with section 9, subdivision 3, or by qualifying as a self insurer in the manner provided in subdivision 3 of this section.

Subd. 6. A person providing security pursuant to subdivision 3 is a "self-insurer."

Subd. 7. "Security covering the vehicle" is the insurance or other security so provided. The vehicle for which the security is so provided is the "secured vehicle."

Subd. 8. "Plan of reparation security" includes a contract, self-insurance, or other legal means under which there is an obligation to pay the benefits described in section 9.

Sec. 9. [INSURERS.] Subdivision 1. [MANDATORY OFFER OF INSURANCE BENEFITS.] On and after the effective date of this act, no insurance policy providing benefits for injuries arising out of the maintenance or use of a motor vehicle shall be issued, renewed, continued, delivered, issued for delivery, or executed in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, under provisions approved by the commissioner, requiring the insurer to pay, regardless of the fault of the insured, basic economic loss benefits.

A plan of reparation security shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged, the term and limits of liability, and shall contain an agreement or endorsement that insurance is provided thereunder in accordance with and subject to the provisions of this act.

Subd. 2. [BASIC ECONOMIC LOSS.] Each plan of reparation security shall provide for payment of basic economic loss benefits.

Subd. 3. [RESIDUAL LIABILITY INSURANCE.] (1) Each plan of reparation security shall also contain stated limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is thereby granted, of not less than \$25,000 because of bodily injury to one person in any one accident and, subject to said limit for one person, of not less than \$50,000 because of injury to two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, of not less than \$10,000 because of such injury to or destruction of property of others in any one accident.

(2) Under residual liability insurance the reparation obligor shall be liable to pay, on behalf of the insured, sums which the

insured is legally obligated to pay as damages because of bodily injury and property damage arising out of the ownership, maintenance or use of a motor vehicle if the injury or damage occurs within this state, the United States of America, its territories or possessions, or Canada. A reparation obligor shall also be liable to pay sums which another reparation obligor is entitled to recover under the indemnity provisions of section 13, subdivision 1.

(3) Every plan of reparation security shall be subject to the following provisions which need not be contained therein:

(a) The liability of the reparation obligor with respect to the residual liability coverage required by this clause shall become absolute whenever injury or damage occurs; such liability may not be cancelled or annulled by any agreement between the reparation obligor and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the reparation obligor to make payment on account of such injury or damage.

(c) The reparation obligor shall have the right to settle any claim covered by the residual liability insurance policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability for the accident out of which such claim arose.

Subd. 4. [UNINSURED OR HIT-AND-RUN MOTOR VEHICLE COVERAGE.] (1) On and after the effective date of this act, no plan of reparation security may be renewed, delivered or issued for delivery, or executed in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in the amounts of \$25,000 because of injury to or the death of one person in any accident, and subject to the said limit for one person, \$50,000 because of bodily injury to or the death of two or more persons in any one accident, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of injury.

(2) Every owner of a motor vehicle registered or principally garaged in this state shall maintain uninsured motor vehicle coverage as provided in this subdivision.

(3) "Uninsured motor vehicle" means any motor vehicle for which a plan of reparation security meeting the requirements of this act is not in effect.

(4) No recovery shall be permitted under the uninsured motor vehicle provisions of this section for basic economic loss benefits paid or payable, or which would be payable but for any applicable deductible.

Subd. 5. [MANDATORY OFFER; DEDUCTIBLES.] At appropriately reduced premium rates reparation obligors shall offer the following deductibles, applicable only to claims arising out of injury to basic economic loss insureds:

(a) A deductible in the amount of \$100 to all medical expense benefits otherwise payable, except that if two or more insureds to whom the deductible is applicable are injured in the same accident, the aggregate amount of the deductible applicable to all of them shall not exceed the specified deductible, which amount, where necessary shall be allocated equally among them, and

(b) A deductible in the amount of \$200 to all disability and income loss benefits otherwise payable as a result of an injury to any one insured in one accident.

Subd. 6. [MANDATORY OFFER; ADDED COVERAGE.] Reparation obligors shall offer the following optional coverages in addition to compulsory coverages:

(a) Medical expense benefits subject to a maximum payment of \$10,000;

(b) Medical expense benefits subject to a maximum payment of \$20,000;

(c) Residual liability coverage of not less than \$25,000 for damages for injury to one person in any one accident arising out of the maintenance or use of a motor vehicle, subject to a limitation of \$50,000 for damages arising out of any one accident;

(d) Basic economic loss benefits to all persons purchasing liability coverage for injuries arising out of the maintenance or use of a motorcycle; and

(e) Underinsured motorist coverage whereby subject to the terms and conditions of such coverage the reparation obligor agrees to pay its insureds for such uncompensated damages as they are legally entitled to recover on account of a motor vehicle accident because the total damages they are legally entitled to recover exceed the residual liability limit of the owner of the other vehicle, to the extent of the residual liability limits on the motor vehicle of the person legally entitled to recover or such smaller limits as he may select less the amount paid by reparation obligor of the person against whom he is entitled to recover. His reparation obligor shall be subrogated to any amounts it pays and upon payment shall have an assignment of the judgment if any against the other person to the extent of the money it pays.

Subd. 7. Nothing in this act shall be construed as preventing the insurer from offering other benefits or coverages in addition to those required to be offered under this section.

Subd. 8. Any coverage issued by a participating member of the Minnesota automobile insurance plan shall comply with the provisions of this section, any provisions of law or of the contract notwithstanding.

Sec. 10. [INSURERS' CERTIFICATION OF BASIC COVERAGE.] Subdivision 1. Every insurer licensed to write motor vehicle accident reparation and liability insurance in this state shall, on or before the effective date of this act or as a condition to such licensing, file with the commissioner and thereafter maintain a written certification that it will afford at least the minimum security provided by section 9 to all policyholders, except that in the case of non-resident policyholders it need only certify that security is provided with respect to accidents occurring in this state.

Subd. 2. Notwithstanding any contrary provision in it, every contract of liability insurance for injury, wherever issued, covering obligations arising from ownership, maintenance, or use of a motor vehicle, except a contract which provides coverage only for liability in excess of required minimum tort liability coverages, includes basic economic loss benefit coverages and residual liability coverages required by this act, while the vehicle is in this state, and qualifies as security covering the vehicle.

Sec. 11. [DEDUCTION OF COLLATERAL BENEFITS FROM TORT RECOVERY; LIMITATION ON RIGHT TO RECOVER DAMAGES.] Subdivision 1. [DEDUCTION OF BASIC ECONOMIC LOSS BENEFITS.] With respect to a cause of action in negligence accruing as a result of injury arising out of the operation, ownership, maintenance or use of a motor vehicle with respect to which security has been provided as required by this act, there shall be deducted from any recovery the value of basic or optional economic loss benefits paid or payable or which would be payable but for any applicable deductible. This subdivision shall not bar subrogation and indemnity recoveries under section 13, subdivisions 1 and 2, if the injury had the consequences described in subdivision 3 and a civil action has been commenced in the manner prescribed in applicable laws or rules of civil procedure to recover damages for noneconomic detriment.

Subd. 2. [RIGHT TO RECOVER ECONOMIC LOSS NOT INCLUDED IN FIRST PARTY BENEFITS.] A person may bring a negligence action for economic loss not paid or payable by an economic loss obligor because of daily or weekly dollar limitations of section 4, the seven-day services exclusion of section 4, the limitations of benefits contained in section 4, subdivision 1, or an exclusion from coverage by sections 18 to 20.

Subd. 3. [LIMITATIONS OF DAMAGES FOR NON-ECONOMIC DETRIMENT.] In an action described in subdivision 1, no person shall recover damages for non-economic detriment unless:

(a) The sum of the following exceeds \$2,000:

(1) Reasonable medical expense benefits paid, payable or payable but for any applicable deductible, plus

(2) The value of free medical or surgical care or ordinary and necessary nursing services performed by a relative of the injured person or a member of his household, plus

(3) The amount by which the value of reimbursable medical services or products exceeds the amount of benefit paid, payable, or payable but for an applicable deductible for those services or products if the injured person was charged less than the average reasonable amount charged in this state for similar services or products, minus

(4) The amount of medical expense benefits paid, payable, or payable but for an applicable deductible for diagnostic X-rays and for a procedure or treatment for rehabilitation and not for remedial purposes or a course of rehabilitative occupational training; or

(b) The injury results in:

(1) permanent disfigurement;

(2) permanent injury;

(3) death, or

(4) disability for 60 days or more,

(c) For the purposes of clause (a) evidence of the reasonable value of medical services and products shall be admissible in any action brought in this state.

(d) For the purposes of clause (b) disability means the inability to engage in substantially all of the injured person's usual and customary daily activities.

Subd. 4. Nothing in this section shall impair or limit the liability of a person in the business of manufacturing, distributing, retailing, repairing, servicing or maintaining motor vehicles arising from a defect in a motor vehicle caused or not corrected by an act or omission in manufacture, inspection, repair, servicing or maintenance of a vehicle in the course of his business.

Subd. 5. Nothing in this section shall impair or limit tort liability or limit the damages recoverable from any person for negligent acts or omissions other than those committed in the operation, ownership, maintenance, or use of a motor vehicle.

Sec. 12. [MANDATORY ARBITRATION OF CERTAIN CLAIMS; SUPREME COURT TO PROMULGATE RULES OF PROCEDURE.] Subdivision 1. The supreme court and the several courts of general trial jurisdiction of this state may, on or before the effective date of this act, by rules of court or other constitutionally permissible device, provide for the submission to arbitration, upon mutual consent of all parties to the action, of all cases at issue where a claim in an amount of \$5,000 or less is made by a motor vehicle accident victim, whether in an action to recover economic loss or non-economic detriment for the allegedly negligent operation, maintenance, or use of a motor vehicle within this state, or against any reparation obligor for benefits as provided in this act.

Subd. 2. The rules of court may provide that cases which are not at issue, whether or not suit has been filed, may be referred to arbitration by agreement of reference signed by counsel for both sides, or by the parties themselves. Such agreement of reference shall define the issues to be arbitrated and, shall also contain any stipulations with respect to facts submitted or agreed or defenses waived. In such cases, the agreement of reference shall take the place of the pleadings in the case and be filed of record.

Sec. 13. [INDEMNITY: ARBITRATION BETWEEN OBLIGORS: SUBROGATION.] Subdivision 1. A reparation obligor paying or obligated to pay basic or optional economic loss benefits shall be entitled to indemnity subject to the limits of the applicable residual liability coverage from a reparation obligor providing such coverage to a person whose negligence was the direct and proximate cause of the injury for which the basic economic loss benefits were paid or payable to the extent that the insured would have been liable for damages but for the deduction provisions of section 11, subdivision 1, and only if a commercial vehicle was involved in the accident causing the injury.

Subd. 2. To the extent permitted by section 11, subdivision 1, a reparation obligor paying or obligated to pay basic or optional economic loss benefits shall be subrogated to the extent of benefits paid or payable to any cause of action to recover damages for economic loss which the person to whom the basic or optional economic loss benefits were paid or payable has brought under the terms of section 11, subdivision 3 of this act against another person whose negligence was the direct and proximate cause of the injury for which the basic economic loss benefits were paid or payable.

Subd. 3. The right of indemnity provided in subdivision 1 shall be enforceable only through mandatory good-faith and

binding arbitration procedures to be established by rule of the commissioner of insurance. These procedures shall utilize determinations of comparative negligence. No evidence nor the decision in such an arbitration proceeding shall be admissible in any action by any party.

Subd. 4. Nothing in this act shall limit or abridge the subrogation rights of a reparation obligor providing collision coverage to a policyholder, but any obligor required to submit a claim described in subdivision 1 to arbitration shall join any claim it has against the other party to that proceeding as a result of automotive property damage to its insured arising out of the same accident as the primary claim.

Subd. 5. No reparation obligor shall include in its contract any provision which would require a person to commence a negligence action as a condition precedent to the payment of basic economic loss benefits or which permits the reparation obligor to determine whether such an action will be commenced. No reparation obligor shall contract for a right of reimbursement or subrogation greater than or in addition to those permitted by this act.

Subd. 6. Arbitration proceedings need not await final payment of benefits, and the award, if any, shall include provision for reimbursement of subsequent benefits, but no question of fact decided by a prior award shall be reconsidered in any such subsequent arbitration hearing.

Sec. 14. [REPARATION OBLIGOR'S DUTY TO RESPOND TO CLAIMS.] Subdivision 1. Basic economic loss benefits are payable monthly as loss accrues. Loss accrues not when injury occurs, but as income loss, replacement services loss, survivor's economic loss, survivor's replacement services loss, or medical or funeral expense is incurred. Benefits are overdue if not paid within 30 days after the reparation obligor receives reasonable proof of the fact and amount of loss realized, unless the reparation obligor elects to accumulate claims for periods not exceeding 31 days and pays them within 15 days after the period of accumulation. If reasonable proof is supplied as to only part of a claim, and the part totals \$100 or more, the part is overdue if not paid within the time provided by this section. Medical or funeral expense benefits may be paid by the reparation obligor directly to persons supplying products, services, or accommodations to the claimant.

Subd. 2. Overdue payments shall bear simple interest at the rate of ten percent per annum.

Subd. 3. A claim for basic economic loss benefits shall be paid without deduction for the benefits which are to be subtracted pursuant to section 21, if these benefits have not been paid to the claimant before the reparation benefits are overdue or the

claim is paid. The obligor is entitled to reimbursement from the person obligated to make the payments or from the claimant who actually receives the payments.

Subd. 4. A reparation obligor may bring an action to recover benefits which are not payable, but are in fact paid, because of an intentional misrepresentation of a material fact, upon which the reparation obligor relies, by the claimant or by a person providing products or services for which basic economic loss benefits are payable. The action may be brought only against the person providing the products or services, unless the claimant has intentionally misrepresented the facts or knew of the misrepresentation. A reparation obligor may offset amounts he is entitled to recover from the claimant under this subdivision against any basic economic loss benefits otherwise due him.

Subd. 5. A reparation obligor who rejects a claim for benefits shall give to the claimant prompt written notice of the rejection, specifying the reason. If a claim is rejected for a reason other than that the person is not entitled to the basic economic loss benefits claimed, the written notice shall inform the claimant that he may file his claim with the assigned claims bureau and shall give the name and address of the bureau.

Sec. 15. [APPLICATION FOR BENEFITS UNDER PLAN OF SECURITY.] Subdivision 1. A plan of reparation security may prescribe a period of not less than six months after the date of accident within which an insured or any other person entitled to claim basic economic loss benefits, or anyone acting on their behalf, must notify the reparation obligor or its agent, of the accident and the responsibility of a claim for economic loss benefits in order to be eligible for such benefits. Such notice may be given in any reasonable fashion.

Subd. 2. A plan of reparation security may provide that in any instance where a lapse occurs in the period of disability or in the medical treatment of a person with respect to whose injury basic economic loss benefits have been paid and a person subsequently claims additional benefits based upon an alleged recurrence of the injury for which the original claim for benefits was made, the obligor may require reasonable medical proof of such alleged recurrence; provided, that in no event shall the aggregate benefits payable to any person exceed the maximum limits specified in the plan of security, and provided further that such coverages may contain a provision terminating eligibility for benefits after a prescribed period of lapse of disability and medical treatment, which period shall not be less than one year.

Sec. 16. [COOPERATION OF PERSON CLAIMING BENEFITS.] Subdivision 1. [MEDICAL EXAMINATIONS AND DISCOVERY OF CONDITION OF CLAIMANT.] Any person with respect to whose injury benefits are claimed under a plan of reparation security shall, upon request of the reparation obligor from whom recovery is sought, submit to a physical

examination by a physician or physicians selected by the obligor as may reasonably be required.

The costs of any examinations requested by the obligor shall be borne entirely by the requesting obligor. Such examinations shall be conducted within the city, town, or statutory city of residence of the injured person. If there is no qualified physician to conduct the examination within the city, town, or statutory city of residence of the injured person, then such examination shall be conducted at another place of the closest proximity to the injured person's residence. Obligor's are authorized to include reasonable provisions in policies for mental and physical examination of those injured persons.

If requested by the person examined, a party causing an examination to be made shall deliver to him a copy of every written report concerning the examination rendered by an examining physician, at least one of which reports must set out in detail the findings and conclusions of such examining physician.

An injured person shall also do all things reasonably necessary to enable the obligor to obtain medical reports and other needed information to assist in determining the nature and extent of the injured person's injuries and loss, and the medical treatment received by him. If the claimant refuses to cooperate in responding to requests for examination and information as authorized by this section, evidence of such noncooperation shall be admissible in any suit or arbitration filed for damages for such personal injuries or for the benefits provided by this act.

Subd. 2. [CLAIMANT'S PARTICIPATION IN ARBITRATION BETWEEN OBLIGORS.] Any person receiving benefits under this act shall participate and cooperate, as reasonably required under the coverage, or in any and all arbitration proceedings as provided in section 13 by or on behalf of the obligor paying the benefits, and the obligor may require in the furnishing of proof of loss the claimant's statement that he shall so participate and cooperate as consideration for the payment of such benefits. However, no claimant may be required by any obligor which has paid or is obligated to pay benefits as herein provided to personally attend an arbitration proceeding which shall take place more than 50 miles from the usual residence of the claimant; and provided that in no event shall the claimant have to attend such an arbitration proceeding if, at the time scheduled for that meeting, travel thereto by the claimant is not recommended by a physician treating the claimant for his injuries. Any claimant required to personally attend an arbitration proceeding shall be compensated by the reparation obligor requiring his attendance for actual income loss and expenses reasonably incurred.

Sec. 17. [ECONOMIC LOSS BENEFITS; EXEMPTIONS FROM LEGAL ATTACHMENT.] All economic loss benefits

provided by this act, whether paid or payable to any claimant shall not be subject to garnishment, sequestration, attachment or execution, or any other legal process which would deny their receipt and use by that person; provided, however, that this section shall not apply to any person who has provided treatment or services, as described in section 4, subdivision 2, to the victim of a motor vehicle accident.

Sec. 18. [CONVERTED MOTOR VEHICLES.] A person who converts a motor vehicle is disqualified from basic or optional economic loss benefits, including benefits otherwise due him as a survivor, from any source other than an insurance contract under which the converter is an insured, for injuries arising from maintenance or use of the converted vehicle. If the converter dies from the injuries, his survivors are not entitled to basic or optional economic loss benefits from any source other than an insurance contract under which the converter is a basic economic loss insured. For the purpose of this section, a person is not a converter if he uses the motor vehicle in the good faith belief that he is legally entitled to do so.

Sec. 19. [RACES.] A person who is injured in the course of an officiated racing or speed contest, or in practice or preparation therefor is disqualified from basic or optional economic loss benefits. His survivors are not entitled to basic or optional economic loss benefits for loss arising from his death.

Sec. 20. [INTENTIONAL INJURIES.] A person intentionally causing or attempting to cause injury to himself or another person is disqualified from basic or optional economic loss benefits for injury arising from his acts, including benefits otherwise due him as a survivor. If a person dies as a result of intentionally causing or attempting to cause injury to himself, his survivors are not entitled to basic or optional economic loss benefits for loss arising from his death. A person intentionally causes or attempts to cause injury if he acts or fails to act for the purpose of causing injury or with knowledge that injury is substantially certain to follow. A person does not intentionally cause or attempt to cause injury (1) merely because his act or failure to act is intentional or done with his realization that it creates a grave risk of causing injury or (2) if the act or omission causing the injury is for the purpose of averting bodily harm to himself or another person.

Sec. 21. [BENEFITS PRIMARY; SUBTRACTIONS; CO-ORDINATION.] Subdivision 1. Basic economic loss benefits shall be primary with respect to benefits, except for those paid or payable under a workmen's compensation law, which any person receives or is entitled to receive from any other source as a result of injury arising out of the maintenance or use of a motor vehicle.

Subd. 2. Benefits paid or payable under a workmen's compensation law because of the injury or death shall be subtracted

in computing basic economic loss benefits, but only to the extent that they exceed any deductible applicable to the basic economic loss benefits.

Subd. 3. Any legally constituted entity, other than a reparation obligor obligated to pay benefits under a plan of reparation security or an insurer or employer obligated to pay benefits under a workmen's compensation law, may coordinate any benefits it is obligated to pay for loss incurred as a result of injury arising out of the maintenance or use of a motor vehicle with basic economic loss benefits.

Subd. 4. Notwithstanding subdivision 3, no entity may coordinate benefits unless it provides those persons who purchase benefits from it with an equitable reduction or savings in the direct or indirect cost of the purchased benefits. If the benefits to be coordinated are provided to an individual through a group, program, contract or other arrangement for which another person pays in whole or in part, the entity coordinating benefits shall return to the individual or use for his benefit any reduction or savings in the direct or indirect cost of the benefits.

Sec. 22. [DUPLICATE CLAIMS; OBLIGOR SUBROGATED.] A reparation obligor paying or obligated to pay basic economic loss benefits is subrogated to any claim based on an intentional tort or on strict or statutory liability against any person whose act or omission caused the injury. This right of subrogation shall exist only to the extent that basic economic loss benefits are paid and only to the extent that recovery on the claim would produce a duplication of benefits or reimbursement of the same loss.

Sec. 23. [ASSIGNED CLAIMS PLAN.] Subdivision 1. Reparation obligors providing basic economic loss insurance in this state may organize and maintain, subject to approval and regulation by the commissioner, an assigned claims bureau and an assigned claims plan, and adopt rules for their operation and for the assessment of costs on a fair and equitable basis consistent with this act. If such obligors do not organize and continuously maintain an assigned claims bureau and an assigned claims plan in a manner considered by the commissioner of insurance to be consistent with this act, he shall organize and maintain an assigned claims bureau and an assigned claims plan. Each reparation obligor providing basic economic loss insurance in this state shall participate in the assigned claims bureau and the assigned claims plan. Costs incurred shall be allocated fairly and equitably among the reparation obligors.

Subd. 2. The assigned claims bureau shall promptly assign each claim and notify the claimant of the identity and address of the assignee-obligor of the claim. Claims shall be assigned so as to minimize inconvenience to claimants. The assignee thereafter has rights and obligations as if he had issued a policy of

basic economic loss insurance complying with this act applicable to the injury or, in case of financial inability of a reparation obligor to perform its obligations, as if the assignee had written the applicable reparation insurance, undertaken the self-insurance, or lawfully obligated itself to pay basic economic loss benefits.

Sec. 24. [PERSONS ENTITLED TO PARTICIPATE IN ASSIGNED CLAIMS PLAN.] Subdivision 1. A person entitled to basic economic loss benefits because of injury covered by this act may obtain basic economic loss benefits through the assigned claims plan or bureau established pursuant to section 23 and in accordance with the provisions for making assigned claims provided in this act, if:

(a) Basic economic loss benefits are not applicable to the injury for some reason other than those specified in sections 18, 19, or 20;

(b) The plan of reparation security applicable to the injury cannot be identified; or

(c) A claim for basic economic loss benefits is rejected by a reparation obligor on some ground other than the person is not entitled to basic economic loss benefits under this act.

Subd. 2. If a claim qualifies for assignment under subdivision 1 of this section, the assigned claims bureau or any reparation obligor to whom the claim is assigned shall be, as provided in section 13, subrogated to all of the rights of the claimant against any person, including another obligor, who is legally obligated to provide economic loss benefits to the claimant, for economic loss benefits provided by the obligor to whom the claim was assigned.

Subd. 3. A person shall not be entitled to basic economic loss benefits through the assigned claims plan with respect to injury which was sustained if at the time of such injury the injured person was the owner of a private passenger motor vehicle for which security is required under this act and he failed to have such security in effect. Persons claiming benefits as a result of injury to members of the owner's household shall also be disqualified from benefits if those members knew or reasonably should have known that security covering the vehicle was not provided as required by this act.

Sec. 25. [NOTIFICATION TO ASSIGNED CLAIMS BUREAU.] A person authorized to obtain basic economic loss benefits through the assigned claims plan shall notify the bureau of his claim within one year of the date on which he receives written authorization to participate in such plan. If timely action for basic economic loss benefits is commenced against a reparation obligor who is unable to fulfill his obligations under this act,

a claim through the assigned claims plan may be made within a reasonable time after discovery of such inability.

Sec. 26. [CLAIMS AGAINST WRONG INSURER.] If timely action for economic loss benefits is commenced against a reparation obligor and benefits are denied because of a determination that the obligor's coverage is not applicable to the claimant under the provisions of section 7 on the priority of applicability of security a claim against a proper obligor or assigned claims plan may be made not later than 90 days after such determination becomes final or the last date on which the action could otherwise have been commenced, whichever is later.

Sec. 27. [PENALTIES FOR FAILURE TO PROVIDE SECURITY FOR BASIC REPARATION BENEFITS.] Subdivision 1. Every owner of a motor vehicle for which security has not been provided as required by section 8, shall be liable in tort without limitation.

Subd. 2. Any owner of a motor vehicle with respect to which security is required under this act who operates such motor vehicle or permits it to be operated upon a public highway, street or road in this state without having in full force and effect security complying with the terms of section 8, is guilty of a misdemeanor.

Subd. 3. Any other person who operates such motor vehicle upon a public highway, street or road in this state with knowledge that the owner does not have such security in full force and effect is guilty of a misdemeanor.

Subd. 4. Any operator of a motor vehicle who is convicted of a misdemeanor under the terms of this section shall have his operator's license revoked for not less than six months or more than 12 months. If such operator is also an owner of the motor vehicle, his motor vehicle registration shall also be revoked for not less than six months or more than 12 months.

Subd. 5. When a nonresident's operating privilege is suspended pursuant to this section, the commissioner of public safety or his designee shall transmit a copy of the record of such action to the official in charge of the issuance of licenses in the state in which the nonresident resides.

Subd. 6. Upon receipt of such notification that the operating privilege of a resident of this state has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, or for failure to provide security covering a vehicle if required by the laws of that state, the commissioner of public safety shall suspend the license of the resident until he furnishes evidence

of compliance with the laws of this state and if applicable the laws of the other state.

Sec. 28. [RULES OF COMMISSIONER OF PUBLIC SAFETY.] Subdivision 1. The commissioner of public safety shall have the power and perform the duties imposed upon him by this act and may adopt rules to implement and provide effective administration of the provisions requiring security and governing termination of security.

Subd. 2. The commissioner of public safety may by rule provide that motor vehicles owned by certain persons may not be registered in this state unless satisfactory evidence is furnished that security has been provided as required by section 8 of this act. If a person who is required to furnish evidence ceases to maintain security, he shall immediately surrender the registration certificate and license plates for the vehicle. These requirements may be imposed if:

(1) The registrant has not previously registered a motor vehicle in this state; or

(2) An owner or operator of the vehicle has previously failed to comply with the security requirements of this act or of prior law; or

(3) The driving record of an owner or operator of the vehicle evidences his continuing disregard of the laws of this state enacted to protect the public safety; or

(4) Other circumstances indicate that such action is necessary to effectuate the purposes of this act.

Sec. 29. [OBLIGOR'S NOTIFICATION OF LAPSE, CANCELLATION, OR FAILURE TO RENEW POLICY OF COVERAGE.] (1) If the required plan of reparation security of an owner or named insured is cancelled, and notification of such fact is given to the insured as required by Minnesota Statutes, Section 65B.19, a copy of such notice shall within 30 days after coverage has expired be sent to the commissioner of public safety. If, on or before the end of that 30 day period, the insured owner of a motor vehicle has not presented the commissioner of public safety or his authorized agent with evidence of required security which shall have taken effect upon the expiration of the previous coverage, or if the insured owner or registrant has not instituted an objection to his obligor's cancellation under Minnesota Statutes, Section 65B.21, within the time limitations therein specified, he shall immediately surrender the registration certificate and motor vehicle license plates to the commissioner of public safety and may not operate or permit operation of the vehicle in this state until security is again provided and proof of security furnished as required by this act.

Sec. 30. [AUTOMOBILE INSURANCE RATES.] Subdivision 1. [PREMIUM REDUCTION.] The policy premiums charged by each insurer in connection with the compulsory plan of reparation security required by this act for private passenger motor vehicles shall be at least 30 percent below such insurer's policy premiums in effect on December 31, 1973 for liability insurance with limits of \$25,000 per person and \$50,000 per accident, plus \$1,000 medical payments insurance, plus uninsured motorists coverage of \$25,000 per person and \$50,000 per accident. Actuarially commensurate adjustments shall be required in the case of other combinations of coverage.

Subd. 2. [APPLICABILITY OF CHAPTER 70A.] The rates charged for motor vehicle insurance other than the compulsory plan of reparation security required by this act shall be governed by Minnesota Statutes, Chapter 70A, commencing with the effective date of this act.

Subd. 3. [PENALTIES; ENFORCEMENT.] Any person convicted of violating this section shall be guilty of a misdemeanor. Every day that a violation continues shall be deemed a separate offense. Further, any person convicted of violating any provision of this section shall thereafter be prohibited from engaging in any business as an insurer in this state for a period of five years. The attorney general shall, at the request of the commissioner, initiate in the name of the state appropriate action in a court of law to enforce the provisions of this section.

Subd. 4. [COMMISSIONER MAY MAKE EXCEPTION.] Notwithstanding the provisions of subdivision 1 of this section, if the commissioner finds that the mandated reduction in premium rates would jeopardize the financial soundness or solidity of any insurer, or require it to suffer an underwriting loss on that line of business in this state he shall permit such an insurer to charge such rates as are necessary to avoid such condition. The commissioner may hold a public hearing prior to making a determination pursuant to this subdivision.

Subd. 5. [EXCESSIVE RATES.] The commissioner shall review all automobile coverage rates on an annual basis. If the commissioner finds that the rates of any insurer, for coverages required or permitted by this act, are excessive, applying the standards of Minnesota Statutes, Chapter 70A, he shall issue such order as he deems appropriate to establish a reasonable competitive rate, and such order may include provisions for an appropriate premium adjustment or rebate on outstanding policies.

Subd. 6. The provisions of subdivisions 1, 3 and 4 shall expire on January 1, 1976.

Sec. 31. Minnesota Statutes 1971, Section 65B.14, Subdivision 1, as amended by Laws 1974, Chapter 56, Section 1, Subdivision 1, is amended to read:

65B.14 [CANCELLATION OR NONRENEWAL OF AUTOMOBILE POLICIES; DEFINITIONS.] Subdivision 1. "Policy of automobile insurance" means a (POLICY) *plan of reparation security as defined in section 8* delivered or issued for delivery in this state(, INSURING A NATURAL PERSON AS NAMED INSURED, AND ANY RELATIVE OR RELATIVES OF THE NAMED INSURED WHO IS A RESIDENT OF THE SAME HOUSEHOLD COVERING AUTOMOBILES OWNED BY THE INSURED OF (A) THE PRIVATE PASSENGER TYPE, INCLUDING A PRIVATE PASSENGER, STATION WAGON OR JEEP TYPE AUTOMOBILE NOT USED AS A PUBLIC OR LIVERY CONVEYANCE FOR PASSENGERS, NOR RENTED TO OTHERS, OR (B) THE UTILITY AUTOMOBILE TYPE WHICH SHALL MEAN ANY OTHER FOUR-WHEEL VEHICLE WHETHER HAVING A PICK-UP, SEDAN DELIVERY, OR PANEL TRUCK TYPE BODY NOT USED PRIMARILY IN THE OCCUPATION, PROFESSION OR BUSINESS OF THE INSURED OTHER THAN FARMING OR RANCHING; PROVIDED, HOWEVER, THAT SECTIONS 65B.14 TO 65B.21 SHALL NOT APPLY TO ANY POLICY OF AUTOMOBILE INSURANCE: (1) ISSUED UNDER THE MINNESOTA AUTOMOBILE INSURANCE PLAN; (2) INSURING MORE THAN FOUR AUTOMOBILES; OR (3) COVERING GARAGE, AUTOMOBILES SALES AGENCY, REPAIR SHOP, SERVICE STATION OR PUBLIC PARKING PLACE OPERATION HAZARDS).

Sec. 32. [SUPERCESSION BY THIS ACT; INSTRUCTIONS TO REVISOR OF STATUTES.] Subdivision 1. The definition of "qualified applicant" under Minnesota Statutes, Section 65B.02, Subdivision 2, Clause (2) shall, upon the repeal of chapter 170 and the enactment of this act, include a person required to prove automobile insurance coverage as required by this act.

Subd. 2. The actions permitted a metropolitan airport commission corporation under Minnesota Statutes 1971, Section 360.106, Subdivision 6 shall, upon the repeal of chapter 170 and the enactment of this act, include acts necessary to bring the corporation, its commissioners and agents within the provisions of this act.

Subd. 3. The actions permitted a county board under Minnesota Statutes, Section 375.32, Subdivision 2 shall, upon the repeal of chapter 170 and the enactment of this act, include acts necessary to bring the county, its officers and employees within the provisions of this act.

Subd. 4. In the next and subsequent editions of Minnesota Statutes, wherever Minnesota Statutes, Chapter 170 or the "financial responsibility" act has been referred to in a section, the revisor of statutes shall replace such references with references to this act.

Subd. 5. In the next and subsequent editions of Minnesota Statutes, wherever Minnesota Statutes, Section 65B.22 has been referred to in a section, the revisor of statutes shall replace such references with references to section 23 of this act.

Sec. 33. [REPEALS.] Minnesota Statutes 1971, Sections 65B.22, as amended by Laws 1973, Chapter 35, Section 21; 65B.23; 65B.24; 65B.25; 65B.26; 65B.27; 170.21; 170.22; 170.25; 170.26; 170.27; 170.28; 170.29; 170.30; 170.31; 170.32; 170.33; 170.34; 170.35; 170.36; 170.37; 170.38; 170.39; 170.40; 170.41; 170.42; 170.43; 170.44; 170.45; 170.46; 170.47; 170.48; 170.49; 170.50; 170.51; 170.52; 170.53; 170.56; 170.57; 170.58 are repealed.

Sec. 34. [SEVERABILITY.] If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this act which can be given effect without the invalid application or provision, and to this end the provisions of this act are expressly declared to be severable.

Sec. 35. This act shall take effect January 1, 1975. Accidents occurring before that date are not covered by or subject to this act."

Further, amend the title by striking it in its entirety and inserting in lieu thereof the following:

"A bill for an act relating to the compensation of victims of motor vehicle accidents; requiring security by motor vehicle owners; providing for certain mandatory minimum insurance or self-insurance protection benefits payable regardless of fault in cases of personal injury; providing for a limitation of general damages; expanding uninsured motorists coverage, providing small claims arbitration and penalties for failure to show proof of security; providing for certain deductibles; providing for subrogation, inter-company arbitration, and offset of benefits paid against judgments; providing an assigned claims plan; providing penalties; amending Minnesota Statutes 1971, Section 65B.14, Subdivision 1, as amended; repealing Minnesota Statutes 1971, Sections 65B.22, as amended; 65B.23 to 65B.27; 170.21; 170.22; 170.25 to 170.53 and 170.56 to 170.58."

We request adoption of this report and repassage of the bill in accordance therewith.

Senate Conferees: JACK DAVIES, HOWARD A. KNUTSON, and ALEC G. OLSON.

House Conferees: BERNARD J. BRINKMAN, BRUCE F. VENTO, and THOMAS W. NEWCOME.

Brinkman moved that the report of the Conference Committee on S. F. No. 96 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 96, A bill for an act relating to motor vehicle insurance; providing for basic reparation insurance benefits, regardless of fault, in cases of accident; limiting the recovery of general damages in bodily injury tort claims; requiring no-fault reparation insurance; providing for the administration of a no-fault reparation system and providing penalties; providing for mandatory arbitration of certain claims; providing for the partial abrogation of tort liability; repealing Minnesota Statutes 1971, Sections 65B.01 to 65B.27; 168.054; 168.833; 170.21; 170.22; 170.23; 170.231; 170.25 to 170.58; and 171.12, Subdivision 4.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Dieterich	Johnson, J.	Menke	Savelkoul
Adams, S.	Dirlam	Johnson, R.	Miller, D.	Schreiber
Andersen, R.	Eckstein	Jopp	Miller, M.	Schulz
Anderson, D.	Eken	Jude	Mueller	Searle
Anderson, G.	Enebo	Kahn	Munger	Sherwood
Anderson, I.	Erdahl	Kelly	Myrah	Sieben, H.
Becklin	Erickson	Kempe	Nelson	Sieben, M.
Belisle	Esau	Klaus	Newcome	Skaar
Bell	Faricy	Knickerbocker	Niehaus	Smith
Bennett	Ferderer	Knoll	Norton	Spanish
Berg	Fjoslien	Kostohryz	Ohnstad	Stangeland
Berglin	Forsythe	Kvam	Ojala	Stanton
Biersdorf	Fudro	Laidig	Parish	Swanson
Braun	Fugina	Larson	Patton	Tomlinson
Brinkman	Graba	LaVoy	Pavlak, R.	Ulland
Carlson, A.	Graw	Lemke	Pehler	Vanasek
Carlson, B.	Grove	Lindstrom, J.	Peterson	Vento
Carlson, D.	Hagedorn	Lombardi	Pieper	Voss
Carlson, L.	Hanson	Long	Prahl	Weaver
Casserly	Haugerud	Mann	Quirin	Wenzel
Clifford	Heinitz	McArthur	Resner	Wigley
Connors	Hook	McCarron	Rice	Wohlwend
Culhane	Jacobs	McCauley	Ryan	Wolcott
Cummiskey	Jaros	McEachern	St. Onge	Mr. Speaker
Dahl	Johnson, C.	McFarlin	Samuelson	
DeGroat	Johnson, D.	McMillan	Sarna	

The bill was repassed, as amended by Conference, and its title agreed to.

MESSAGES FROM THE SENATE, Continued

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2913, 3280, and 3575.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2707.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2913, A bill for an act relating to education; creating an advisory commission to study declining school enrollment and giving certain powers to the state board of education to implement its recommendations; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 3280, A bill for an act relating to economic development; appropriating money for the promotion of Minnesota agriculture.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 20, of the Constitution of the state of Minnesota, Wigley moved that the rule therein be suspended and an urgency be declared so that S. F. No. 3280 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Wigley moved that the rules of the House be so far suspended that S. F. No. 3280 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 3280 was read for the second time.

S. F. No. 3280, A bill for an act relating to economic development; appropriating money for the promotion of Minnesota agriculture.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 1, as follows:

Those who voted in the affirmative were:

Adams, J.	DeGroat	Johnson, R.	Miller, M.	Schulz
Adams, S.	Dirlam	Jopp	Moe	Searle
Andersen, R.	Eckstein	Jude	Munger	Sherwood
Anderson, D.	Eken	Kahn	Myrah	Sieben, H.
Anderson, G.	Enebo	Kelly	Nelson	Sieben, M.
Anderson, I.	Erdahl	Klaus	Newcome	Skaar
Becklin	Erickson	Knickerbocker	Niehaus	Smith
Belisle	Esau	Knoll	Norton	Spanish
Bell	Faricy	Kostohryz	Ohnstad	Stangeland
Bennett	Ferderer	Kvam	Ojala	Stanton
Berg	Fjoslien	Laidig	Parish	Swanson
Berglin	Fudro	Larson	Patton	Tomlinson
Biersdorf	Fugina	LaVoy	Pavlak, R.	Ulland
Braun	Graba	Lemke	Pehler	Vanasek
Brinkman	Graw	Lindstrom, J.	Peterson	Vento
Carlson, A.	Grove	Lombardi	Pieper	Voss
Carlson, B.	Hagedorn	Long	Prahl	Weaver
Carlson, D.	Hanson	Mann	Quirin	Wenzel
Carlson, L.	Haugerud	McArthur	Resner	Wigley
Casserly	Heinitz	McCarron	Rice	Wohlwend
Cleary	Hook	McCauley	Ryan	Wolcott
Clifford	Jacobs	McEachern	St. Onge	Mr. Speaker
Connors	Jaros	McFarlin	Samuelson	
Culhane	Johnson, C.	McMillan	Sarna	
Cummiskey	Johnson, D.	Menke	Savelkoul	
Dahl	Johnson, J.	Miller, D.	Schreiber	

Those who voted in the negative were:

Kempe

The bill was passed and its title agreed to.

LaVoy was excused between the hour of 12:15 p.m. and 1:00 p.m.

FIRST READING OF SENATE BILLS, Continued

S. F. No. 3575, A bill for an act relating to the city of Worthington; appropriating funds for special assessments levied by the city against Worthington community college for street improvements on streets abutting its property.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 2707, A bill for an act creating a legislative commission to study revision of the laws relating to labor; appropriating money therefor.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 978

March 21, 1974

Honorable Martin O. Sabo
Speaker of the House of Representatives
Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees on the part of the House and the Senate, upon the disagreeing votes as to H. F. No. 978, report that we have agreed upon the items in dispute and recommend as follows: That the Senate recede from its amendment and that H. F. No. 978 be further amended as follows:

Delete everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Section 466.12, Subdivision 4, is amended to read:

Subd. 4. This section is in effect on January 1, 1964, but all of its provisions shall expire on July 1, 1974, *(.) except that as to towns not exercising municipal powers pursuant to section 368.01, the provisions of this section shall expire on July 1, 1975. Prior to that date, the affected towns may take action individually, or jointly, or collectively through the Minnesota Association of Township Officers, to procure insurance against the liability imposed by this chapter to the extent of the limits of section 466.04.*

The town board of an affected town may call a special town meeting at any time prior to October 1, 1974, for the purpose of voting a tax to pay the cost of procuring the insurance required by this section. The special meeting may be called by filing with the town clerk a written statement setting forth the reasons and necessity for the meeting. The provisions of law applicable to the conduct of special town meetings generally shall apply to a special town meeting held pursuant to the authority granted in this section."

Further amend the title by deleting it in its entirety and inserting in lieu thereof:

"A bill for an act relating to tort liability of towns; extending governmental immunity from tort liability for certain towns; authorizing certain towns to purchase insurance and authorizing a levy of taxes therefor; amending Minnesota Statutes 1971, Section 466.12, Subdivision 4."

We request adoption of this report and repassage of the bill in accordance therewith.

House Conferees: HARRY PETERSON, ROBERT CULHANE, and RICHARD WIGLEY.

Senate Conferees: MYRTON O. WEGENER, HUBERT HUMPHREY III, and JOHN KEEFE.

Peterson moved that the report of the Conference Committee on H. F. No. 978 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 978, A bill for an act relating to tort liability of political subdivisions; extending governmental immunity from tort liability for certain towns; amending Minnesota Statutes 1971, Section 466.12, Subdivision 4.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 86, and nays 32, as follows:

Those who voted in the affirmative were:

Adams, S.	Dirlam	Johnson, C.	McMillan	Searle
Anderson, D.	Eckstein	Johnson, D.	Miller, D.	Sherwood
Anderson, G.	Eken	Johnson, J.	Miller, M.	Skaar
Anderson, I.	Enebo	Jopp	Mueller	Smith
Becklin	Erdahl	Jude	Munger	Stangeland
Belisle	Erickson	Kelly	Myrah	Stanton
Biersdorf	Esau	Klaus	Niehaus	Swanson
Braun	Ferderer	Kvam	Ohnstad	Vanasek
Brinkman	Fjoslien	Laidig	Patton	Voss
Carlson, B.	Fugina	Larson	Pavlak, R.	Wenzel
Carlson, D.	Graba	Lemke	Pehler	Wigley
Carlson, L.	Graw	Lombardi	Peterson	Wohlwend
Clifford	Growe	Long	Pieper	Wolcott
Connors	Hagedorn	Mann	Ryan	Mr. Speaker
Culhane	Hanson	McArthur	St. Onge	
Cummiskey	Haugerud	McCauley	Samuelson	
Dahl	Heinitz	McEachern	Savelkoul	
DeGroat	Jacobs	McFarlin	Schulz	

Those who voted in the negative were:

Adams, J.	Fudro	Kostohryz	Quirin	Spanish
Andersen, R.	Hook	Menke	Resner	Ulland
Bell	Jaros	Nelson	Rice	Vento
Berg	Johnson, R.	Newcome	Sarna	Weaver
Berglin	Kahn	Norton	Schreiber	
Carlson, A.	Kempe	Ojala	Sieben, H.	
Faricy	Knickerbocker	Prahl	Sieben, M.	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1835

March 20, 1974

Honorable Martin O. Sabo
Speaker of the House of Representatives
Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees on the part of the House and the Senate, upon the disagreeing votes as to H. F. No. 1835, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1835 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [LEGISLATIVE FINDING.] It is hereby declared to be in the public interest that public utilities be regulated as hereinafter provided in order to provide the retail consumers of natural gas and electric service in this state with adequate and reliable services at reasonable rates, consistent with the financial and economic requirements of public utilities and their need to construct facilities to provide such services or to otherwise obtain energy supplies, to avoid unnecessary duplication of facilities which increase the cost of service to the consumer and to minimize disputes between public utilities which may result in inconvenience or diminish efficiency in service to the consumers. Because municipal utilities are presently effectively regulated by the residents of the municipalities which own and operate them, it is deemed unnecessary to subject such utilities to regulation under this act except as specifically provided herein.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of this act the terms defined in this section have the meanings given them.

Subd. 2. "Corporation" means a private corporation, a public corporation, a municipality, an association, a cooperative whether incorporated or not, a joint stock association, a business trust, or any political subdivision or agency.

Subd. 3. "Person" means a natural person, a partnership, or two or more persons having a joint or common interest, and a corporation as hereinbefore defined.

Subd. 4. "Public utility" means persons, corporations or other legal entities, their lessees, trustees, and receivers, now or hereafter operating, maintaining, or controlling in this state

equipment or facilities for furnishing at retail natural, manufactured or mixed gas or electric service to or for the public or its members, or engaged in the production and retail sale thereof but does not include a municipality producing or furnishing natural, manufactured or mixed gas or electric service. Except as otherwise provided, the provisions of this act shall not be applicable to any sale of natural gas or electricity by a public utility to another public utility for resale. No person shall be deemed to be a public utility if it presently furnishes its services only to tenants in buildings owned, leased or operated by such person. No person shall be deemed to be a public utility if it presently furnishes service to occupants of a mobile home or trailer park owned, leased, or operated by such person. No person shall be deemed to be a public utility if it presently produces or furnishes service to less than 25 persons.

Subd. 5. "Rate" means every compensation, charge, fare, toll, tariff, rental and classification, or any of them, demanded, observed, charged, or collected by any public utility for any service and any rules, regulations, practices, or contracts affecting any such compensation, charge, fare, tool, rental, tariff, or classification.

Subd. 6. "Service" means natural, manufactured or mixed gas and electricity; the installation, removal, or repair of equipment or facilities for delivering or measuring such gas and electricity.

Subd. 7. "Commission" means the public service commission of the department of public service.

Subd. 8. "Department" means the department of public service of the state of Minnesota.

Subd. 9. "Municipality" means any city however organized.

Sec. 3. [REASONABLE RATE.] Every rate made, demanded, or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable. Rates shall not be unreasonably preferential, unreasonably prejudicial or discriminatory, but shall be sufficient, equitable and consistent in application to a class of consumers. Any doubt as to reasonableness should be resolved in favor of the consumer. For rate-making purposes a public utility may treat two or more municipalities served by it as a single class wherever the populations are comparable in size or the conditions of service are similar.

Sec. 4. [STANDARD OF SERVICE.] Every public utility shall furnish safe, adequate, efficient, and reasonable service; provided that service shall be deemed adequate if made so within 90 days after a person requests service. Upon application by a

public utility, and for good cause shown, the commission may extend the period for not to exceed another 90 days.

Sec. 5. [PUBLISH SCHEDULES; REGULATIONS; FILES; JOINT RATES.] Subdivision 1. Every public utility shall file with the commission schedules showing all rates, tolls, tariffs and charges which it has established and which are in force at the time for any service performed by it within the state, or for any service in connection therewith or performed by any public utility controlled or operated by it.

Subd. 2. Every public utility shall file with and as a part of the schedule all rules and regulations that, in the judgment of the commission, in any manner affect the service or product, or the rates charged or to be charged for any service or product, as well as any contracts, agreements or arrangements relating to the service or product or the rates to be charged for any service or product to which the schedule is applicable as the commission may by general or special order direct.

Subd. 3. Every public utility shall keep copies of the schedules open to public inspection under rules and regulations as the commission may prescribe.

Sec. 6. [RECEIVING DIFFERENT COMPENSATION.] No public utility shall directly or indirectly, by any device whatsoever, or in any manner, charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered by the utility than that prescribed in the schedules of rates of the public utility applicable thereto when filed in the manner provided in this act, nor shall any person knowingly receive or accept any service from a public utility for a compensation greater or less than that prescribed in the schedules, provided that all rates being charged and collected by a public utility upon the effective date of this act may be continued until schedules are filed. Nothing in this act shall prevent a cooperative association from returning to its patrons the whole, or any part of, the net earnings resulting from its operations in proportion to their purchases from or through the association.

Sec. 7. [RATE PREFERENCE PROHIBITED.] No public utility shall, as to rates or service, make or grant any unreasonable preference or advantage to any person or subject any person to any unreasonable prejudice or disadvantage.

Sec. 8. [DUTIES OF COMMISSION.] The commission is hereby vested with the powers, rights, functions, and jurisdiction to regulate in accordance with the provisions of this act every public utility as defined herein. The exercise of such powers, rights, functions, and jurisdiction is prescribed as a duty of the commission. The commission is authorized to make rules and regulations in furtherance of the purposes of this act.

Sec. 9. [STANDARDS; CLASSIFICATIONS; REGULATIONS; PRACTICES.] The commission, after hearing upon reasonable notice had upon its own motion or upon complaint, may ascertain and fix just and reasonable standards, classifications, regulations, or practices to be observed and followed by any or all public utilities with respect to the service to be furnished; ascertain and fix adequate and reasonable standards for the measurement of the quantity, quality, pressure, initial voltage, or other condition pertaining to the supply of the service; prescribe reasonable regulations for the examination and testing of the service and for the measurement thereof; establish or approve reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters, instruments and equipment used for the measurement of any service of any public utility. Any standards, classifications, regulations, or practices now or hereafter observed or followed by any public utility may be filed by it with the commission, and the same shall continue in force until amended by the public utility or until changed by the commission as herein provided.

The commission may require the filing of all rates, including rates charged to and by public utilities. The commission is empowered to appear before the Federal Power Commission to offer evidence and to seek appropriate relief in any case in which the rates charged consumers within the state of Minnesota may be affected.

Sec. 10. [ACCOUNTING SYSTEM.] Subdivision 1. The commission shall establish a system of accounts to be kept by public utilities subject to its jurisdiction. A public utility which maintains its accounts in accordance with the system of accounts prescribed by a federal agency or authority shall be deemed to be in compliance with the system of accounts prescribed by the commission. Where optional accounting is prescribed by a federal agency or authority, the commission may prescribe which option is to be followed.

Subd. 2. Every public utility engaged directly or indirectly in any other business than that of the production, transmission or furnishing of natural gas or electric service shall, if required by the commission, keep and render separately to the commission in like manner and form the accounts of all the other business, in which case all the provisions of this act shall apply to the books, accounts, papers and records of the other business.

Subd. 3. Every public utility is required to keep and render its books, accounts, papers and records accurately and faithfully in the manner and form prescribed by the commission, and to comply with all directions of the commission relating to these books, accounts, papers and records.

Subd. 4. The commission may require any public utility to file annual reports in the form and content, having regard for

the provisions of this section, as the commission may require, and special reports concerning any matter about which the commission is authorized to inquire or to keep itself informed. The commission may require the reports to be verified. The basic financial statements in the annual report of a public utility may, at the direction of the public service commission, be examined by an independent certified public accountant and his opinion thereof included in the annual report filed with the commission.

Subd. 5. [AUDIT AND INSPECTION.] The commission may require the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the commission.

Subd. 6. The term public utility as used in this section includes a municipal utility.

Sec. 11. [DEPRECIATION RATES AND PRACTICES.] The commission shall fix proper and adequate rates and methods of depreciation, amortization, or depletion in respect of utility property, including utility property owned by a municipally owned gas or electric utility, and every public and every municipally owned gas and electric utility shall conform its depreciation, amortization or depletion accounts to the rates and methods fixed by the commission.

Sec. 12. [RIGHT OF ENTRANCE; INSPECTION.] Subdivision 1. The commissioners and the duly authorized officers and employees of the department, during business hours, may enter upon any premises occupied by any public utility for the purpose of making examinations and tests and to inspect the accounts, books, papers, and documents of any public utility for the purpose of exercising any power provided for in this act, and may set up and use on the premises any apparatus and appliance necessary therefor. Such public utility shall have the right to be represented at the making of the examinations, tests, and inspections. The public utility, its officers and employees, shall facilitate the examinations, tests, and inspections by giving every reasonable aid to the commissioners and any person or persons designated by the department for the duties aforesaid.

Subd. 2. The term public utility as used in this section includes a municipal utility.

Sec. 13. [PRODUCTION OF RECORDS.] Subdivision 1. The commission may require, by order served on any public utility in the manner provided herein for the service of orders, the production within this state at a reasonable time and place as the commission may designate, of any books, accounts, papers, or records of the public utility relating to its business or affairs within the state, pertinent to any lawful inquiry and kept by said public utility in any office or place within or without this

state, or, at its option, verified or photostatic copies in lieu thereof, so that an examination thereof may be made by the commission or under its direction.

Subd. 2. The term public utility as used in this section includes a municipal utility.

Sec. 14. [INVESTIGATION.] The commission upon complaint or upon its own initiative and whenever it may deem it necessary in the performance of its duties may investigate and examine the condition and operation of any public utility or any part thereof. In conducting the investigations the commission may proceed either with or without a hearing as it may deem best, but it shall make no order without affording the affected parties a hearing.

Sec. 15. [HEARINGS; EXAMINER.] The commission may, in addition to the hearings specifically provided for by this act, conduct any other hearings as may reasonably be required in the administration of the powers and duties conferred upon it by this act. The commission may designate one of its members to act as an examiner for the purpose of holding any hearing which the commission has the power or authority to hold or in the event parties to the hearing so stipulate the commission may designate a qualified commission employee as the examiner. Reasonable notice of all hearings shall be given the persons interested therein as determined by the commission.

Sec. 16. [RATE CHANGES; PROCEDURES; HEARING.] Subdivision 1. Unless the commission otherwise orders, no public utility shall change any rate which has been duly established under this act, except after 30 days notice to the commission, which notice shall include statements of facts, expert opinions, substantiating documents, and exhibits, supporting the change requested, and further shall state the change proposed to be made in the rates then in force, and the time when the modified rates will go into effect. The commission shall give written notice of the proposed change to the governing body of each municipality and county in the area affected. All proposed changes shall be shown by filing new schedules or shall be plainly indicated upon schedules on file and in force at the time.

Subd. 2. Whenever there is filed with the commission any schedule modifying or resulting in a change in any rates then in force, together with the filed statements of facts, expert opinions, substantiating documents, and exhibits, supporting the changes requested, the commission shall upon complaint or may upon its own motion, upon reasonable notice to the governing bodies of municipalities affected, conduct a hearing to determine whether the rates are unjust or unreasonable; and pending the hearing and the decision thereon, the commission, upon filing with the schedule of rates and delivering to the affected utility a statement in writing of its reasons therefor at any time before

they become effective, may suspend the operation of the schedule but not for a longer period than 90 days beyond the time when the schedule of rates would otherwise go into effect unless the commission shall find that a longer time will be required, in which case the commission may further extend the period for not to exceed a total of nine months. If the commission does not make a final determination concerning any schedule of rates within a period of nine months beyond the time when the schedule of rates would otherwise go into effect, under subdivision 1, the schedule shall be deemed to have been approved by the commission.

Subd. 3. Notwithstanding any order of suspension of a proposed increase in rates, the public utility may put the suspended schedule into effect on the date when it would have become effective if not suspended, or any date subsequent thereto within the suspension period, by filing with the commission a bond in an amount approved by the commission with sureties approved by the commission, conditioned upon the refund, in a manner to be prescribed by order of the commission, of the excess in increased rates, including interest thereon which shall be at the current rate of interest as determined by the commission, collected during the period of the suspension if the schedule so put into effect is finally disallowed by the commission. There may be substituted for the bond other arrangements satisfactory to the commission for the protection of persons affected. If the public utility fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and is authorized to recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled thereto. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. However, no public utility shall put a suspended rate schedule into effect as provided by this subdivision until at least 90 days after the commission has made a determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2.

Subd. 4. The burden of proof to show that the rate change is just and reasonable shall be upon the public utility seeking the change.

Subd. 5. If, after the hearing, the commission finds the rates to be unjust or unreasonable or discriminatory, the commission shall determine the level of rates to be charged or applied by the utility for the service in question and shall fix the same by order to be served upon the utility; and the rates are thereafter to be observed until changed, as provided by this act. In no event shall the rates exceed the level of rates requested by the public utility,

except that individual rates may be adjusted upward or downward.

Subd. 6. The commission, in the exercise of its powers under this act to determine just and reasonable rates for public utilities, shall give due consideration to the public need for adequate, efficient, and reasonable service and to the need of the public utility for revenue sufficient to enable it to meet the cost of furnishing the service, including adequate provision for depreciation of its utility property used and useful in rendering service to the public, and to earn a fair and reasonable return upon the investment in such property. In determining the rate base upon which the utility is to be allowed to earn a fair rate of return, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use, to prudent acquisition cost to the public utility less appropriate depreciation on each, to construction work in progress, to offsets in the nature of capital provided by sources other than the investors, and any other factors or evidence material and relevant thereto. To the extent that construction work in progress is included in the rate base, the income used in determining the actual return on the public utility property shall include an allowance for funds used during construction.

Subd. 7. Notwithstanding any other provision of this act, the commission may permit a public utility to file rate schedules containing provisions for the automatic adjustment of charges for public utility service in direct relation to changes in federally regulated wholesale rates for energy delivered through interstate facilities or fuel used in generation of electricity or the manufacture of gas.

Sec. 17. [COMPLAINTS.] Subdivision 1. On its own motion or upon a complaint made against any public utility, by the governing body of any political subdivision, by another public utility, or by any 50 consumers of the particular utility that any of the rates, tolls, tariffs, charges, or schedules or any joint rate or any regulation, measurement, practice, act or omission affecting or relating to the production, transmission, delivery or furnishing of natural gas or electricity or any service in connection therewith is in any respect unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission shall proceed, with notice, to make such investigation as it may deem necessary. The commission may dismiss any complaint without a hearing if in its opinion a hearing is not in the public interest.

Subd. 2. The commission shall, prior to any formal hearing, notify the public utility complained of that a complaint has been made, and ten days after the notice has been given the commission may proceed to set a time and place for a hearing and an investigation as provided in this section.

Subd. 3. The commission shall give the public utility and the complainant, ten days notice of the time and place when and where the hearing will be held and such matters to be considered and determined. Both the public utility and complainant shall be entitled to be heard and be represented by counsel.

Subd. 4. Notice shall also be given to the governing bodies of affected municipalities and counties, and to any other persons the commission shall deem necessary.

Subd. 5. The notice provided for in subdivisions 2 and 3 may be combined but if combined the notice shall not be less than ten days.

Subd. 6. The commission shall have the power to hear, determine and adjust complaints made against any municipally owned gas or electric utility with respect to rates and services upon petition of ten percent of the non-resident consumers of the municipally owned utility or 25 such non-resident consumers whichever is less. The hearing of the complaints shall be governed by subdivisions 1 through 5 of this section.

Subd. 7. Minnesota Statutes, Section 15.0419, shall be applicable to all contested cases before the commission.

Sec. 18. [SERVICE OF NOTICE.] Service of notice of all hearings, investigations and proceedings pending before the commission and of complaints, reports, orders and other documents shall be made personally or by mail as the commission may direct.

Sec. 19. [JOINT HEARINGS AND INVESTIGATIONS.] In the discharge of its duties under this act, the commission may cooperate with similar commissions of other states and any federal agency and may hold joint hearings and make joint investigations with other commissions.

Sec. 20. [SEPARATE RATE HEARINGS.] The commission may, in its discretion, when complaint is made of more than one rate or charge, order separate hearings thereon, and may consider and determine the several matters complained of separately and at times it may prescribe.

Sec. 21. [SUMMARY INVESTIGATIONS.] Subdivision 1. Whenever the commission has reason to believe that any rate or charge may be unreasonable or unjustly discriminatory or that any service is inadequate or cannot be obtained or that an investigation of any matter relating to any public utility should for any reason be made, it may on its own motion summarily investigate the same with or without notice.

Subd. 2. If, after making the summary investigation, the commission becomes satisfied that sufficient grounds exist to

warrant a formal hearing being ordered as to the matters investigated, it shall set a time and place for a hearing.

Subd. 3. Notice of the time and place for the hearing shall be made as provided in sections 17 and 18 of this act.

Sec. 22. Any municipality that regulates and controls the exercise of a public utility franchise by reason of its home rule charter on the effective date of this act is authorized to assist the public service commission as *amicus curiae* in any proceeding brought before the commission with respect to the rates, fares, prices, regulation or control of any utility operating therein.

Sec. 23. [LAWFUL RATES; REASONABLE SERVICE.] Subdivision 1. Whenever upon an investigation made under the provisions of this act, the commission shall find rates, tolls, charges, schedules or joint rates to be unjust, unreasonable, insufficient or unjustly discriminatory or preferential or otherwise unreasonable or unlawful, the commission shall determine and by order fix reasonable rates, tolls, charges, schedules or joint rates to be imposed, observed and followed in the future in lieu of those found to be unreasonable or unlawful.

Subd. 2. Whenever the commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise unreasonable or unlawful, or shall find that any service which can be reasonably demanded cannot be obtained, the commission shall determine and by order fix reasonable measurements, regulations, acts, practices or service to be furnished, imposed, observed and followed in the future in lieu of those found to be unreasonable, inadequate or otherwise unlawful, and shall make any other order respecting the measurement, regulation, act, practice or service as shall be just and reasonable.

Subd. 3. A copy of the order shall be served upon the person against whom it runs or his attorney, and notice thereof shall be given to the other parties to the proceedings or their attorneys.

Sec. 24. [CONSTRUCTION OF FACILITIES; COMMISSION APPROVAL.] Subdivision 1. The words "major utility facility" means: (1) electric generating plant and associated facilities designed for, or capable of, operation at a capacity of 50 megawatts or more; (2) an electric transmission line and associated facilities of a design capacity of 125 kilovolts or more; and (3) a gas transmission line and associated facilities designed for, or capable of, transporting gas at pressures in excess of 125 pounds per square inch; provided, however, that the words "major utility facility" shall not include electric or gas distribution lines and gas gathering lines and associated facilities as defined by the commission.

Subd. 2. Under rules and regulations as the commission may prescribe, every public utility shall file with the commission, within the time and in the form as the commission may designate, plans showing any contemplated construction of major utility facilities.

Subd. 3. The provisions of this section shall apply to the construction of major utility facilities by a municipally owned gas or electric utility.

Sec. 25. [CHANGE; AMENDMENT; RECISION OF ORDERS.] The commission may at any time, on its own motion or upon motion of an interested party, and upon notice to the public utility and after opportunity to be heard, rescind, alter or amend any order fixing rates, tolls, charges or schedules, or any other order made by the commission, and may reopen any case following the issuance of an order therein, for the taking of further evidence or for any other reason. Any order rescinding, altering, amending or reopening a prior order shall have the same effect as an original order.

Sec. 26. [ORDERS; EFFECTIVE DATE.] Every decision made by the commission constituting an order or determination shall be in force and effective 20 days after it has been filed and has been served by personal delivery or by mailing a copy thereof to all parties to the proceeding in which the decision was made or to their attorneys, unless the commission shall specify a different date upon which the order shall be effective.

Sec. 27. [REHEARINGS BEFORE COMMISSION; CONDITION PRECEDENT TO JUDICIAL REVIEW.] Subdivision 1. Within 20 days after the service by the commission of any decision constituting an order or determination, any party to the proceeding and any other person, aggrieved by the decision and directly affected thereby, may apply to the commission for a rehearing in respect to any matters determined in the decision. The commission may grant and hold a rehearing on the matters, or upon any of them as it may specify in the order granting the rehearing, if in its judgment sufficient reason therefor exists.

Subd. 2. The application for a rehearing shall set forth specifically the grounds on which the applicant contends the decision is unlawful or unreasonable. No cause of action arising out of any decision constituting an order or determination of the commission or any proceeding for the judicial review thereof shall accrue in any court to any person or corporation unless the plaintiff or petitioner in the action or proceeding within 20 days after the service of the decision, shall have made application to the commission for a rehearing in the proceeding in which the decision was made. No person or corporation shall in any court urge or rely on any ground not so set forth in the application for rehearing.

Subd. 3. Applications for rehearing shall be governed by general rules which the commission may establish. In case a rehearing is granted the proceedings shall conform as nearly as may be to the proceedings in an original hearing, except as the commission may otherwise direct. If in the commission's judgment, after the rehearing, it shall appear that the original decision, order or determination is in any respect unlawful or unreasonable, the commission may reverse, change, modify or suspend the original action accordingly. Any decision, order or determination made after the rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination. Only one rehearing shall be granted by the commission; but this shall not be construed to prevent any party from filing a new application or complaint. No order of the commission shall become effective while an application for a rehearing or a rehearing is pending and until ten days after the application for a rehearing is either denied, expressly or by implication, or the commission has announced its final determination on rehearing.

Subd. 4. Any application for a rehearing not granted within 20 days from the date of filing thereof, shall be deemed denied.

Subd. 5. It is hereby declared that the legislative powers of the state, in so far as they are involved in the issuance of orders and decisions by the commission, have not been completely exercised until the commission has acted upon an application for rehearing, as provided for by this section and by the rules of the commission, or until the application for rehearing has been denied by implication, as above provided for.

Sec. 28. [SUBPOENA; WITNESSES; FEES; AND MILEAGE.] The commission and each commissioner, or the secretary of the commission may issue subpoenas and all necessary processes in proceedings pending before it; and each process shall extend to all parts of the state and may be served by any person authorized to serve processes of courts of record. Each witness who shall appear before the commission, or at a hearing before one of the individuals designated by it as provided in section 15 of this act, or whose deposition is taken, shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record.

Sec. 29. [OATHS; CONTEMPT; EXAMINER'S POWERS.] The commission and each of the commissioners or authorized examiner, for the purpose mentioned in this act, may administer oaths and examine witnesses. In case of failure on the part of any person to comply with any subpoena, or in the case of the refusal of any witness to testify concerning any matter on which he may be interrogated lawfully, any court of record of general jurisdiction or a judge thereof, on application of the commission, may compel obedience by proceedings for contempt as in the case

of disobedience of the requirements of a subpoena issued from the court or a refusal to testify therein.

Sec. 30. [DEPOSITIONS.] The commission or any party to the proceedings may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

Sec. 31. [TESTIMONY AND PRODUCTION OF RECORDS; PERJURY.] No person shall be excused from testifying or from producing any book, document, paper, or account in any investigation, or inquiry by, or hearing before, the commission or any commissioner, or person designated by it to conduct hearings, when ordered to do so, upon the ground that the testimony or evidence, book, document, paper, or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished, or subjected to any forfeiture or penalty for or on account of any act, transaction, matter, or thing concerning which he shall have been compelled under oath to testify or produce documentary evidence; provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

Sec. 32. [COPIES OF DOCUMENTS AS EVIDENCE.] Copies of official documents and orders filed or deposited according to law in the office of the commission, certified by a commissioner or by the secretary under the official seal of the commission to be true copies of the original shall be evidence in like manner as the originals, in all matters before the commission and in the courts of this state.

Sec. 33. [ORDERS AND FINDINGS IN WRITING.] Every order, finding, authorization, or certificate issued or approved by the commission under any provisions of this act shall be in writing and filed in the office of the secretary of the commission. A certificate under the seal of the commission that any order, finding, authorization, or certificate has not been modified, stayed, suspended, or revoked, shall be received as evidence in any proceedings as to the facts therein stated.

Sec. 34. [PUBLIC RECORDS.] All decisions, transcripts, and orders of the commission shall be public records.

Sec. 35. [TRANSCRIBED RECORD TO BE KEPT.] A full and complete record shall be kept of all proceedings at any formal hearing had before the commission or any commissioner or hearing examiner and all testimony shall be taken down by a reporter appointed by the commission. A copy of the transcript shall be furnished on demand to any party to the proceedings upon payment of reasonable costs of reproduction.

Sec. 36. [FRANCHISES CONTINUED.] Any public utility furnishing the utility services enumerated in this act or occupying streets, highways, or other public property within a municipality may be required to obtain a license, permit, right or franchise in accordance with the terms, conditions, and limitations of regulatory acts of the municipality, including the placing of distribution lines and facilities underground, and under the license, permit, right, or franchise, the utility may be obligated by any municipality to pay to the municipality fees to raise revenue or defray increased municipal costs accruing as a result of utility operations, or both, including but not limited to a sum of money based upon gross operating revenues or gross earnings from its operations in the municipality so long as the public utility shall continue to operate in the municipality, unless upon request of the public utility it is expressly released from the obligation at any time by such municipality. All existing licenses, permits, franchises and other rights acquired by any public utility or municipality prior to the passage of this act including the payment of existing franchise fees, shall not be impaired or affected in any respect by the passage of this act, except with respect to matters of rate and service regulation and service area assignments that have been vested to the jurisdiction of the commission by this act. However, in the event that a court of competent jurisdiction determines, or the parties by mutual agreement determine, that an existing license, permit, franchise or other right has been abrogated or impaired by this act, or its execution, the municipality affected shall impose and the public utility shall collect an excise tax on the utility charges which from year to year yields an amount which is reasonably equivalent to that amount of revenue which then would be due as a fee, charges or other thing or service of value to the municipality under the franchise, license or permit. The authorization shall be over and above taxing limitations including, but not limited to those of section 477A.01, subdivision 18. Franchises granted pursuant to this section shall be exempt from the provisions of Minnesota Statutes, 1973 Supplement, Chapter 80C.

Sec. 37. [ASSIGNED SERVICE AREAS; ELECTRIC UTILITIES.] Subdivision 1. [LEGISLATIVE POLICY.] It is hereby declared to be in the public interest that, in order to encourage the development of coordinated statewide electric service at retail, to eliminate or avoid unnecessary duplication of electric utility facilities, and to promote economical, efficient, and adequate electric service to the public, the state of Minnesota shall be divided into geographic service areas within which a specified electric utility shall provide electric service to customers on an exclusive basis.

Sec. 38. [DEFINITIONS.] For the purpose of sections 37 through 44 only, the following definitions shall apply:

Subdivision 1. "Person" means a natural person, a partnership, private corporation, a public corporation, a municipality,

an association, a cooperative whether incorporated or not, a joint stock association, a business trust, any political subdivision or agency, or two or more persons having joint or common interest.

Subd. 2. "Customer" means a person contracting for or purchasing electric service at retail from an electric utility.

Subd. 3. "Electric service" means electric service furnished to a customer at retail for ultimate consumption, but does not include wholesale electric energy furnished by an electric utility to another electric utility for resale.

Subd. 4. "Electric line" means lines for conducting electric energy at a design voltage of 25,000 volts phase to phase or less used for distributing electric energy directly to customers at retail.

Subd. 5. "Electric utility" means persons, their lessees, trustees, and receivers, separately or jointly, now or hereafter operating, maintaining or controlling in Minnesota equipment or facilities for providing electric service at retail and which fall within the definition of "public utility" in section 2, subdivision 4, and includes facilities owned by a municipality.

Subd. 6. "Assigned service area" means the geographical area in which the boundaries are established as provided in section 39 of this act.

Subd. 7. "Municipality" means any city, however organized.

Sec. 39. [ASSIGNED SERVICE AREAS.] Subdivision 1. On or before six months from the effective date of this section, or, when requested in writing by an electric utility and for good cause shown, and at a further time as the commission may fix by order, each electric utility shall file with the commission a map or maps showing all its electric lines outside of incorporated municipalities as they existed on the effective date of this section. Each electric utility shall also submit in writing a list of all municipalities in which it provides electric service on the effective date of this act. Where two or more electric utilities serve a single municipality, the commission may require each utility to file with the commission a map showing its electric lines within the municipality.

Subd. 2. On or before 12 months from the effective date of this section, the commission shall after notice and hearing establish the assigned service area or areas of each electric utility and shall prepare or cause to be prepared a map or maps to accurately and clearly show the boundaries of the assigned service area of each electric utility.

Subd. 3. To the extent that it is not inconsistent with the legislative policy stated in subdivision 1 of section 37, the bound-

aries of each assigned service area, outside of incorporated municipalities, shall be a line equidistant between the electric lines of adjacent electric utilities as they exist on the effective date of this section; provided that these boundaries may be modified by the commission to take account of natural and other physical barriers including, but not limited to, highways, waterways, railways, major bluffs, and ravines and shall be modified to take account of the contracts provided for in subdivision 4; and provided further that at any time after the effective date of the section, the commission may on its own or at the request of an electric utility make changes in the boundaries of the assigned service areas, but only after notice and hearing as provided for in sections 17 and 18.

Subd. 4. Contracts between electric utilities, which are executed on or before 12 months from the effective date of this section, designating service areas and customers to be served by the electric utilities when approved by the commission shall be valid and enforceable and shall be incorporated into the appropriate assigned service areas. The commission shall approve a contract if it finds that the contract will eliminate or avoid unnecessary duplication of facilities, will provide adequate electric service to all areas and customers affected and will promote the efficient and economical use and development of the electric systems of the contracting electric utilities.

Subd. 5. Where a single electric utility provides electric service within a municipality on the effective date of this section, that entire municipality shall constitute a part of the assigned service area of the electric utility in question. Where two or more electric utilities provide electric service in a municipality on the effective date of this section, the boundaries of the assigned service areas shall conform to those contained in municipal franchises with the electric utilities on the effective date of this section. In the absence of a franchise, the boundaries of the assigned service areas within an incorporated municipality shall be a line equidistant between the electric lines of the electric utilities as they exist on the effective date of this section; provided that these boundaries may be modified by the commission to take account of natural and other physical barriers including, but not limited to, major streets or highways, waterways, railways, major bluffs and ravines and shall be modified to take account of the contracts provided for in subdivision 4.

Subd. 6. In those areas where, on the effective date of this section, the existing electric lines of two or more electric utilities are so intertwined that subdivisions 2 through 5 cannot reasonably be applied, the commission shall determine the boundaries of the assigned service areas for the electric utilities involved as will promote the legislative policy in section 37, subdivision 1.

Sec. 40. [EXCLUSIVE SERVICE RIGHTS.] Except as provided in section 42, each electric utility shall have the exclusive right to provide electric service at retail to each and every

present and future customer in its assigned service area and no electric utility shall render or extend electric service at retail within the assigned service area of another electric utility unless the electric utility consents thereto in writing; provided that any electric utility may extend its facilities through the assigned service area of another electric utility if the extension is necessary to facilitate the electric utility connecting its facilities or customers within its own assigned service area.

Sec. 41. [EFFECT OF INCORPORATION, ANNEXATION, OR CONSOLIDATION.] After the effective date of this section, the inclusion by incorporation, consolidation, or annexation of any part of the assigned service area of an electric utility within the boundaries of any municipality shall not in any respect impair or affect the rights of the electric utility to continue and extend electric service at retail throughout any part of its assigned service area unless a municipality which owns and operates an electric utility elects to purchase the facilities and property of the electric utility as provided in section 44 of this act.

Sec. 42. [SERVICE EXTENSIONS IN CERTAIN SITUATIONS.] Subdivision 1. Notwithstanding the establishment of assigned service areas for electric utilities provided for in section 39, customers located outside municipalities and who require electric service with a connected load of 2,000 kilowatts or more shall not be obligated to take electric service from the electric utility having the assigned service area where the customer is located if, after notice and hearing, the commission so determines after consideration of following factors:

- (a) the electric service requirements of the load to be served;
- (b) the availability of an adequate power supply;
- (c) the development or improvement of the electric system of the utility seeking to provide the electric service, including the economic factors relating thereto;
- (d) the proximity of adequate facilities from which electric service of the type required may be delivered;
- (e) the preference of the customer;
- (f) any and all pertinent factors affecting the ability of the utility to furnish adequate electric service to fulfill customers' requirements.

Subd. 2. Notwithstanding the provisions in section 39, any electric utility may extend electric lines for electric service to its own utility property and facilities.

Sec. 43. [HEARINGS; COMPLAINTS.] Upon the filing of an application under section 42 or upon complaint by an affected utility that the provisions of sections 39 through 42 have

been violated, the commission shall hold a hearing, upon notice, within 15 days after the filing of the application of complaint, and shall render its decision within 30 days after said hearing.

Sec. 44. [SERVICE EXTENSIONS IN ANNEXED AREAS; MUNICIPAL PURCHASE.] Notwithstanding the provisions of sections 38 through 42 of this act, whenever a municipality which owns and operates an electric utility extends its corporate boundaries through annexation or consolidation, the municipality shall thereafter furnish electric service to the annexed area unless the area is already receiving electric service from an electric utility, in which event, the annexing municipality may purchase the facilities of the electric utility serving the annexed area. The municipality acquiring the facilities shall pay to the utility formerly serving the annexed area the appropriate value of its properties within the area which payment may be by exchange of other electric utility property outside the municipality on an appropriate basis giving due consideration to revenue from and value of the respective properties. In the event the municipality and the electric utility involved are unable to agree as to the terms of the payment or exchange, the municipality or the electric utility may file an application with the commission requesting that the commission determine the appropriate terms for the exchange or sale. After notice and hearing, the commission shall determine appropriate terms for an exchange, or in the event no appropriate properties can be exchanged, the commission shall fix and determine the appropriate value of the property within the annexed area, and the transfer shall be made as directed by the commission. In making that determination the commission shall consider the original cost of the property, less depreciation, loss of revenue to the utility formerly serving the area, expenses resulting from integration of facilities, and other appropriate factors. Until the determination by the commission, the facilities shall remain in place and service to the public shall be maintained by the owner. However, the electric utility being displaced, serving the annexed area, shall not extend service to any additional points of delivery within the annexed area if the commission, after notice and hearing, with due consideration of any unnecessary duplication of facilities, shall determine that the extension is not in the public interest.

When property of a public utility located within an area annexed to a municipality which owns and operates a public utility is proposed to be acquired by the municipality, ratification by the electors is not required.

Sec. 45. [MUNICIPAL PURCHASE OF PUBLIC UTILITY.] Any public utility operating in a municipality under a license, permit, right or franchise shall be deemed to have consented to the purchase by the municipality, for just compensation, of its property operated in the municipality under such license, permit, right or franchise. The municipality, subject to

the provisions of this act, may purchase the property upon notice to the public utility as herein provided. Whenever the commission is notified by the municipality or the public utility affected that the municipality has, pursuant to law, determined to purchase the property of the public utility, and that the parties to the purchase and sale have been unable to agree on the amount to be paid and received therefor, the commission shall set a time and place for a public hearing, after not less than 30 days notice to the parties, upon the matter of just compensation or the matter of the property to be purchased. Within a reasonable time the commission shall, by order, determine the just compensation for the property to be purchased by the municipality. In determining just compensation, the commission shall consider the original cost of the property less depreciation, loss of revenue to the utility, expenses resulting from integration of facilities and other appropriate factors. The order of the commission may be reviewed as provided in section 52 of this act. Commission expenses arising out of the exercise of its jurisdiction under this section shall be assessed to the municipality.

Sec. 46. [MUNICIPAL PROCEDURE; NOTICE; ELECTION.] Any municipality which desires to acquire the property of a public utility as authorized under the provisions of section 45 of this act may determine to do so by resolution of the governing body of the municipality taken after a public hearing of which at least 30 days published notice shall be given as determined by the governing body. The determination shall become effective when ratified by a majority of the qualified electors voting on the question at a special election to be held for that purpose, not less than 60 nor more than 120 days after the resolution of the governing body of the municipality.

Sec. 47. [ACQUISITION BY EMINENT DOMAIN.] Nothing in this act shall be construed to preclude a municipality from acquiring the property of a public utility by eminent domain proceedings; provided that damages to be paid in eminent domain proceedings shall include the original cost of the property less depreciation, loss of revenue to the utility, expenses resulting from integration of facilities, and other appropriate factors.

Sec. 48. [RELATIONS WITH AFFILIATED INTERESTS.] Subdivision 1. "Affiliated interests" with a public utility means the following:

(a) Every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of such public utility.

(b) Every corporation and person in any chain of successive ownership of five percent or more of voting securities.

(c) Every corporation five percent or more of whose voting securities is owned by any person or corporation owning five

percent or more of the voting securities of such public utility or by any person or corporation in any such chain of successive ownership of five percent or more of voting securities.

(d) Every person who is an officer or director of such public utility or of any corporation in any chain of successive ownership of five percent or more of voting securities.

(e) Every corporation operating a public utility or a servicing organization for furnishing supervisory, construction, engineering, accounting, legal and similar services to utilities, which has one or more officers or one or more directors in common with the public utility, and every other corporation which has directors in common with the public utility where the number of the directors is more than one-third of the total number of the utility's directors.

(f) Every corporation or person which the commission may determine as a matter of fact after investigation and hearing is actually exercising any substantial influence over the policies and actions of the public utility even though the influence is not based upon stockholding, stockholders, directors or officers to the extent specified in this section.

(g) Every person or corporation who or which the commission may determine as a matter of fact after investigation and hearing is actually exercising substantial influence over the policies and actions of the public utility in conjunction with one or more other corporations or persons with which or whom they are related by ownership or blood relationship or by action in concert that together they are affiliated with such public utility within the meaning of this section even though no one of them alone is so affiliated.

Subd. 2. The term "person" as used in subdivision 1 of this section shall not be construed to exclude trustees, lessees, holders of beneficial equitable interest, voluntary associations, receivers and partnerships.

Subd. 3. No contract or arrangement providing for the furnishing of management, supervisory, construction, engineering, accounting, legal, financial or similar services, and no contract or arrangement for the purchase, sale, lease or exchange of any property, right, or thing, or for the furnishing of any service, property, right, or thing, other than those above enumerated, made or entered into after the effective date of this act between a public utility and any affiliated interest as defined in this act, shall be valid or effective unless and until the contract or arrangement has received the written approval of the commission. It shall be the duty of every public utility to file with the commission a verified copy of the contract or arrangement, or a verified summary of the unwritten contract or arrangement, and also of all the contracts and arrangements, whether written or

unwritten, entered into prior to the effective date of this act and in force and effect at that time. The commission shall approve the contract or arrangement made or entered into after that date only if it shall clearly appear and be established upon investigation that it is reasonable and consistent with the public interest. No contract or arrangement shall receive the commission's approval unless satisfactory proof is submitted to the commission of the cost to the affiliated interest of rendering the services or of furnishing the property or service described herein to each public utility. No proof shall be satisfactory within the meaning of the foregoing sentence unless it includes the original or verified copies of the relevant cost records and other relevant accounts of the affiliated interest, or an abstract or summary as the commission may deem adequate, properly identified and duly authenticated, provided, however, that the commission may, where reasonable, approve or disapprove the contracts or arrangements without the submission of cost records or accounts. The burden of proof to establish the reasonableness of the contract or arrangement shall be on the public utility.

Subd. 4. The provisions of this section requiring the written approval of the commission shall not apply to transactions with affiliated interests where the amount of consideration involved is not in excess of \$10,000 or five percent of the capital equity of the utility whichever is smaller; provided, however, that regularly recurring payments under a general or continuing arrangement which aggregate a greater annual amount shall not be broken down into a series of transactions to come within the aforesaid exemption. Such transactions shall be valid or effective without commission approval under this section. However, in any proceeding involving the rates or practices of the public utility, the commission may exclude from the accounts of such public utility any payment or compensation made pursuant to the transaction unless the public utility shall establish the reasonableness of the payment or compensation.

Subd. 5. In any proceeding, whether upon the commission's own motion or upon application or complaint, involving the rates or practices of any public utility, the commission may exclude from the accounts of the public utility any payment or compensation to an affiliated interest for any services rendered or property or service furnished, as above described, under existing contracts or arrangements with the affiliated interest unless the public utility shall establish the reasonableness of the payment or compensation.

Subd. 6. The commission shall have continuing supervisory control over the terms and conditions of the contracts and arrangements as are herein described so far as necessary to protect and promote the public interest. The commission shall have the same jurisdiction over the modifications or amendment of contracts or arrangements as are herein described as it has over such original contracts or arrangements. The fact that the commission shall have approved entry into such contracts or

arrangements as described herein shall not preclude disallowance or disapproval of payments made pursuant thereto, if upon actual experience under such contract or arrangement it appears that the payments provided for or made were or are unreasonable.

Subd. 7. The provisions of this section shall not apply to co-operative electric associations.

Franchises granted pursuant to this section shall be exempt from the provisions of Minnesota Statutes, 1973 Supplement, Chapter 80C.

Sec. 49. [SECURITIES.] Subdivision 1. For the purpose of this section, "security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; assumption of any obligation or liability as a guarantor, endorser, surety, or otherwise in the security of another person; certificate of interest or participation in any profit sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable shares; investment contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining right, title or lease or in payments out of production under an oil, gas, or mining right, title or lease; or, in general, any interest or instrument commonly known as a security, or any certificate for, receipt for guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

Subd. 2. For the purpose of this section, "capital structure" is the total capitalization of the public utility including, but not limited to, all outstanding common stock, preferred stock, and the permanent financing of said public utility represented by long term debt, and shall further include retained earnings and paid in surplus in excess of par values.

Subd. 3. It shall be unlawful for any public utility organized under the laws of this state to offer or sell any security or, if organized under the laws of any other state or foreign country, to subject property in this state to an encumbrance for the purpose of securing the payment of any indebtedness unless the capital structure of the public utility shall first be approved by the commission. Approval by the commission shall be by formal written order.

Subd. 4. Upon the application of a public utility for approval of its capital structure prior to the issuance of any security or the encumbrance of any property for the purpose of securing the payment of any indebtedness, the commission may make such inquiry or investigation, hold such hearings, and examine such witnesses, books, papers, documents, or contracts, as in its discretion it may deem necessary. Prior to approval the commission shall ascertain that the amount of securities of each class which any public utility may issue shall bear a reasonable proportion

to each other and to the value of the property, due consideration being given to the nature of the business of the public utility, its credit and prospects, the possibility that the value of the property may change from time to time, the effect which the issue shall have upon the management and operation of the public utility, and other considerations which the commission as a matter of fact shall find to be relevant. If the commission shall find that the proposed capital structure is reasonable and proper and in the public interest and will not be detrimental to the interests of the consumers and patrons affected thereby, the commission shall by written order grant its permission for the proposed public financing.

Subd. 5. The requirements of this section are in addition to any other requirements of law and, specifically, the requirements of Minnesota Statutes, 1973 Supplement, Chapter 80A, and the rules and regulations promulgated pursuant thereto.

Subd. 6. The provisions of this section shall not apply to co-operative electric associations.

Sec. 50. [ACQUIRING PROPERTY; MERGER.] Subdivision 1. No public utility shall sell, acquire, lease, or rent any plant as an operating unit or system in this state for a total consideration in excess of \$100,000, or merge or consolidate with another public utility operating in this state, without first being authorized so to do by the commission. Upon the filing of an application for the approval and consent of the commission thereto the commission shall investigate, with or without public hearing, and in case of a public hearing, upon such notice as the commission may require, and if it shall find that the proposed action is consistent with the public interest it shall give its consent and approval by order in writing. In reaching its determination the commission shall take into consideration the reasonable value of the property, plant, or securities to be acquired or disposed of, or merged and consolidated. The provisions of this section shall not be construed as applicable to the purchase of units of property for replacement or to the addition to the plant of the public utility by construction.

Subd. 2. The provisions of this section shall not apply to co-operative electric associations.

Subd. 3. Mergers and consolidations as enumerated in subdivision 1 hereof shall be exempt from the provisions of Minnesota Statutes, 1973 Supplement, Chapter 80B.

Sec. 51. [STOCK PURCHASE.] Subdivision 1. No public utility shall purchase voting stock in another public utility doing business in Minnesota without first having made application to and received the consent of the commission in writing or by order.

Subd. 2. The provisions of this section shall not apply to cooperative electric associations.

Subd. 3. Mergers and consolidations as enumerated in subdivision 1 hereof shall be exempt from the provisions of Minnesota Statutes, 1973 Supplement, Chapter 80B.

Sec. 52. [APPEALS.] Subdivision 1. Any party to a proceeding before the commission or any other person, aggrieved by a decision and order and directly affected thereby, shall be entitled to appeal from such decision and order of the commission. The proceedings shall be instituted by serving a notice of appeal personally or by registered mail upon the commission or one of its members or upon its secretary, and by filing the notice in the office of the clerk of the district court of the county of Ramsey or of the county in which the appellant resides or maintains his principal place of business, all within 30 days after the service of the order and decision of the commission or in cases where a rehearing is requested within 30 day after service of the order finally disposing of the application for the rehearing, or within 30 days after the final disposition by operation of law of the application for rehearing. The notice shall state the nature of the appellant's interest, the facts showing that the appellant is aggrieved and directly affected by the decision, and the grounds upon which the appellant contends that the decision should be reversed or modified. Copies of the notice shall be served, personally or by registered mail, not later than 30 days after the institution of the appeal, upon all parties who appeared before the commission in the proceeding in which the order sought to be reviewed was made. The commission and all parties to the proceeding before it, shall have the right to participate in the appeal. The court, in its discretion, may permit other interested parties to intervene.

Subd. 2. Every person served with a notice of appeal as provided in this section and who desires to participate in the appeal thereby instituted shall, within 20 days after the service of the notice, serve upon the appellant a notice of appearance stating his position with reference to the affirmance, vacation, or modification of the order or decision under appeal. The notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service, with the clerk of the reviewing court within ten days after service. Service of all subsequent papers or notices in the appeal need be made only upon the appellant and other persons who have served and filed the notice as herein provided or have been permitted to intervene in the proceeding, as parties, by order of the court.

Subd. 3. Within 30 days after service of the notice of appeal upon the commission, or within a further time as the court may allow, the commission shall transmit to the court the original or a certified copy of the entire record of the proceedings in which

the decision under appeal was made, including all pleadings, notices, testimony, exhibits, findings, decisions, orders, and exceptions; but by stipulation of all parties to the appeal the record may be shortened by eliminating any portion. The cost of preparing the transcript of the testimony, objections, rulings, and exceptions, shall be paid by the appellant to the official reporter of the commission. Any party, other than the commission, refusing to stipulate to limit the record may be taxed by the court for the additional costs.

Subd. 4. The appeal shall be conducted by the court without a jury and shall be confined to the record, arguments and brief, except that in cases of alleged irregularities in procedure before the commission testimony thereon may be taken in the court. The court may affirm the decision of the commission or may reverse or modify it.

Subd. 5. Any party, including the commission, may secure a review of the final judgment of the district court by appeal to the supreme court. The appeal shall be taken in the manner provided by law for appeals from the district court in other civil cases, except that the time for appeal shall be limited to 30 days from the notice of entry of the judgment.

Sec. 53. [SUSPENSION OF COMMISSION ORDERS.] The pendency of proceedings on appeal shall not of itself stay or suspend the operation of the order of the commission, but during the pendency of the proceedings the court in its discretion may stay or suspend, in whole or in part, the operation of the commission's order on terms it deems just, and in accordance with the practice of courts exercising equity jurisdiction, but no stay shall be granted without notice to the parties and opportunity to be heard by the court. Any party shall have the right to secure from the court in which an appeal of an order of the commission is sought an order suspending or staying the operation of an order of the commission, pending an appeal of the order, but no commission order relating to rates or rules and regulations shall be stayed or suspended absent a finding that great or irreparable damage would otherwise result to the party seeking the stay or suspension, and any order staying or suspending a commission order shall specify the nature of the damage.

In case the order of the commission is stayed or suspended, the court shall require a bond with good and sufficient surety, conditioned that the public utility petitioning for review shall answer for all damages caused by the delay in enforcing the order of the commission, and for all compensation for whatever sums for transmission or service any person shall be compelled to pay pending review proceedings in excess of the sum the person or corporation would have been compelled to pay had the commission's order not been stayed or suspended. The court, may, in addition or in lieu of the bond require other further

security for the payment of such excess damages or charges it deems proper.

Sec. 54. [ACTIONS BY COMMISSION; ATTORNEY GENERAL TO INSTITUTE.] Whenever the commission shall be of the opinion that any person or public utility is failing or omitting or is about to fail or omit to do anything required of it by this act or by any order of the commission, or is doing anything or about to do anything, or permitting anything or about to permit anything to be done, contrary to or in violation of this act or of any order of the commission, it shall refer the matter to the attorney general who shall take appropriate legal action.

Sec. 55. [PRIORITY OF ACTION.] All actions and proceedings under this act, and all actions or proceedings to which the commission or the state of Minnesota may be parties, and in which any question arises under this act, or under or concerning any order or decision of the commission, shall be preferred over all other civil causes, except election causes, irrespective of position on the calendar.

Sec. 56. [BURDEN OF PROOF.] In all proceedings before the commission in which the modification or vacation of any order of the commission is sought, the burden of proof shall be on the person seeking such modification or vacation.

Sec. 57. [PENALTIES.] Any person who knowingly and intentionally violates any provision of this act, or who knowingly and intentionally fails, omits, or neglects to obey, observe, or comply with any lawful order, or any part or provision thereof, of the commission is subject to a penalty of not less than \$100 nor more than \$1,000 for each violation.

Sec. 58. [ACTS; OMISSION; FAILURE; CONSTRUCTION THEREOF.] In construing and enforcing the provision of this act relating to penalties, the act, omission, or failure of any officer, agent or employee of any person acting within the scope of his official duties of employment shall in every case be deemed to be also the act, omission, or failure of that person.

Sec. 59. [CONTINUING VIOLATIONS.] Every violation of the provisions of this act or of any lawful order of the commission, or any part or portion thereof by any person, is a separate and distinct offense, and in case of a continuing violation after a first conviction thereof each day's continuance thereof shall be deemed to be a separate and distinct offense.

Sec. 60. [PENALTIES CUMULATIVE.] All penalties accruing under this act shall be cumulative, and a suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture or be a bar to any criminal prosecution against any public utility or any officer, director, agent, or employee thereof or any person.

Sec. 61. [ACTIONS TO RECOVER PENALTIES.] Actions to recover penalties under this act shall be brought in the name of the state of Minnesota in the district court of Ramsey County.

Sec. 62. [COST OF EXAMINATION; ASSESSMENT OF EXPENSES; LIMITATIONS; OBJECTIONS.] Subdivision 1. Immediately after the passage and adoption of this act, the commission shall assess to all public utilities subject to the provisions of this act in proportion to their respective gross operating revenues, as hereinafter defined, during the preceding calendar year, the sum of \$300,000. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed, by registered mail, to the several public utilities, which shall constitute notice of said assessment and demand of payment thereof.

Subd. 2. Whenever the commission, in a proceeding upon its own motion, on complaint, or upon an application to it, shall deem it necessary, in order to carry out the duties imposed by this act, to investigate the books, accounts, practices, and activities of, or make appraisals of the property of any public utility, or to render any engineering or accounting services to any public utility, the public utility shall pay the expenses reasonably attributable to the investigation, appraisal, or service. The commission shall ascertain the expenses, and the department shall render a bill therefor to the public utility, either at the conclusion of the investigation, appraisal, or services, or from time to time during its progress, which bill shall constitute notice of the assessment and a demand for payment. The amount of the bills so rendered by the department shall be paid by the public utility into the state treasury within 30 days from the date of rendition. The total amount, in any one calendar year, for which any public utility shall become liable, by reason of costs incurred by the commission within that calendar year, shall not exceed two-fifths of one percent of the gross operating revenue from retail sales of gas, or electric service by the public utility within the state in the last preceding calendar year. Where, pursuant to this subdivision, costs are incurred within any calendar year which are in excess of two-fifths of one percent of the gross operating revenues, the excess costs shall not be chargeable as part of the remainder under subdivision 3 of this section, but shall be paid out of the general appropriation to the department. In the case of public utilities offering more than one public utility service only the gross operating revenues from the public utility service in connection with which the investigation is being conducted shall be considered when determining this limitation.

Subd. 3. The department shall annually, within 90 days after the close of each fiscal year, ascertain the total of its expenditures to the performance of its duties relating to public utilities under this act, and shall deduct therefrom all amounts chargeable to public utilities under subdivision 2 of this section. The remainder shall be assessed by the commission to the several public utilities in proportion to their respective gross operating reve-

nues from retail sales of gas or electric service within the state during the last calendar year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed to the several public utilities, which shall constitute notice of the assessment and demand of payment thereof. The total amount which may be assessed to the public utilities, under authority of this subdivision, shall not exceed one-eighth of one percent of the total gross operating revenues of the public utilities during such calendar year from retail sales of gas or electric service within the state.

Subd. 4. Within 30 days after the date of the mailing of any bill as provided by subdivisions 2 and 3, the public utility against which the bill has been rendered may file with the commission objections setting out the grounds upon which it is claimed the bill is excessive, erroneous, unlawful or invalid. The commission shall within 60 days hold a hearing and issue an order in accordance with its findings. The order shall be appealable in the same manner as other final orders of the commission.

Subd. 5. All moneys deposited in the state treasury pursuant to the provisions of this act shall be credited to the general fund. There is appropriated, upon passage of the act to the department of public service, from the general fund for the biennium ending June 30, 1975, the sum of \$300,000 for the purposes of this act.

Sec. 63. [INTEREST ON ASSESSMENTS.] The amounts assessed against any public utility not paid after 30 days after the mailing of a notice advising the public utility of the amount assessed against it, shall draw interest at the rate of six percent per annum, and upon failure to pay the assessment the attorney general shall proceed by action in the name of the state against the public utility to collect the amount due, together with interest and the cost of the suit.

Sec. 64. [ATTORNEY GENERAL TO REPRESENT COMMISSION.] The attorney general of the state shall, upon request of the commission, represent and appear for the commission in all actions and proceedings involving any question under this act, and shall aid in any investigation or hearing had under the provisions of this act. The attorney general shall perform all duties and services in connection with this act and the enforcement thereof as the commission may require. He shall also bring all actions to collect penalties herein provided.

Sec. 65. Minnesota Statutes 1971, Section 216A.03, Subdivision 1, is amended to read:

216A.03 [COMMISSION.] Subdivision 1. [MEMBERS.] As of (MAY 26, 1967) *January 1, 1975* the public service commission shall consist of (THE THREE MEMBERS ELECTED TO THE MINNESOTA RAILROAD AND WAREHOUSE COMMISSION, AND EACH SHALL SERVE OUT THE TERM

FOR WHICH HE WAS ELECTED AS RAILROAD AND WAREHOUSE COMMISSIONER AND SHALL, IN ACCORDANCE WITH APPLICABLE STATUTES, BE ELIGIBLE FOR RE-ELECTION FOR ONE SIX-YEAR TERM.) *five members, three of whom shall be the members then serving, who shall continue to serve for the balance of their elective or appointive terms. There shall be two additional commissioners appointed by the governor with the advice and consent of the senate, one for a term expiring December 31, 1975, and one for a term expiring December 31, 1977. Thereafter the terms of all subsequent members of the commission shall be (SIX) five years and until their successors have been appointed and qualified. Each commissioner shall be appointed by the governor by and with the advice and consent of the senate. Not more than (TWO) three commissioners shall belong to the same political party. The governor in his selection of commissioners shall give consideration to persons learned in the law or persons who have engaged in the profession of engineering, public accounting or property and utility valuation as well as being representative of the general public.*

Sec. 66. Minnesota Statutes 1971, Chapter 216A is amended by adding a section to read:

[216A.035] [CONFLICT OF INTEREST.] *No person during his term of membership on the public service commission shall receive any significant portion of his income directly or indirectly from any public utility. No person shall be eligible to be appointed as a member of the public service commission unless and until he divests himself of any significant interest or abandons any employment with a utility.*

No person who is an employee of the public service commission shall participate in any manner in any decision or action of the commission where he has a direct or indirect financial interest.

Sec. 67. [DEPARTMENT TO EMPLOY NECESSARY STAFF.] The department may employ experts, engineers, statisticians, accountants, inspectors, clerks, hearing examiners who may be attorneys and employees it deems necessary to carry out the provisions of this act.

Sec. 68. [SEVERABILITY.] If any provision of this act, or any severable provision of a section of this act, or the application of any provision to any person or circumstances, shall be held invalid, the remainder of the act, or section, and the application of the provision to persons and circumstances other than those as to which it is held invalid, shall not be affected.

Sec. 69. [CONSTRUCTION.] This act is complete in itself and other Minnesota statutes are not to be construed as applicable to the supervision or regulation of public utilities by the

commission. All acts and parts of acts in conflict with this act are repealed insofar as they pertain to the regulation of public utilities as defined herein.

Sec. 70. [AUTHORITY PRIOR TO EFFECTIVE DATE OF ACT.] The commission is authorized, upon the passage and adoption of this act, and prior to its effective date, to promulgate rules and regulations as provided herein; to take the steps necessary for the setting up of proper records and forms and the department is authorized to make necessary staff and clerical appointments as provided by law, and to do all things required for the effective and orderly administration of the duties imposed upon the commission pursuant to this act.

Sec. 71. [TITLE.] This act may be cited as the Minnesota public utilities act.

Sec. 72. [EFFECTIVE DATE.] This act shall become effective on January 1, 1975, except that sections 36 through 44, sections 62 through 64, and section 69 shall become effective on the day following final enactment.”

Further, strike the title and insert in lieu thereof:

“A bill for an act regulating public utilities furnishing at retail natural, manufactured or mixed gas, or electric service; prescribing the duties of the public service commission; prohibiting conflicts of interest on the public service commission in relation thereto; appropriating money; prescribing penalties; increasing the membership of the public service commission; amending Minnesota Statutes 1971, Section 216A.03, Subdivision 1; and Chapter 216A, by adding a section.”

We request adoption of this report and repassage of the bill in accordance therewith.

House Conferees: RICHARD J. PARISH, WILLIAM N. KELLY, and THOMAS W. NEWCOME.

Senate Conferees: ALEC G. OLSON, A. J. PERPICH, and ROBERT O. ASHBACH.

Parish moved that the report of the Conference Committee on H. F. No. 1835 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1835, A bill for an act regulating public utilities furnishing at retail natural, manufactured or mixed gas, or electric service; prescribing the duties of the public service commission in relation thereto; prescribing penalties; increasing the membership of the public service commission; appropriating money; amending Minnesota Statutes 1971, Section 216A.03, Subdivision 1.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 119, and nays 6, as follows:

Those who voted in the affirmative were:

Adams, J.	DeGroat	Jopp	Miller, M.	Sarna
Adams, S.	Dirlam	Jude	Moe	Savelkoul
Andersen, R.	Eckstein	Kahn	Mueller	Schreiber
Anderson, D.	Eken	Kelly	Munger	Schulz
Anderson, G.	Enebo	Kempe	Myrah	Searle
Anderson, I.	Erdahl	Klaus	Nelson	Sherwood
Becklin	Erickson	Knickerbocker	Newcome	Sieben, H.
Belisle	Esau	Knoll	Niehaus	Sieben, M.
Bell	Fjoslien	Kostohryz	Norton	Skaar
Berg	Forsythe	Kvam	Ohnstad	Smith
Berglin	Fudro	Laidig	Ojala	Spanish
Biersdorf	Fugina	Larson	Parish	Stangeland
Braun	Graba	Lemke	Patton	Stanton
Brinkman	Graw	Lindstrom, J.	Pavlak, R.	Swanson
Carlson, A.	Grove	Lombardi	Pehler	Ulland
Carlson, B.	Hagedorn	Long	Peterson	Vanasek
Carlson, D.	Haugerud	Mann	Pieper	Voss
Carlson, L.	Heinitz	McArthur	Prahl	Weaver
Casserly	Hook	McCauley	Quirin	Wenzel
Clifford	Jacobs	McEachern	Resner	Wigley
Connors	Jaros	McFarlin	Rice	Wohlwend
Culhane	Johnson, C.	McMillan	Ryan	Wolcott
Cummiskey	Johnson, D.	Menke	St. Onge	Mr. Speaker
Dahl	Johnson, R.	Miller, D.	Samuelson	

Those who voted in the negative were:

Bennett	Ferderer	Hanson	Johnson, J.	Vento
Faricy				

The bill was repassed, as amended by Conference, and its title agreed to.

CONSIDERATION UNDER RULE 72

Pursuant to Rule 72, Norton requested immediate consideration of H. F. No. 3182; S. F. No. 1800; and H. F. Nos. 3337, 2928, and 2785.

H. F. No. 3182, A bill for an act relating to energy conservation; appropriating money to the university of Minnesota for the purpose of research into developing an alcohol supplement that can be blended with gasoline.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 112, and nays 9, as follows:

Those who voted in the affirmative were:

Adams, J.	Dahl	Johnson, J.	McFarlin	Salchert
Adams, S.	DeGroat	Johnson, R.	McMillan	Samuelson
Andersen, R.	Dirlam	Jopp	Menke	Sarna
Anderson, D.	Eckstein	Jude	Miller, D.	Savelkoul
Anderson, G.	Eken	Kelly	Miller, M.	Schreiber
Anderson, I.	Erdahl	Kempe	Moe	Sherwood
Becklin	Erickson	Klaus	Mueller	Sieben, H.
Belisle	Esau	Knickerbocker	Munger	Skaar
Bell	Faricy	Knoll	Myrah	Smith
Bennett	Ferderer	Kostohryz	Nelson	Spanish
Berg	Fjoslien	Kvam	Newcome	Stangeland
Berglin	Fudro	Laidig	Niehaus	Stanton
Biersdorf	Fugina	Larson	Norton	Swanson
Braun	Graba	LaVoy	Ohnstad	Ulland
Brinkman	Graw	Lemke	Parish	Vanasek
Carlson, A.	Grove	Lindstrom, J.	Pavlak, R.	Weaver
Carlson, B.	Hagedorn	Lombardi	Peterson	Wenzel
Carlson, D.	Hanson	Long	Pieper	Wigley
Carlson, L.	Heinitz	Mann	Prahl	Wohlwend
Clifford	Hook	McArthur	Quirin	Wolcott
Connors	Jacobs	McCarron	Rice	
Culhane	Johnson, C.	McCauley	Ryan	
Cummiskey	Johnson, D.	McEachern	St. Onge	

Those who voted in the negative were:

Enebo	Jaros	Ojala	Pehler	Voss
Haugerud	Kahn	Patton	Resner	

The bill was passed and its title agreed to.

S. F. No. 1800, A bill for an act relating to game and fish; discounts upon sales of licenses; amending Minnesota Statutes 1971, Section 98.50, Subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 122, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Carlson, B.	Esau	Johnson, C.	Lemke
Adams, S.	Carlson, D.	Faricy	Johnson, D.	Lindstrom, J.
Andersen, R.	Carlson, L.	Ferderer	Johnson, J.	Lombardi
Anderson, D.	Casserly	Fjoslien	Johnson, R.	Long
Anderson, G.	Clifford	Forsythe	Jopp	Mann
Anderson, I.	Connors	Fudro	Jude	McArthur
Becklin	Culhane	Fugina	Kahn	McCarron
Belisle	Cummiskey	Graba	Kelly	McCauley
Bell	Dahl	Graw	Kempe	McEachern
Bennett	DeGroat	Hagedorn	Klaus	McFarlin
Berg	Dirlam	Hanson	Knickerbocker	McMillan
Berglin	Eckstein	Haugerud	Knoll	Miller, D.
Biersdorf	Eken	Heinitz	Kostohryz	Miller, M.
Braun	Enebo	Hook	Kvam	Mueller
Brinkman	Erdahl	Jacobs	Laidig	Munger
Carlson, A.	Erickson	Jaros	Larson	Myrah

Nelson	Pehler	Salchert	Skaar	Weaver
Newcome	Peterson	Samuelson	Smith	Wenzel
Niehaus	Pieper	Sarna	Spanish	Wigley
Norton	Prahl	Savelkoul	Stangeland	Wohlwend
Ohnstad	Quirin	Schulz	Stanton	Wolcott
Ojala	Resner	Searle	Swanson	Mr. Speaker
Parish	Rice	Sherwood	Ulland	
Patton	Ryan	Sieben, H.	Vanasek	
Pavlak, R.	St. Onge	Sieben, M.	Voss	

The bill was passed and its title agreed to.

H. F. No. 3337 was reported to the House.

Wigley moved that H. F. No. 3337 be indefinitely postponed. The motion prevailed.

H. F. No. 2928, A bill for an act reappropriating moneys for capital and related improvements for university and college purposes.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 122, and nays 1, as follows:

Those who voted in the affirmative were:

Adams, J.	DeGroat	Johnson, D.	Menke	Salchert
Adams, S.	Dirlam	Johnson, J.	Miller, D.	Samuelson
Andersen, R.	Eckstein	Johnson, R.	Miller, M.	Sarna
Anderson, D.	Eken	Jopp	Moe	Savelkoul
Anderson, G.	Enebo	Jude	Mueller	Schreiber
Anderson, I.	Erdahl	Kahn	Munger	Searle
Becklin	Erickson	Kelly	Myrah	Sherwood
Belisle	Esau	Kempe	Nelson	Sieben, H.
Bell	Faricy	Klaus	Newcome	Sieben, M.
Bennett	Ferderer	Knickerbocker	Niehaus	Skaar
Berg	Fjoslien	Knoll	Norton	Smith
Berglin	Forsythe	Kostohryz	Ohnstad	Spanish
Biersdorf	Fudro	Kvam	Ojala	Stangeland
Braun	Fugina	Laidig	Parish	Stanton
Brinkman	Graba	Larson	Patton	Swanson
Carlson, A.	Graw	Lemke	Pavlak, R.	Ulland
Carlson, B.	Growe	Lindstrom, J.	Pehler	Vanasek
Carlson, D.	Hagedorn	Lombardi	Peterson	Voss
Carlson, L.	Hanson	Long	Pieper	Weaver
Casserly	Haugerud	Mann	Prahl	Wenzel
Clifford	Heinitz	McArthur	Quirin	Wolcott
Connors	Hook	McCarron	Resner	Mr. Speaker
Culhane	Jacobs	McCauley	Rice	
Cummiskey	Jaros	McEachern	Ryan	
Dahl	Johnson, C.	McMillan	St. Onge	

Those who voted in the negative were:

Schulz

The bill was passed and its title agreed to.

H. F. No. 2785, A bill for an act relating to the operation of state government; revising statutory provisions concerning salary setting authority for unclassified positions in the executive branch by realigning portions of Chapters 15A and 43; defining certain terms; amending Minnesota Statutes 1971, Sections 15.61; 15A.083 by adding a subdivision; and 43.01, by adding subdivisions; Chapter 43 by adding sections; Minnesota Statutes, 1973 Supplement, Sections 15A.081, Subdivision 1; 43.06; 43.09, Subdivision 6; 43.128; and 43.324; repealing Minnesota Statutes, 1973 Supplement, Sections 15A.021, 15A.031, 15A.041, 15A.081, 15A.084, 15A.085 and 43.02; and Minnesota Statutes 1971, Section 15A.14.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 112, and nays 14, as follows:

Those who voted in the affirmative were:

Adams, J.	Dirlam	Jopp	Menke	Schreiber
Adams, S.	Eken	Jude	Miller, D.	Schulz
Andersen, R.	Enebo	Kahn	Moe	Searle
Anderson, D.	Erdahl	Kelly	Mueller	Sherwood
Anderson, G.	Erickson	Kempe	Munger	Sieben, H.
Anderson, I.	Esau	Klaus	Nelson	Sieben, M.
Belisle	Faricy	Knickerbocker	Newcome	Smith
Bell	Ferderer	Knoll	Norton	Stangeland
Bennett	Fjoslien	Kostohryz	Ojala	Stanton
Berg	Forsythe	Kvam	Parish	Swanson
Berglin	Fudro	Laidig	Pavlak, R.	Tomlinson
Biersdorf	Fugina	Larson	Pehler	Ulland
Braun	Graba	LaVoy	Peterson	Vanasek
Brinkman	Graw	Lemke	Pieper	Voss
Carlson, A.	Growe	Lindstrom, J.	Pleasant	Weaver
Carlson, B.	Hanson	Lombardi	Quirin	Wenzel
Carlson, L.	Haugerud	Mann	Resner	Wigley
Casserly	Hook	McArthur	Rice	Wohlwend
Connors	Jacobs	McCarron	Ryan	Wolcott
Culhane	Jaros	McCauley	St. Onge	Mr. Speaker
Cummiskey	Johnson, D.	McEachern	Salchert	
Dahl	Johnson, J.	McFarlin	Sarna	
DeGroat	Johnson, R.	McMillan	Savelkoul	

Those who voted in the negative were:

Becklin	Hagedorn	Miller, M.	Ohnstad	Skaar
Clifford	Heinitz	Myrah	Patton	Spanish
Eckstein	Long	Niehaus	Prahl	

The bill was passed and its title agreed to.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3285, A bill for an act appropriating money and authorizing the issuance of Minnesota state building bonds for the acquisition and betterment of public land, buildings, and capital improvements needed to provide facilities for Gillette children's hospital in conjunction with the Ramsey county hospital.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2992, A bill for an act relating to probate proceedings; regulating the inventory and appraisal of guardianships and decedents' estates; amending Minnesota Statutes, 1973 Supplement, Section 525.33; Minnesota Statutes 1971, Chapter 525, by adding a section; repealing Minnesota Statutes, 1973 Supplement, Section 525.331.

The Senate has appointed as such committee Messrs. Purfeerst, Brown, Davies, Doty and Dunn.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2990, A bill for an act relating to retirement; coverage for certain employees at the state reformatory for men; amending Minnesota Statutes, 1973 Supplement, Section 352.91.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 3002, A bill for an act relating to motor vehicles; interstate registration and reciprocity, withdrawal of vehicle from fleet; refund; amending Minnesota Statutes 1971, Section 168.187, Subdivision 15.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 3571, A bill for an act relating to the legislature; providing for the filing of reports with the legislature; amending Minnesota Statutes 1971, Chapter 3, by adding a section.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1136, A bill for an act relating to unemployment compensation; benefits; disqualification; exception; amending Minnesota Statutes 1971, Section 268.09, Subdivision 1.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 3580, A bill for an act relating to the organization, operation, and financing of state government; establishing a learning center; authorizing the acquisition of certain lands by gift, purchase or condemnation; the making of certain parking contracts; the fixing of certain salaries; the purchase of supplies, materials and equipment on an emergency basis and the reimbursement, appropriating and reappropriating of certain funds; amending Minnesota Statutes 1971, Sections 16.07, by adding a subdivision; 176.611, by adding a subdivision; 271.01, Subdivision 4a; Chapters 4, by adding a section; 176, by adding sections; Minnesota Statutes, 1973 Supplement, Sections 15A.083, by adding a subdivision; 82.34, Subdivision 15; 176.131, Subdivision 10; 176.183, Subdivision 2; Extra Session Laws 1971, Chapter 32, Section 9, Subdivision 7; and Laws 1973, Chapters 595, Sections 1 and 2; 720, Section 31, Subdivision 2; repealing Minnesota Statutes 1971, Section 176.611, Subdivisions 5 and 6; Minnesota Statutes, 1973 Supplement, Section 176.601.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Messrs. Hughes, Willet, Fitzsimons, Josefson and Davies have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 3580. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the return of House File No. 3143 for further consideration:

H. F. No. 3143, A bill for an act relating to taxation; levies for advertising in certain cities; amending Minnesota Statutes, 1973 Supplement, Section 465.56, Subdivision 1.

House File No. 3143 is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Kvam moved that the vote on March 21, 1974, whereby the House refused to concur in the Senate amendments to H. F. No. 3143 and requested a Conference Committee be appointed be now reconsidered. The motion prevailed.

CONCURRENCE AND REPASSAGE

Kvam moved that the House concur in the Senate amendments to H. F. No. 3143 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3143, A bill for an act relating to municipalities; authorizing the appropriation of money for advertising in certain cities; amending Minnesota Statutes, 1973 Supplement, Section 465.56, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 109, and nays 14, as follows:

Those who voted in the affirmative were:

Adams, J.	Enebo	Jude	Moe	Samuelson
Anderson, D.	Erdahl	Kelly	Mueller	Sarna
Anderson, I.	Erickson	Klaus	Munger	Savelkoul
Becklin	Esau	Knickerbocker	Myrah	Schreiber
Belisle	Ferderer	Knoll	Nelson	Sherwood
Biersdorf	Fjoslien	Kostohryz	Newcome	Sieben, H.
Braun	Forsythe	Kvam	Norton	Sieben, M.
Brinkman	Fudro	Laidig	Ohnstad	Skaar
Carlson, B.	Fugina	Larson	Ojala	Spanish
Carlson, D.	Graba	LaVoy	Parish	Stangeland
Carlson, L.	Graw	Lemke	Patton	Stanton
Casserly	Growe	Lindstrom, J.	Pavlak, R.	Swanson
Cleary	Hagedorn	Lombardi	Pavlak, R. L.	Tomlinson
Clifford	Hanson	Long	Pehler	Ulland
Connors	Heinitz	Mann	Peterson	Vanasek
Culhane	Hook	McCarron	Pieper	Voss
Dahl	Jacobs	McEachern	Prahl	Weaver
DeGroat	Johnson, C.	McFarlin	Quirin	Wenzel
Dieterich	Johnson, D.	McMillan	Rice	Wigley
Dirlam	Johnson, J.	Menke	Ryan	Wohlwend
Eckstein	Johnson, R.	Miller, D.	St. Onge	Mr. Speaker
Eken	Jopp	Miller, M.	Salchert	

Those who voted in the negative were:

Adams, S.	Bell	Carlson, A.	Jaros	Schulz
Andersen, R.	Bennett	Faricy	Kahn	Vento
Anderson, G.	Berg	Haugerud	Kempe	

The bill was repassed, as amended by the Senate, and its title agreed to.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 636

March 20, 1974

Honorable Martin O. Sabo
Speaker of the House of Representatives
Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees on the part of the House and the Senate, upon the disagreeing votes as to H. F. No. 636, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments, and the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

"ARTICLE I

Section 1. [LEGISLATIVE PURPOSE.] In order to achieve the goal of orderly growth and economic development in the metropolitan area, it is essential to establish a framework to coordinate effectively those proposals, projects, improvements, programs, expenditures, and plans which directly and substantially affect the development of the metropolitan area. It is the purpose of this act to establish such a framework: by clarifying the role and authority of the metropolitan council, by requiring a consistent review process to be performed by the metropolitan council, by providing technical assistance for planning by local government units, and by reorganizing the other metropolitan agencies.

Sec. 2. Minnesota Statutes 1971, Chapter 473B, is amended by adding a section to read:

[473B.011] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 1 to 15, the terms defined in this section*

shall have the meanings given them unless otherwise provided or indicated by the context.

Subd. 2. "Metropolitan area or area" means the area over which the metropolitan council has jurisdiction, including only the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Subd. 3. "Metropolitan commission or commission" means the metropolitan waste control commission, the metropolitan transit commission, and other such commissions as the legislature may hereafter designate.

Subd. 4. "Independent commission, board or agency" means governmental entities with jurisdictions lying in whole or in part within the metropolitan area but not including the metropolitan commissions referred to herein.

Subd. 5. "Local governmental unit" means any county, city, town, school district, special district or other political subdivisions or public corporation, other than a metropolitan commission, lying in whole or part within the metropolitan area.

Subd. 6. "Metropolitan significance" means a status determined by the metropolitan council pursuant to the regulations and procedures established by section 12, subdivisions 1 and 2 of this article.

Subd. 7. "State agency" means the state of Minnesota or any agency, board, commission, department or educational institution thereof.

Subd. 8. "Policy plan" means the long range comprehensive plans of each commission adopted pursuant to section 10 of this article.

Subd. 9. "Development program" means the detailed technical program of each commission adopted pursuant to section 13 of this article.

Sec. 3. Minnesota Statutes 1971, Section 473B.02, Subdivision 1, is amended to read:

473B.02 [METROPOLITAN COUNCIL.] Subdivision 1. [CREATION.] A metropolitan council with jurisdiction in the metropolitan area consisting of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, is created. It shall be under the supervision and control of (15) 17 members, all of whom shall be residents of the metropolitan area.

Sec. 4. Minnesota Statutes 1971, Section 473B.02, Subdivision 2, is amended to read:

Subd. 2. [TERMS.] (THE FIRST MEMBERS OF THE METROPOLITAN COUNCIL APPOINTED BY THE GOVERNOR SHALL BE APPOINTED AS FOLLOWS: THE CHAIRMAN AS PROVIDED IN SUBDIVISION 4; FOUR FOR TERMS ENDING THE FIRST MONDAY IN JANUARY 1969; FIVE FOR TERMS ENDING THE FIRST MONDAY IN JANUARY 1971; AND FIVE FOR TERMS ENDING THE FIRST MONDAY IN JANUARY 1973. THEREAFTER THE TERM OF EACH MEMBER SHALL BE FOR A TERM OF SIX YEARS AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED.)

Commencing the first Monday in January, 1975, the council members shall be appointed by the governor from each of the districts described in subdivision 3. The terms of the members shall be as follows: members representing even numbered districts for terms ending the first Monday in January, 1977; members representing odd numbered districts for terms ending the first Monday in January, 1979. Thereafter the term of each member shall be for a term of four years and until his successor is appointed and qualified.

Members of the council serving as of the first Monday in January, 1975 shall continue to serve the district described in subdivision 3 in which they reside for the term herein prescribed for that district, provided that if more than one such member resides in the same district the governor shall designate one of them to serve as the council member from the district and the terms of the other members are thereupon terminated. The governor shall appoint as members of the council one resident of each district described in subdivision 3 in which no present member of the council resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the council serving as of the first Monday in January, 1975 shall be their residence as of July 1, 1974.

Sec. 5. Minnesota Statutes 1971, Section 473B.01, Subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP.] (FOURTEEN) Sixteen members of the metropolitan council shall be appointed by the governor on a nonpartisan basis, after consulting with all members of the legislature from the area composing the council district for which the member is to be appointed, by and with the advice and consent of the senate. Each such council member shall reside in the council district which he represents. (COUNCIL DISTRICTS CONSIST OF COMBINATIONS OF LEGISLATIVE AND REPRESENTATIVE DISTRICTS ESTABLISHED BY EXTRA SESSION LAWS 1966, CHAPTER 1, AS PRESCRIBED HEREIN.) Each council district shall be represented by one member of the council. Council districts are hereby created as follows:

(1) The first council district consists of (LEGISLATIVE DISTRICT 12, THAT PART OF REPRESENTATIVE DISTRICT 6A WITHIN DAKOTA COUNTY, AND REPRESENTATIVE DISTRICT 14A, AND THAT PART OF REPRESENTATIVE DISTRICT 14B WITHIN SCOTT COUNTY) *that part of the city of St. Paul described as follows: commencing at the intersection of the center line of University avenue with the west city limits, extending easterly along the center line of University avenue to the center line of Rice street, extending southerly along the center line of Rice street to the center line of Interstate 94, extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended, extending southwesterly along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard, extending southeasterly along the center line of Kellogg boulevard to the center line of Eagle street, extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river, extending southwest, westerly, and northerly along the main channel of the Mississippi river to the west city limits, and extending northerly along the west city limits to the point of origin.*

(2) The second council district consists of (LEGISLATIVE DISTRICTS 8 AND 50) *that part of the county of Ramsey consisting of the villages of Lauderdale, Falcon Heights, and Roseville; and that part of the city of St. Paul described as follows: commencing at the intersection of the center line of University avenue with the west city limits, extending easterly along the center line of University avenue to the center line of Rice street, extending northerly along the center line of Rice street to the Burlington Northern railroad right of way, extending easterly along the Burlington Northern railroad right of way to the center line of Sylvan street, extending northerly along the center line of Sylvan street to the center line of Magnolia avenue west, extending easterly along the center line of Magnolia avenue west to the center line of Agate street, extending northerly along the center line of Agate street to the center line of Jessamine avenue west extended, extending easterly along the center line of Jessamine avenue west extended to the center line of Interstate 35E, extending northerly along the center line of Interstate 35E to the north city limits, and extending westerly, southerly, westerly, southerly, westerly, northerly, westerly, and southerly along the city limits to the point of origin.*

(3) The third council district consists of (LEGISLATIVE DISTRICTS 49 AND 57, AND REPRESENTATIVE DISTRICT 32B) *that part of the city of St. Paul described as follows: commencing at the intersection of the center line of Interstate 35E with the north city limits, extending southerly along the center line of Interstate 35E to the center line of Jessamine avenue west extended; extending westerly along the center line of Jessamine avenue west extended to the center line of Agate street, extending southerly along the center line of Agate street to the center line of Magnolia avenue west, extending westerly along the cen-*

ter line of Magnolia avenue west to the center line of Sylvan street, extending southerly along the center line of Sylvan street to the Burlington Northern railroad right of way, extending westerly along the Burlington Northern railroad right of way to the center line of Rice street, extending southerly along the center line of Rice street to the center line of Interstate 94, extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended, extending southwestwardly along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard, extending southeastwardly along the center line of Kellogg boulevard to the center line of Eagle street, extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river, extending southwestwardly along the main channel of the Mississippi river to the south city limits, extending easterly, northerly, easterly, southerly, easterly, southeasterly, easterly, northerly, and westerly along the city limits to the point of origin.

(4) The fourth council district consists of (LEGISLATIVE DISTRICT 33 AND REPRESENTATIVE DISTRICTS 13A AND 21A) that part of the county of Ramsey consisting of the town of White Bear; the villages of Arden Hills, Gem Lake, Little Canada, Moundsview, New Brighton, North Oaks, North St. Paul, Shoreview, and Vadnais Heights; that part of the city of White Bear Lake lying in the county of Ramsey; and that part of the village of Maplewood lying north of the center line of Larpen Avenue.

(5) The fifth council district consists of (LEGISLATIVE DISTRICTS 30 AND 31 AND REPRESENTATIVE DISTRICT 32A) that part of the county of Hennepin consisting of the city of Robbinsdale; that part of the village of Golden Valley described as follows: commencing at the intersection of the center line of trunk highway No. 100 with the north village limits, extending southerly along the center line of trunk highway No. 100 to the Minnesota Western railroad right of way, extending easterly along the Minnesota Western railroad right of way to the east village limits, and extending northerly, westerly, northerly, and westerly along the village limits to the point of origin; and that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the north village limits, extending southerly along the main channel of the Mississippi river to the Burlington Northern railroad right of way, extending southwestwardly along the Burlington Northern railroad right of way to the center line of Sixth street north extended, extending southeasterly along the center line of Sixth street north extended and sixth street north to the center line of Hennepin avenue, extending southwestwardly along the center line of Hennepin avenue to the center line of Franklin avenue west, extending westerly along the center line of Franklin avenue west to the center line of Lake of the Isles boulevard east, extending southerly along the center line of Lake of the Isles boulevard east to the center line of Lake Calhoun boulevard east, extending southerly along the center line

of Lake Calhoun boulevard east to the center line of Lake street west, extending westerly along the center line of Lake street west to the west city limits, and extending northerly, easterly, northerly, and easterly along the city limits to the point of origin.

(6) The sixth council district consists of (LEGISLATIVE DISTRICTS 29 AND 37) that part of the county of Hennepin consisting of that part of the village of St. Anthony lying in the county of Hennepin; and that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the north village limits, extending southerly along the main channel of the Mississippi river to the Burlington Northern railroad right of way, extending southwesterly along the Burlington Northern railroad right of way to the center line of Sixth street north extended, extending southeasterly along the center line of Sixth street north extended and Sixth street north to the center line of Hennepin avenue, extending southwesterly along the center line of Hennepin avenue to the center line of Lincoln avenue extended, extending easterly along the center line of Lincoln avenue extended to the center line of Lyndale avenue south, extending southerly along the center line of Lyndale avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Stevens avenue south, extending southerly along the center line of Stevens avenue south to the center line of Twenty-fifth street east, extending easterly along the center line of Twenty-fifth street east to the center line of Fifteenth avenue south, extending northerly along the center line of Fifteenth avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Cedar avenue south, extending northerly along the center line of Cedar avenue south to the center line of Sixth street south; extending easterly along the center line of Sixth street south to the center line of Twenty-seventh avenue south extended, extending northerly along the center line of Twenty-seventh avenue south extended to the main channel of the Mississippi river, extending southeasterly along the main channel of the Mississippi river to the east city limits, and extending northerly, westerly, northerly, westerly, northerly, and westerly to the point of origin; and that part of the county of Ramsey consisting of that part of the village of St. Anthony lying in the county of Ramsey.

(7) The seventh council district consists of (LEGISLATIVE DISTRICTS 27 AND 28) that part of the city of Minneapolis described as follows: commencing at the intersection of the center line of Lake street west with the west city limits, extending easterly along the center line of Lake street west to the center line of Lake Calhoun boulevard east, extending northerly along the center line of Lake Calhoun boulevard east to the center line of Lake of the Isles boulevard east, extending northerly along the center line of Lake of the Isles boulevard east to the center line of Franklin avenue west, extending easterly along the center

line of Franklin avenue west to the center line of Hennepin avenue, extending northeasterly along the center line of Hennepin avenue to the center line of Lincoln avenue extended, extending easterly along the center line of Lincoln avenue extended to the center line of Lyndale avenue south, extending southerly along the center line of Lyndale avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Stevens avenue south, extending southerly along the center line of Stevens avenue south to the center line of Twenty-fifth street east, extending easterly along the center line of Twenty-fifth street east to the center line of Chicago avenue south, extending southerly along the center line of Chicago avenue south to the center line of Thirty-eighth street east, extending westerly along the center line of Thirty-eighth street east to the center line of Fourth avenue south, extending southerly along the center line of Fourth avenue south to the center line of Forty-second street east, extending westerly along the center line of Forty-second street east to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the center line of Forty-eighth street east extended, extending westerly along the center line of Forty-eighth street east extended and Forty-eighth street east to the center line of Nicollet avenue south, extending southerly along the center line of Nicollet avenue south to the center line of Fifty-seventh street east, extending easterly along the center line of Fifty-seventh street east and Fifty-seventh street east extended to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the south city limits, and extending westerly, northerly, westerly, and northerly to the point of origin.

(8) The eighth council district consists of (LEGISLATIVE DISTRICTS 34 AND 35) that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the east city limits, extending northwesterly along the main channel of the Mississippi river to the center line of Twenty-seventh avenue south extended, extending southerly along the center line of Twenty-seventh avenue south extended to the center line of Sixth street south, extending westerly along the center line of Sixth street south to the center line of Cedar avenue south, extending southerly along the center line of Cedar avenue south to the center line of Twenty-fourth street east, extending westerly along the center line of Twenty-fourth street east to the center line of Fifteenth avenue south, extending southerly along the center line of Fifteenth avenue south to the center line of Twenty-fifth street east, extending westerly along the center line of Twenty-fifth street east to the center line of Chicago avenue south, extending southerly along the center line of Chicago avenue south, to the center line of Thirty-eighth street east, extending westerly along the center line of Thirty-eighth street east to the center line of Fourth avenue south, extending southerly along the center line of Fourth avenue south to the center line of Forty-second street east, extending westerly along the center line of Forty-second street east

to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the center line of Forty-eighth street east extended, extending westerly along the center line of Forty-eighth street east extended and Forty-eighth street east to the center line of Nicollet avenue south, extending southerly along the center line of Nicollet avenue south to the center line of Fifty-seventh street east, extending easterly along the center line of Fifty-seventh street east and Fifty-seventh street east extended to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the south city limits, and extending easterly, northerly, easterly, and northerly to the point of origin.

(9) The ninth council district consists of (LEGISLATIVE DISTRICTS 36 AND 38) that part of the county of Hennepin consisting of the Fort Snelling area; the city of Richfield; and that part of the city of Bloomington described as follows: commencing at the intersection of the center line of France avenue south with the north city limits, extending southerly along the center line of France avenue south to the center line of One Hundred Second street west, extending westerly along the center line of One Hundred Second Street west to the center line of Johnson avenue, extending southerly along the center line of Johnson avenue to the Minneapolis, Northfield, and Southern railroad right of way, extending southwestly along the Minneapolis, Northfield, and Southern railroad right of way to the center line of Normandale boulevard, extending southerly along the center line of Normandale boulevard to the south city limits, extending easterly, northeasterly, westerly, northerly, and westerly along the city limits to the point of origin.

(10) The tenth council district consists of (LEGISLATIVE DISTRICTS 39 AND 40) that part of the county of Hennepin consisting of the village of New Hope, the cities of Crystal and St. Louis Park; and that part of the village of Golden Valley described as follows: commencing at the intersection of the center line of trunk highway No. 100 and the north village limits, extending southerly along the center line of trunk highway No. 100 to the Minnesota Western railroad right of way, extending easterly along the Minnesota Western railroad right of way to the east city limits, extending southerly, westerly, southerly, westerly, and northerly along the village limits to the center line of Olson Memorial highway, extending easterly along the center line of Olson Memorial highway to the center line of Winnetka avenue north, extending northerly along the center line of Winnetka avenue north to the north village limits, and extending easterly along the north village limits to the point of origin.

(11) The eleventh council district consists of (LEGISLATIVE DISTRICTS 41 AND 42) that part of the county of Hennepin consisting of the villages of Edina, Medicine Lake, Minnetonka, and Plymouth; the cities of Hopkins and Wayzata; and that part of the village of Golden Valley described as follows:

commencing at the intersection of the center line of Winnetka avenue north and the north village limits, extending southerly along the center line of Winnetka avenue north to the center line of Olson Memorial highway; extending westerly along the center line of Olson Memorial highway to the west village limits, and extending northerly and easterly along the village limits to the point of origin.

(12) The twelfth council district consists of (LEGISLATIVE DISTRICTS 43 AND 44) *that part of the county of Anoka consisting of the towns of Burns, Grow, Oak Grove, and Ramsey; the villages of Bethel and St. Francis; and the city of Anoka; and that part of the county of Hennepin consisting of the town of Hassan; the villages of Corcoran, Champlin, Dayton, Greenfield, Independence, Loretto, Maple Grove, Maple Plain, Medina, Minnetrista, Osseo, Rogers, and St. Bonifacius; the cities of Brooklyn Center and Brooklyn Park; and that part of the villages of Hanover and Rockford lying in the county of Hennepin.*

(13) The thirteenth council district consists of (LEGISLATIVE DISTRICTS 45 AND 46) *that part of the county of Anoka consisting of the town of Ham Lake; the villages of East Bethel and Hilltop; the cities of Columbia Heights, Coon Rapids, and Fridley; and that part of the village of Spring Lake Park and the city of Blaine lying in Anoka county; and that part of the county of Ramsey consisting of that part of the village of Spring Lake Park and the city of Blaine lying in the county of Ramsey.*

(14) The fourteenth council district consists of (LEGISLATIVE DISTRICTS 47 AND 48) *the county of Washington; that part of the county of Anoka consisting of the towns of Columbus and Linwood; and the villages of Centerville, Circle Pines, Lexington, and Lino Lakes; that part of the county of Dakota consisting of the towns of Marshan, Nininger, and Ravenna; the city of Hastings; and that part of the county of Ramsey consisting of that part of the village of Maplewood lying south of the center line of Larpenteur avenue.*

(15) The fifteenth council district consists of *that part of the county of Dakota consisting of the towns of Castle Rock, Douglas, Egan, Empire, Eureka, Greenvale, Hampton, Randolph, Sciota, Vermillion, and Waterford; the villages of Apple Valley, Burnsville, Coates, Farmington, Hampton, Inver Grove Heights, Lilydale, Mendota, Mendota Heights, Miesville, New Trier, Randolph, Rosemount, Sunfish Lake, and Vermillion; and the cities of South St. Paul and West St. Paul.*

(16) The sixteenth council district consists of *the counties of Carver and Scott; that part of the county of Dakota consisting of the village of Lakeville; and that part of the county of Hennepin consisting of the villages of Deephaven, Eden Prairie, Excelsior, Greenwood, Long Lake, Mound, Orono, Shorewood, Spring Park, Tonka Bay, and Woodland; the city of Minnetonka*

Beach; that part of the village of Chanhassen lying in the county of Hennepin; and that part of the city of Bloomington described as follows: commencing at the intersection of the center line of France avenue south with the north city limits, extending southerly along the center line of France avenue south to the center line of One Hundred Second street west, extending westerly along the center line of One Hundred Second street west to the center line of Johnson avenue south, extending southerly along the center line of Johnson avenue south to the Minneapolis, Northfield, and Southern railroad right of way, extending southwesterly along the Minneapolis, Northfield and Southern railroad right of way to the center line of Normandale boulevard, extending southerly along the center line of Normandale boulevard to the south city limits, and extending westerly, northerly, and easterly, along the city limits to the point of origin.

Sec. 6. Minnesota Statutes 1971, Section 473B.02, Subdivision 4, is amended to read:

Subd. 4. [CHAIRMAN.] (a) [APPOINTMENT.] The chairman of the metropolitan council shall be appointed by the governor as the (15TH) 17th voting member thereof by and with the advice and consent of the senate to serve at his pleasure. He shall be a person experienced in the field of municipal and urban affairs with administrative training and executive ability.

(b) [DUTIES.] The chairman of the metropolitan council shall preside at the meetings of the metropolitan council and shall act as principal executive officer. He shall organize the work of the metropolitan council, appoint all officers and employees thereof, subject to the approval of the metropolitan council, and be responsible for carrying out all policy decisions of the metropolitan council. His salary and expense allowances shall be fixed by the metropolitan council.

Sec. 7. Minnesota Statutes 1971, Section 473B.02, Subdivision 5, is amended to read:

Subd. 5. [METROPOLITAN COUNCIL; DUTIES AND COMPENSATION.] The metropolitan council shall elect such officers as it deems necessary for the conduct of its affairs other than the chairman. A secretary and treasurer need not be members of the metropolitan council. Meeting times and places shall be fixed by the metropolitan council and special meetings may be called by a majority of the members of the metropolitan council or by the chairman thereof. Each metropolitan council member other than the chairman shall be paid a per diem compensation of (\$35) \$50 for each meeting and for such other services as (ARE SPECIFICALLY) authorized by the metropolitan council, and shall be reimbursed for his reasonable expenses.

In the performance of its duties the metropolitan council may promulgate rules governing its operation, establish committees,

divisions, departments and bureaus and staff the same as necessary to carry out its duties and when specifically authorized by law make appointments to other governmental agencies and districts. All officers and employees of the metropolitan council shall serve at the pleasure of the appointing authority in the unclassified service of the state civil service. Rules promulgated by the metropolitan council shall be in accordance with the administrative procedure provisions contained in Minnesota Statutes, Chapter 15.

Sec. 8. Minnesota Statutes 1971, Chapter 473B, is amended by adding a section to read:

[473B.021] [MEMBERSHIP, PROCEDURES, OFFICERS AND EMPLOYEES OF METROPOLITAN COMMISSIONS.]
Subdivision 1. [GENERAL.] Metropolitan commissions shall be organized, structured and administered as prescribed in this section.

Subd. 2. [MEMBERSHIP.] Each commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the metropolitan council. One member shall be appointed from each of the following precincts

- (1) Precinct A, consisting of council districts 1 and 2;*
- (2) Precinct B, consisting of council districts 3 and 14;*
- (3) Precinct C, consisting of council districts 4 and 13;*
- (4) Precinct D, consisting of council districts 5 and 6;*
- (5) Precinct E, consisting of council districts 7 and 8;*
- (6) Precinct F, consisting of council districts 9 and 11;*
- (7) Precinct G, consisting of council districts 10 and 12; and*
- (8) Precinct H, consisting of council districts 15 and 16.*

Subd. 3. [CHAIRMAN.] The chairman of each commission shall be appointed by the governor with the advice and consent of the senate and shall be the ninth voting member of the commission and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. Each commission may appoint from among its members a vice chairman to act for the chairman during his temporary absence or disability.

Subd. 4. [QUALIFICATIONS.] *Each member shall be a resident of the precinct for which he is appointed and shall not during his term of office hold the office of metropolitan council member, or be a member of another metropolitan commission or hold any judicial office. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article V, Section 8. Such oath, duly certified by the official administering the same, shall be filed with the executive director of the metropolitan council.*

Subd. 5. [TERMS, REMOVAL.] *Commencing the first Monday in January 1975 the terms of members of each commission shall be as follows: members representing precincts A, B, C, and D for terms ending the first Monday in January 1977, members representing precincts E, F, G, and H and the chairman for terms ending the first Monday in January 1979. Thereafter the term of each member and chairman shall be for a term of four years and until his successor is appointed and qualified. Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the governor.*

Members of any commission serving as of the first Monday in January 1975 shall continue to serve the precinct described in subdivision 2 in which they reside for the term herein prescribed for that precinct, provided that if more than one such member resides in the same precinct the council shall designate one of them to serve as the commission member from the precinct and the terms of the other members are thereupon terminated. The council shall appoint as members of the commission, in the manner prescribed by subdivision 2, one resident of each precinct described in said subdivision in which no present member of the commission resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the commissions serving as of the first Monday in January 1975 shall be their residence as of July 1, 1974.

Subd. 6. [VACANCIES.] *If the office of any commission member becomes vacant, the vacancy shall be filled in the same manner in which the last regular appointment for that precinct was made. An office shall be deemed vacant under the conditions specified in chapter 351.*

Subd. 7. [COMPENSATION.] *Each commission member shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive a salary in an amount fixed by the members of that commission or board and shall be reimbursed for reasonable expenses to the same extent as a member.*

Subd. 8. [REGULAR AND SPECIAL MEETINGS.] Each commission shall meet regularly at least once each month, at such time and place as the commission shall by resolution designate. Special meetings may be held at any time upon the call of the chairman or any two other members, upon written notice sent by certified mail to each member at least three days prior to the meeting, or upon such other notice as the commission may by resolution provide, or without notice if each member is present or files with the secretary a written consent to the meeting either before or after the meeting. Unless otherwise provided, any action within the authority of the commission may be taken by the affirmative vote of a majority of the members. A majority of all of the members of the commission shall constitute a quorum, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members.

Subd. 9. [PERSONNEL CODE; MERIT SYSTEM.] (a) The council shall by resolution adopt guidelines for a personnel code relating to the employees of the commissions, except that nothing in this act shall impair the rights of any commission or employee under Minnesota Statutes 1971, Sections 473A.05, Subdivision 8, and 473A.10. After adoption of the guidelines, each commission shall by resolution adopt a personnel code in general conformance therewith. The code shall include a job classification plan, procedures for employment and promotion of personnel based on merit, procedures for the demotion, suspension or discharge of employees, procedures for hearing grievances, procedures for salary administration, and such other provisions as the council deems appropriate. In addition, the code shall provide for the development by each commission of affirmative action plans, which shall be submitted for approval to the appropriate agency or office of the state. The plans shall include a yearly progress report to the agency or office. The chief administrator of each commission shall administer the code, and no commission shall take any action inconsistent with the personnel code.

(b) All employees of the commission except those expressly designated for the unclassified service, shall serve in the classified service. The unclassified service shall include: members of the commission, the chief administrator of the commission, all officers of the commission, any employee of the commission who is determined by the commission to have a confidential relationship to the commission or the council; and any employee of the commission expressly exempted from the classified service by law. Each code shall also include procedures for open competitive examinations to test the relative skill or ability of all applicants for positions in the classified service. Such examinations may consist of written or oral tests of the subjective or objective type, physical tests, and practical or demonstration tests for the evaluation of past training and experience. Oral tests may be used to test the applicant's knowledge of the position applied for or his personal fitness for the position. Where there is more than

one applicant for a position, each code shall provide for the employment of one of the three applicants best qualified for it.

(c) When a commission employee has been demoted, suspended or dismissed by the chief administrator, he may, within 30 days after such action becomes effective, file with the commission a written request for a hearing showing the position from which he was dismissed, the date of dismissal, and the reason for requesting the hearing, his full name and his present mailing address. Upon receipt of a request for a hearing the commission shall appoint three of its members to act as an appeal committee and preside at a hearing on the action of the administrator. The hearing shall be held within 30 days after the request is received by the commission, upon written notice mailed or delivered to the employee at his present mailing address, not less than seven days before the hearing. The appeal committee shall approve or disapprove the action of the administrator, and in the case of approval the action of the administrator shall be final. In the case of disapproval the appeal committee may reinstate the employee under such conditions as it deems proper, and may order the payment to the employee of compensation lost as a result of the demotion, suspension or dismissal.

Subd. 10. [SECRETARY AND TREASURER.] At its first regular meeting each year each commission shall appoint a secretary and a treasurer or, in the alternative, a secretary-treasurer. The secretary and treasurer, or secretary-treasurer, may, but need not be, members of the commission, and shall hold office at the pleasure of the commission, subject to the terms of any contract of employment which the commission may enter into with the secretary or treasurer. The secretary shall record the minutes of all meetings of the commission and shall be the custodian of all books and records of the commission except such as the commission shall entrust to the custody of a designated employee. The treasurer shall be the custodian of all moneys received by the commission except such as the commission shall entrust to the custody of a designated employee. The commission may appoint a deputy to perform any and all functions of either the secretary or the treasurer.

Subd. 11. [CHIEF ADMINISTRATOR.] The chairman of each commission shall, subject to the approval of the commission, appoint a chief administrator who shall be chosen solely on the basis of his training, experience, and other qualifications, and who shall serve at the pleasure of the commission. The administrator shall attend all meetings of the commission, but shall not vote, and shall have the following powers and duties:

(a) He shall see that all resolutions, rules, regulations, or orders of the commission are enforced.

(b) He shall appoint and remove, subject to the provisions of the personnel code adopted pursuant to subdivision 9 of this

section, upon the basis of merit and fitness, all subordinate officers and regular employees of the commission.

(c) He shall present to the commission plans, studies, and reports prepared for commission purposes and recommend to the commission for adoption such measures as he deems necessary to enforce or carry out the powers and duties of the commission, or to the efficient administration of the affairs of the commission.

(d) He shall keep the commission fully advised as to its financial condition, and he shall prepare and submit to the commission its annual budget and such other financial information as it may request.

(e) He shall recommend to the commission for adoption such rules and regulations as he deems necessary for the efficient operation of the commission's functions.

(f) He shall perform such other duties as may be prescribed by the commission.

Subd. 12. [PUBLIC EMPLOYEES.] *All persons employed by the chief administrator shall be public employees, and shall have all rights and duties conferred on public employees under sections 179.61 to 179.76. The compensation and other conditions of employment of such employees shall not be governed by any rule applicable to state employees in the classified service nor to any of the provisions of chapter 15A, unless the council so provides. All employees of the commission shall be members of the Minnesota state retirement system, except that employees, who by reason of their prior employment belonged to another public retirement association in the state of Minnesota, may at their option continue membership in that public retirement association, and all other rights to which they are entitled by contract or law. The commission shall make the employer's contributions to pension funds of its employees. Employees shall perform such duties as may be prescribed by the commission. Nothing in this act shall impair the rights of any commission or employee under Minnesota Statutes 1971, Sections 473A.05, Subdivision 8, and 473A.10.*

Subd. 13. [COMMISSION OPERATING PROCEDURES.]

(a) The commission shall adopt resolutions and bylaws, an administrative code establishing procedures for commission action keeping records, approving claims, authorizing and making disbursements, authorizing contracts, safekeeping funds and audit of all financial operations of the commission.

(b) The commission and the council may enter into contracts with each other and with other commissions and governmental units for the joint exercise of powers in the manner provided by Minnesota Statutes, Section 471.59; provided that no commis-

sion shall enter into any contract with the council which would assign any operations authority, responsibility or function, other than planning or making studies, from the commission to the council.

Subd. 14. [RELOCATION PAYMENT STANDARDS.] *In all acquisitions the commissions shall provide as a cost of acquisition the relocation assistance, services, payments and benefits required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894 (1971), 42 United States Code, Section 4601, et seq.*

Sec. 9. Minnesota Statutes 1971, Section 473B.04, is amended to read:

473B.04 [REPORTS.] On or before January 15th, of each (ODD NUMBERED) year the metropolitan council shall report to the legislature. The report shall include:

(1) A statement of the metropolitan council's receipts and expenditures by category since the preceding report;

(2) A detailed budget for the year in which the report is filed and the following year including an outline of its program for such period;

(3) An explanation of any (COMPREHENSIVE) *policy plan and other comprehensive plan* adopted in whole or in part for the metropolitan area *and the review comments of the affected commission*;

(4) Summaries of any studies and the recommendations resulting therefrom made by the metropolitan council, and a listing of all applications for federal moneys made by governmental units within the metropolitan area submitted to the metropolitan council;

(5) A listing of plans of local governmental units *and proposed matters of metropolitan significance* submitted to the metropolitan council; and

(6) Recommendations of the metropolitan council for metropolitan area legislation, including the organization and functions of the metropolitan council *and the commissions. The council shall include in its 1975 report to the legislature its recommendations for solid waste recycling facilities in the metropolitan area.*

Sec. 10. Minnesota Statutes 1971, Section 473B.06, is amended by adding a subdivision to read:

Subd. 5a. [POLICY PLANS FOR METROPOLITAN COMMISSIONS.] (1) Within 12 months after the effective date of this section, the council shall adopt after appropriate study and such public hearings as may be necessary, as a part of its development guide, long-range comprehensive policy plans for each commission and when adopted, the policy plans shall be followed by the council and the affected commissions. The plans shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council and the commissions. In preparing or amending a policy plan the council shall consult with and make maximum use of the expertise of the affected commission, and each such commission shall cooperate with and make its employees, records, studies, plans and other information available to the council. Each such policy plan shall include, to the extent appropriate to the functions covered thereby, the following:

(a) A statement of the needs of the metropolitan area with respect to the functions covered and the objective of and the policies to be forwarded by the policy plan;

(b) A general description of the physical facilities and services to be developed by the commission in performing its function;

(c) A statement as to the general location of physical facilities and service areas;

(d) A general statement of timing and priorities in the development by the commission of those physical facilities and service areas;

(e) A general statement on the level of public expenditure both capital and operating appropriate to the facilities and a statement of the relationship of the policy plan to other policy plans and chapters of the metropolitan development guide;

(f) A statement of the relationships to any current local comprehensive plans and any related development programs on file with the council;

(g) Such additional general information as may be necessary to develop the policy plan or as may be required by the laws relating to the commission and function covered by the policy plan; and

(h) A general statement relating to future population, employment levels, and land use in the metropolitan area and in the individual local governmental units located therein, including population densities and anticipated rates of change in such densities.

(2) Before adopting a policy plan, the council shall submit the proposed plan to the affected commission for its review, and the commission shall report its comments to the council within 60 days and may, within that period request the council to hold a special public hearing for the purpose of receiving the commission's report and comments. Within 60 days after the submission of the proposed plan to the commission, any local governmental unit may request a public hearing for the purpose of receiving testimony from local governmental units and the general public concerning the proposed policy plan prior to the adoption of a policy plan. Within a reasonable time, not to exceed 60 days, after receiving a request for a hearing, the council shall hold a public hearing on the proposed policy plan at such time and place in the metropolitan area as it shall determine. Not less than 15 days before the hearing, the council shall publish notice thereof in a newspaper or newspapers having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed policy plan and commission comments may be examined by any interested person. At any hearing interested persons shall be permitted to present their views on the policy plan, and the hearing may be continued from time to time. After receipt of the commission's report and such hearing, if any, the council may revise the proposed plan giving appropriate consideration to all comments received, and thereafter shall adopt the plan by resolution. An amendment to a policy plan may be initiated by the council or by an affected commission. At least every four years the council shall engage in a comprehensive review of the policy plan. Development guide sections, comprehensive plans, capital improvement programs and other plans in substantial conformance with the requirements of clause (1) which have been adopted by the council pursuant to Minnesota Statutes, Chapters 473A, 473B and 473C, shall continue in force and effect until expressly superseded by a policy plan adopted pursuant to this subdivision. The council shall not amend a policy plan except in accordance with the procedures herein established.

Sec. 11. Minnesota Statutes 1971, Section 473A.06, is amended by adding a subdivision to read:

Subd. 14. [LOCAL PLANNING ASSISTANCE.] The metropolitan council may, at the request of local governmental units, enter into contracts or make other arrangements with local governmental units and others for the provision of services for and assistance with comprehensive community planning. This may include:

(a) Assistance in the preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities together with long-range fiscal plans for such development;

(b) *Programming of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program;*

(c) *Coordination of all related plans of the departments or subdivision of the government concerned;*

(d) *Intergovernmental coordination of all related planned activities among the state and local governmental agencies concerned; and*

(e) *Preparation of regulatory and administrative measures in support of the foregoing.*

Sec. 12. Minnesota Statutes 1971, Chapter 473B, is amended by adding a section to read:

[473B.061] [REVIEW BY COUNCIL.] Subdivision 1. [METROPOLITAN SIGNIFICANCE.] *Within 12 months following the enactment of this section, the council shall adopt regulations pursuant to the administrative procedures act, Minnesota Statutes, Chapter 15, establishing standards and guidelines for determining whether any proposed matter is of metropolitan significance, and establishing a procedure for the review of all proposed matters required to be considered and reviewed by the council. These regulations shall take effect on July 1, 1975. The purpose of these regulations shall be to promote the orderly and economic development, public and private, of the metropolitan area. The metropolitan council shall submit the regulations adopted pursuant to this section to the session of the legislature in 1975 for approval. The council shall establish an advisory committee, consisting of elected officials of local governmental units and representing all council districts equally, to provide advice and make recommendations in the preparation of these regulations and may thereafter review and make recommendations to the council concerning the metropolitan significance of any proposed matter considered by the council. The regulations adopted shall provide for a public hearing prior to the determination that an action is of metropolitan significance.*

Subd. 2. [REGULATIONS.] (a) *In developing the above regulations establishing standards and guidelines for determining metropolitan significance the council and the committee shall give consideration to all factors deemed relevant to that determination including the following:*

(1) *The impact a proposed matter will have on the orderly, economic development, public and private, of the metropolitan area and its consistency with the development guide;*

(2) *The relationship a proposed matter will have to the policy statement goals, standards, programs and other applicable provisions of the development guide;*

(3) *The impact a proposed matter will have on policy plans adopted by the council and on development programs and functions performed and to be performed by the commission;*

(4) *Functions of municipal governments in respect to control of land use as provided for under the municipal planning act;*

(5) *Such other factors as are deemed relevant.*

(b) *The regulations establishing a procedure for the review of proposed matters shall include, among other provisions, the following:*

(1) *No applicant shall be required to submit a proposed matter for review more than once unless it is materially altered.*

(2) *The council shall be empowered to suspend action on a proposed matter for a period not to exceed 12 months following the issuance of its recommendation or determination.*

(3) *The council's recommendation or determination concerning a proposed matter, including the determination as to its metropolitan significance, shall be issued within 90 days following its receipt of an adequately supported and documented proposal.*

(4) *The council shall be required to review a proposed matter upon request of an affected local governmental unit or metropolitan commission. The regulations shall include a procedure for review of a proposed matter upon petition by a specified number of residents of the metropolitan area.*

(5) *The council shall be empowered to review all proposed matters of metropolitan significance regardless of whether the council has received a request from an affected body to conduct that review.*

(6) *The council shall review all proposed matters determined to be of metropolitan significance as to their consistency with the comprehensive development guide and, if appropriate, an applicable policy plan.*

(7) *Any major alteration or amendment to the regulations adopted by the council shall be developed and promulgated by the council in the same manner as the original regulations.*

(8) *Previously approved policy plans and development programs and areas of operational authority of the metropolitan*

commissions shall not be subject to review under this section, except as specifically provided in paragraphs (b) and (c) of subdivision 3.

(c) Once the development of all of the regulations has been completed by the council and the committee, and no later than 30 days prior to the date specified for their adoption, the council shall hold a public hearing for the purpose of considering the developed regulations and receiving comments and recommendations thereon. Notice of the hearing, containing the developed regulations and such other comments as are deemed appropriate, shall be published in a newspaper or newspapers circulated throughout the metropolitan area and mailed to all state agencies and all local governmental units which may be affected by these regulations no later than 30 days prior to the hearing. Following the hearing, the council may revise the proposed regulations, giving consideration to all comments received, and thereafter the council shall finally adopt these regulations.

Subd. 3. [COUNCIL REVIEW; METROPOLITAN SIGNIFICANCE; APPLICATIONS FOR FEDERAL AND STATE AID.] *The council shall review the following matters, applications, and plans proposed for or with respect to the metropolitan area in accordance with the regulations to be adopted and the provisions of any other relevant statute.*

(a) All proposed matters of metropolitan significance to be undertaken by any private organization, independent commission, board or agency, local governmental unit, or any state agency.

(b) All applications of a metropolitan commission, independent commission, board or agency, and local governmental units for funds, grants, loans or loan guarantees from the United States of America or agencies thereof submitted in connection with proposed matters of metropolitan significance, all other applications by commissions and local governmental units for grants, loans, or loan guarantees from the United States of America or any agency thereof if review by a regional agency is required by federal law or the federal agency, and all applications of the commissions for grants, loans, or allocations from funds made available by the United States of America to the metropolitan area for regional facilities pursuant to a federal revenue sharing or similar program requiring that the funds be received and granted or allocated or that the grants and allocations be approved by a regional agency.

(c) All applications or requests of a metropolitan commission, independent commission, board or agency, and local governmental units for state funds allocated or granted for proposed matters of metropolitan significance, and all other applications by metropolitan commissions, independent commissions, boards, agencies, and local governmental units for state funds if review

by a regional agency is required by state law or the granting state agency.

Subd. 4. [COUNCIL REVIEW; COMPREHENSIVE PLANS, LAND USE PLANS.] Each city, town, and county all or part of which lies within the metropolitan area, shall submit to the metropolitan council for written comment and recommendation thereon its proposed long-term comprehensive plans, including but not limited to plans for land use. The proposed plans shall be submitted to the council after their approval by the planning commission of the local government unit and before final approval by the governing body of the city, town or county. The council shall maintain such plans in its files available for inspection by members of the public. No local government action shall be taken to place any such plan or part thereof into effect until 90 days have elapsed after its submission to the council. Promptly after submission, the council shall notify each city, town, county, or special district which may be affected by the plans submitted, of the general nature of the plans, the date of submission, and the identity of the submitting unit. Political subdivisions contiguous to the submitting unit shall be notified in all cases. Within 30 days after receipt of such notice any governmental unit so notified or the local governmental unit submitting the plan may request the council to conduct a hearing at which the submitting unit and any other governmental unit or subdivision may present its views. The council may attempt to mediate and resolve differences of opinion which exist among the participants in the hearing with respect to the plans submitted. If within 90 days the council fails to complete its written comments and recommendations the plans shall be deemed approved and may be placed into effect. Any major alteration to a plan subsequent to the council's review shall be submitted to and acted upon by the council in the same manner as the original plan. The written comments and recommendations of the council shall be filed with the plan of the local government unit at all places where the plan is required by law to be kept on file.

Sec. 13. Minnesota Statutes 1971, Chapter 473B, is amended by adding a section to read:

[473B.062] [DEVELOPMENT PROGRAMS OF COMMISSIONS.] **Subdivision 1. [PREPARATION OF DEVELOPMENT PROGRAMS.]** Each metropolitan commission shall prepare a development program covering the detailed technical planning, engineering, financing, scheduling and other information necessary to the development of the program elements to be performed by the commission in implementing the policy plan adopted by the council pursuant to section 10 of this article. The program may include such other technical information as the commission deems necessary. The program shall prescribe and delineate the functions to be performed and activities to be undertaken by the commission and shall cover at least the five year period commencing with the first calendar year beginning after

its approval or such longer period as the council may prescribe. The program shall describe all capital improvements to be undertaken in such period and with respect to each improvement shall include the following:

(a) A description of the improvement, its location, function and estimated cost;

(b) The proposed manner of financing the capital costs of the improvement, and the sources of revenue available for payment of such costs;

(c) A schedule showing on a yearly basis the timing of land acquisition, construction and capital expenditures for the improvements;

(d) A review and description of the public need for the improvement, alternatives to the improvement, (including alternatives not involving capital expenditures), the environmental and social effects of the improvement and all actions and steps theretofore taken by the commission with respect to the improvement;

(e) An estimate of the probable impact of the improvement on the responsibilities of the other metropolitan commissions;

(f) An estimate of the annual operating costs of the improvement and the sources of revenue available for payment of such costs;

(g) An evaluation of the relative priority of the improvement taking into consideration other capital improvements described in the program;

(h) Each program shall include such additional information as the council or commission may deem appropriate.

Upon a request from any local governmental unit, the commission shall hold a public hearing for the purpose of receiving testimony from local governmental units and the public prior to submission to the council as provided in subdivision 2 of this section.

Subd. 2. [SUBMISSION TO AND APPROVAL BY COUNCIL.] The development program prepared by the commission shall be submitted to the council for review and approval or disapproval. The council shall complete its review within 90 days after receipt of the proposed development program. If the council determines that the program is consistent with the policy plan it shall approve the program as submitted. If it determines that the program is inconsistent with the policy plan, it shall disapprove it and return it to the submitting commission with comments and the commission shall make appropriate revisions in the program and resubmit it to the council for review and ap-

proval or disapproval. Before approving a program or returning it to the submitting commission, the council shall hold a public hearing for the purpose of considering the program and the council's comments thereon, if requested to do so by the affected commission. The council may approve or disapprove a development program in whole or in part. Within two years of the approval of its first development program by the council and at least biennially thereafter each commission shall review the program, make such revisions as are necessary, including an updating of the five year capital improvement program, and submit the program to the council for its review and approval or disapproval as herein provided.

Subd. 3. [EFFECT OF DEVELOPMENT PROGRAM.] After approval by the council of a development program the commission shall implement the program. No capital improvements shall be undertaken by the commission unless authorized by the program or specifically approved by the council. The council shall not approve any improvement not in substantial conformance with the appropriate policy plan.

Sec. 14. Minnesota Statutes 1971, Chapter 473B, is amended by adding a section to read:

[473B.063] [METROPOLITAN COMMISSION BUDGET PREPARATION; REVIEW AND APPROVAL.] Subdivision 1. Each metropolitan commission shall prepare a proposed budget for calendar year 1976 and each calendar year thereafter. The proposed budget shall be prepared on or before August 1, 1975 and each year thereafter. The budget shall show for each such year:

(a) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service; and

(b) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year; all in such detail and form as the council may prescribe. Between August 1 and September 1 of each year, the commission shall hold a public hearing on the proposed budget. Not less than 14 days before the hearing, the commission shall publish notice thereof in a newspaper having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed budget may be examined by any interested person. Those parts of the budget relating to revenues and expenditures for capital improvements shall be submitted to the council on or before August 1 of each year and shall be subject to approval by the council. The council shall act to approve or disapprove by October 1 of each year. Before December 15 of each year the com-

mission, after obtaining approval of the council for any changes in the capital improvements budget, shall by resolution adopt a final budget. Each commission shall file its final budget with the council on or before December 20 of each year. Except in an emergency, for which procedures shall be established by the commission, the commission and its officers, agents and employees shall not spend money for any purpose, other than debt service, without an appropriation by the commission or in excess of the amount appropriated therefor, and no obligation to make such an expenditure shall be enforceable except as the obligation of the person or persons incurring it. The creation of any debt obligation or the receipt of any federal or state grant is a sufficient appropriation of the proceeds for the purpose for which it is authorized, and of the tax or other revenues pledged to pay the obligation and interest on it whether or not specifically included in any annual budget. The commission may, after obtaining approval of the council, amend the capital improvements budget at any time by transferring any appropriation from one purpose to another, except appropriations of the proceeds of bonds issued for a specific purpose. The council shall file the budgets of all commissions with the secretary of the senate and the clerk of the house of representatives not later than January 15 of each year.

Subd. 2. [PROGRAM BUDGETING.] The council may in consultation with the commissions adopt regulations providing for program budgeting, as defined in section 16.141, subdivision 1, by each of the commissions. Upon adoption of such regulations, each commission shall submit program budgets to the council in the form established by the regulations, subject to the provisions of subdivision 1 of this section. Within three years after the effective date of this article, the council and all commissions shall adopt budgets in program budget form.

Subd. 3. [REVIEW OF USER CHARGES.] Thirty days prior to the establishment of or change in any user charges or fees or schedule of user charges or fees the commission shall forthwith submit proposed charges or fees or schedule to the council. The council shall review and comment upon the charges, fees, or schedule with particular reference to (1) their consistency with the development guide and policy plan, and (2) their fiscal impact on the metropolitan area, especially their impact on future debt service requirements, the financing of future capital improvements, and on the various local governmental units and classes of users. Upon a request from any local governmental unit, the council shall hold a public hearing for the purpose of receiving testimony from local governmental units and the public prior to commenting upon the establishment or change in any user charges, fees, or schedules. On or before January 15 of each year, the council shall transmit the charges, user fees or schedules of all commissions and its comments thereon to the secretary of the senate and chief clerk of the house of representatives.

Sec. 15. [REPEALER.] Minnesota Statutes 1971, Section 473B.06, Subdivisions 7 and 8, are repealed.

ARTICLE II

METROPOLITAN WASTE CONTROL COMMISSION

Section 1. Minnesota Statutes 1971, Section 473D.02, Subdivision 9, is amended to read:

Subd. 9. "Solid waste" means garbage, refuse and other discarded solid materials, including solid waste materials *and waste sludges* resulting from industrial, commercial and agricultural operations, and from community activities, but does not include earthen fill, boulders, broken rock (AND OTHER MATERIALS NORMALLY HANDLED IN CONSTRUCTION OPERATIONS), solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

Sec. 2. Minnesota Statutes 1971, Section 473C.03, Subdivision 1, is amended to read:

473C.03 [METROPOLITAN WASTE CONTROL COMMISSION.] Subdivision 1. [ESTABLISHMENT; APPOINTMENTS.] A metropolitan (SEWER SERVICE BOARD) *waste control commission* is established (AS AN AGENCY OF THE COUNCIL COMPRISED OF NOT FEWER THAN SEVEN MEMBERS WHO SHALL BE APPOINTED BY THE METROPOLITAN COUNCIL AS HEREINAFTER PROVIDED. THE COUNCIL SHALL COMBINE THE COUNCIL DISTRICTS INTO PRECINCTS, EACH COMPRISED OF AT LEAST TWO CONTIGUOUS COUNCIL DISTRICTS, AND SHALL THEN APPOINT ONE BOARD MEMBER FOR EACH PRECINCT. IF THE BOUNDARIES OF THE COUNCIL DISTRICTS ARE AT ANY TIME RELOCATED, THE BOUNDARIES OF THE PRECINCTS SHALL ALSO BE RELOCATED. NOT MORE THAN HALF OF THE BOARD MEMBERS MAY BE APPOINTED FROM AMONG THE RESIDENTS OF ANY ONE SEWER SERVICE AREA ESTABLISHED PURSUANT TO SECTION 473C.08) *and shall be organized, structured and administered as provided in chapter 473B, sections 1 to 14 of article I.*

Sec. 3. Minnesota Statutes 1971, Section 473C.06, Subdivision 3, is amended to read:

Subd. 3. [MUNICIPAL PLANS AND PROGRAMS.] As soon as practicable after the adoption of the first (COMPREHENSIVE) *policy* plan by the council as provided in (SUBDI-

VISION 1) *article I, section 10*, and before undertaking the construction of any extensions or additions to its disposal system or the substantial alteration or improvement of its existing disposal system, each local government unit shall adopt a similar (COMPREHENSIVE) *policy* plan for the collection, treatment and disposal of sewage for which the local government unit is responsible, coordinated with the council's plan, and may revise the same as often as it deems necessary. Each such plan shall be submitted forthwith to the (SEWER SERVICE BOARD) *waste control commission* for review and shall be subject to the approval of the (BOARD) *commission* as to those features affecting the (BOARD'S) *commission's* responsibilities as determined by the (BOARD) *commission*. Any such features disapproved by the (BOARD) *commission* shall be modified in accordance with the (BOARD'S) *commission's* recommendations. No construction of new sewers or other disposal facilities, and no substantial alteration or improvement of any existing sewers or other disposal facilities involving such features, shall be undertaken by any local government unit unless its governing body shall first find the same to be in accordance with its comprehensive plan and program as approved by the (BOARD) *commission*. *At the time each local government unit makes application to the agency for a permit to alter or improve its disposal system it shall file with the commission a copy of the application together with design data and a location map of the project.*

Sec. 4. Minnesota Statutes 1971, Section 473C.10, is amended to read:

473C.10 [WASTE CONTROL COMMISSION BUDGET.] The (SEWER SERVICE BOARD) *waste control commission* shall prepare (AND) , submit to the council (FOR APPROVAL ON OR BEFORE SEPTEMBER 1 IN 1969 AND EACH YEAR THEREAFTER, A BUDGET SHOWING, FOR THE FOLLOWING CALENDAR YEAR OR OTHER FISCAL YEAR DETERMINED BY THE COUNCIL, ESTIMATED RECEIPTS OF MONEY FROM ALL SOURCES INCLUDING BUT NOT LIMITED TO PAYMENTS BY EACH LOCAL GOVERNMENT UNIT, FEDERAL OR STATE GRANTS, TAXES ON PROPERTY, AND FUNDS ON HAND AT THE BEGINNING OF THE YEAR, AND ESTIMATED EXPENDITURES FOR COSTS OF (A) OPERATION, ADMINISTRATION, AND MAINTENANCE OF THE METROPOLITAN DISPOSAL SYSTEM, INCLUDING CREDITS TO EACH LOCAL GOVERNMENT UNIT UNDER SECTION 473C.05, SUBDIVISION 4, AND DEFERMENTS UNDER SECTION 473C.08, SUBDIVISION 7, (B) ACQUISITION AND BETTERMENT OF TREATMENT WORKS AND INTERCEPTORS, AND (C) DEBT SERVICE, INCLUDING PRINCIPAL AND INTEREST ON GENERAL OBLIGATION BONDS AND CERTIFICATES ISSUED PURSUANT TO SECTION 473C.12, OBLIGATIONS ASSUMED UNDER SECTION 473C.05, SUBDIVISIONS 2 AND 3, AND ANY MONEY JUDGMENT ENTERED BY A

COURT OF COMPETENT JURISDICTION. APPROPRIATIONS FOR PURPOSES WITHIN THESE GENERAL CATEGORIES SHALL BE ITEMIZED IN SUCH DETAIL AS THE COUNCIL SHALL PRESCRIBE. THE BOARD AND ITS OFFICERS, AGENTS AND EMPLOYEES SHALL NOT SPEND MONEY FOR ANY PURPOSE, OTHER THAN DEBT SERVICE, WITHOUT AN APPROPRIATION OR IN EXCESS OF THE AMOUNT APPROPRIATED THEREFOR, AND NO OBLIGATION TO MAKE SUCH AN EXPENDITURE SHALL BE ENFORCEABLE EXCEPT AS THE OBLIGATION OF THE PERSON OR PERSONS INCURRING IT. THE CREATION OF ANY DEBT OBLIGATION OR THE RECEIPT OF ANY FEDERAL OR STATE GRANT IS A SUFFICIENT APPROPRIATION OF THE PROCEEDS FOR THE PURPOSE FOR WHICH IT IS AUTHORIZED, AND OF THE TAX OR OTHER REVENUES PLEDGED TO PAY THE OBLIGATION AND INTEREST ON IT, WHETHER OR NOT SPECIFICALLY INCLUDED IN ANY ANNUAL BUDGET. THE COUNCIL MAY, AT THE BOARD'S REQUEST, AMEND THE BUDGET AT ANY TIME BY TRANSFERRING FROM ONE PURPOSE TO ANOTHER ANY APPROPRIATION EXCEPT APPROPRIATIONS OF BOND PROCEEDS AND OF MONEY FOR DEBT SERVICE) *and adopt a budget at the time and in the manner provided in and otherwise comply with article I, section 14.*

Sec. 5. Minnesota Statutes 1971, Section 473C.16, Subdivision 3, is amended to read:

Subd. 3. The (BOARD) *commission* shall prepare and submit to the council for (APPROVAL) *review and comment*, plans and specifications for the acquisition or betterment of interceptors or treatment works authorized by the council's (COMPREHENSIVE) *policy plan and the commission's development program*, and after (APPROVAL) *review and comment* by the council, and approval by the agency if required, may advertise for bids for all work and materials called for by such plans and specifications, and award a contract to the lowest responsible bidder.

Sec. 6. Minnesota Statutes 1971, Section 473C.18, is amended to read:

473C.18 [RELATION TO EXISTING LAWS.] The provisions of sections 473C.01 to 473C.17 *and article I of this act* shall be given full effect notwithstanding the provisions of any law not consistent therewith (, INCLUDING BUT NOT LIMITED TO SECTION 473B.06, SUBDIVISION 6). The powers conferred on the council and the (BOARD) *commission* under sections 473C.01 to 473C.17 shall in no way diminish or supersede the powers conferred on the agency by chapters 115 and 116.

Sec. 7. [REVISOR DUTIES.] In the next edition of Minnesota Statutes, the revisor of statutes shall make such changes in terminology as may be necessary to reflect the change of name made by this article.

Sec. 8. [REPEALER.] Minnesota Statutes 1971, Sections 473C.03, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 473C.04; 473C.06, Subdivisions 1 and 2, are repealed.

ARTICLE III

THE METROPOLITAN TRANSIT COMMISSION

Section 1. Minnesota Statutes 1971, Section 473A.01, Subdivision 2, is amended to read:

Subd. 2. "Metropolitan transit area" or "transit area" or "area" or "MTA" means the (TWIN CITIES) metropolitan (PUBLIC) transit area hereinafter established.

Sec. 2. Minnesota Statutes 1971, Section 473A.01, Subdivision 3, is amended to read:

Subd. 3. "Metropolitan transit commission" or "transit commission" or "commission" means the (TWIN CITIES AREA) metropolitan transit commission hereinafter created.

Sec. 3. Minnesota Statutes 1971, Section 473A.01, is amended by adding a subdivision to read:

Subd. 12. "Metropolitan council" or "council" means the metropolitan council created by Minnesota Statutes 1971, Section 473B.02.

Sec. 4. Minnesota Statutes 1971, Section 473A.02, is amended to read:

473A.02 [LEGISLATIVE DETERMINATION, POLICY AND PURPOSE.] The legislature finds and determines that nearly half the people of the state live in the metropolitan transit area hereinafter established. The population of that area is growing faster than in any other area of the state, and it is continually visited by large numbers of people from other parts of the state, resulting in a heavy and steadily increasing concentration of resident and transient population and creating serious problems of public transit and public highway traffic in the area. The present public transit systems in the area consist largely of bus lines using the public highways and streets. These systems are inadequate to meet the needs for public transit in the area. A major part of the transportation of people in the area is provided by private motor vehicles. All of the foregoing adds heavily to

the traffic load on the state highways which constitute the main routes of travel to, from, and through the area, aggravating the congestion and danger of accidents thereon, polluting the surrounding air, intensifying the wear and tear on those highways and streets, increasing the cost of maintenance thereof, and the number, size, and cost of new highways that must be constructed in the area. These effects will progressively grow worse as the population of the area increases, imposing serious handicaps on the business, industry, property development, recreation, and other beneficial activities of the residents of the area and visitors thereto, and causing severe and widespread harm to the public health, safety and welfare of the area and the entire state. It is beyond the capacity of the present operators of public transit systems and other existing public and private agencies unassisted to make adequate provision for public transit in the area or for dealing effectively with the aforesaid problems and conditions therein. The legislature therefore declares as the public policy of the state that for the protection and advancement of the public health, safety, and welfare of the metropolitan transit area and the entire state, and in order to provide for adequate public transit within the area, reduce the traffic congestion and hazards on the state and other highways and streets therein, and relieve the other harmful conditions aforesaid, there is urgent need for the establishment of that area as herein defined, for the creation of a metropolitan transit commission therefor with the powers and duties herein prescribed, *for the implementation of a comprehensive transportation policy plan for the area and for the other measures herein provided for.*

Sec. 5. Minnesota Statutes 1971, Section 473A.03, is amended to read:

473A.03 [METROPOLITAN TRANSIT AREA, ESTABLISHMENT.] There is hereby established a (TWIN CITIES) metropolitan (PUBLIC) transit area comprising the counties of Hennepin, Ramsey, Anoka, Washington, Dakota, Scott, and Carver.

Sec. 6. Minnesota Statutes 1971, Section 473A.04, Subdivision 1, is amended to read:

473A.04 [METROPOLITAN TRANSIT COMMISSION.] Subdivision 1. [COMMISSION; CREATION AND COMPOSITION.] There is hereby created a (TWIN CITIES AREA) metropolitan transit commission for the *metropolitan area*, composed of nine members, herein called commissioners(, *SELECTED AND SERVING AS HEREINAFTER PROVIDED*) or *members, which commission shall be organized, structured and administered as provided in this chapter and article I of this act.*

Sec. 7. Minnesota Statutes 1971, Section 473A.05, Subdivision 10, is amended to read:

Subd. 10. [COMMISSION BUDGET; APPROVAL THEREOF.] (DURING THE MONTH OF JUNE IN EACH YEAR, THE COMMISSION SHALL AT ITS REGULAR MEETING ESTABLISH A BUDGET CONSISTING OF AN OPERATING EXPENSE BUDGET FOR THE CURRENT FISCAL YEAR, A CAPITAL EXPENSE BUDGET FOR THE CURRENT FISCAL YEAR, AND A CAPITAL IMPROVEMENT PROGRAM FOR THE FIVE FISCAL YEARS PAST THE CURRENT FISCAL YEAR. THE CAPITAL EXPENSE BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM SHALL BE SUBMITTED TO THE METROPOLITAN COUNCIL FOR ITS APPROVAL OR DISAPPROVAL AND COMMENT WHICH SHALL BE GIVEN WITHIN 60 DAYS AFTER SUBMISSION. THE ABSENCE OF SUCH APPROVAL OR COMMENT AS TO THE ITEMS CONTAINED THEREIN SHALL CONSTITUTE APPROVAL OF SUCH ITEMS. IF CIRCUMSTANCES REQUIRE A SIGNIFICANT CHANGE IN THE BUDGET OR PROGRAM, THE COMMISSION SHALL SUBMIT THE MATTER TO THE COUNCIL FOR ITS APPROVAL WITHIN 30 DAYS UPON THE ABOVE TERMS.)

(THE COMMISSION AND THE COUNCIL SHALL COOPERATE IN SUCH MANNER AND PROVIDE SUCH INFORMATION SO AS TO MAKE POSSIBLE MEANINGFUL EVALUATION OF THESE ITEMS AND OF THE COMMENTS THEREON IN IMPLEMENTATION OF THE PURPOSES OF MINNESOTA STATUTES 1967, SECTION 473B.06). *The commission shall prepare, submit and adopt a budget in the manner provided in, and otherwise comply with, the provisions of article I, section 14 of this act.*

Sec. 8. Minnesota Statutes 1971, Chapter 473A, is amended by adding a section to read:

[473A.051] [TRANSPORTATION POLICY PLANS, FEDERAL PROGRAMS.] *Subdivision 1. [TRANSPORTATION POLICY PLAN.] The council shall adopt a transportation policy plan as a part of its comprehensive development guide as in article I, section 10 hereof, which shall include policies, relating to all transportation forms. The plan shall be designed to promote the legislative determinations, policies and purposes set forth in section 4 of this article to the end of providing the area an integrated and efficient transportation system. In addition to the requirements of article I, section 10 of this act regarding the use of the expertise of the commission, the state highway department and affected counties and municipalities may provide such technical assistance as may be requested by the council.*

Subd. 2. The metropolitan council shall be the designated planning agency for any long-range comprehensive transportation planning required by Section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and

such other federal transportation laws as may hereinafter be enacted. The council shall assure administration and coordination of transportation planning with appropriate state, regional and other agencies, counties, and municipalities, and together with the commission shall establish such an advisory body consisting of citizen representatives, commission, municipality, county and appropriate state agency representatives in fulfillment of the planning responsibilities of the council and the commission.

Subd. 3. [FEDERAL AID.] For the purposes of this subdivision the term "governmental subdivision" includes municipalities, counties and other political subdivisions generally. If federal aid for transportation programs and projects is otherwise unavailable to an existing agency or governmental subdivision, the metropolitan council may cooperate with the government of the United States and any agency or department thereof and the affected agency or other governmental subdivision in establishing metropolitan area eligibility to receive federal aid and may comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon such projects as are proposed for federal assistance. If necessary to meet federal requirements, the council and the commission may be considered a single eligible unit to carry out their respective responsibilities. The metropolitan council may accept federal aid and other aid, either public or private, for and in behalf of the metropolitan area or any governmental subdivision of the state, for transportation programs and projects within the metropolitan area upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and is authorized to act as agent of any governmental subdivision of the state with jurisdiction in the metropolitan area upon request of such subdivision in accepting the aid in its behalf for such programs or projects financed either in whole or in part by federal aid. The governing body of any such subdivision is authorized to designate the metropolitan council as its agent for such purposes and to enter into an agreement with the council prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations. The metropolitan council is authorized to designate an appropriate state agency as its agent for such purposes and to enter into an agreement with such agency prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations.

Nothing contained herein shall limit any separate authority of agencies or governmental subdivisions of the state to contract for and receive federal aid.

Sec. 9. Minnesota Statutes 1971, Section 473A.06, is amended by adding a subdivision to read:

Subd. 1a. [DEVELOPMENT PROGRAM.] The commission shall prepare and submit in the manner provided in and satisfying the requirements of article I, section 13 of this act, a transportation development program, providing for the implementation of the policy plan adopted by the council. In preparing the program, the commission shall consult with counties and municipalities in the metropolitan area, the state highway department and the state planning agency, and for that purpose may create such advisory committees as may be necessary.

Such program shall provide for coordination of routes and operations of all publicly and privately owned transportation facilities within the area to the end that combined efficient and rapid transportation may be provided for the use of the public in the entire area. The commission may designate a segment of the system planned as a pilot or demonstration transportation project using, without limitation, new technology including airborne systems, or traditional systems of evolved or modern form. The transportation development program shall include the general alignment and profile, approximate points of access, facility classification, approximate cost, relation to other existing and planned transportation routes and facilities, and a statement of the expected general effect on present and future use of the property within the corridor. The program shall be accompanied with a statement of need for the proposed construction or improvement, a description of alternate routes which were considered, and an explanation of the advantages and disadvantages in the selection of any route considered. The transportation development program shall also contain a description of the type of right of way or routes required; the type of transit service to be provided in each portion of the system; designation of transit mode; and appropriate general operating criteria. The program may include such other information as the council or the commission deems necessary.

Sec. 10. Minnesota Statutes 1971, Section 473A.05, is amended by adding a subdivision to read:

Subd. 11. [APPROVAL OF HIGHWAY PROJECTS.] Before acquiring land for or constructing a controlled access highway in the area, hereinafter a project, the state highway department or local government unit proposing such acquisition or construction shall submit to the council a statement describing the proposed project. The statement shall be in the form and detail required by the council. Immediately upon receipt of the statement, the council shall transmit a copy to the commission, which shall review and evaluate the project in relationship to the development program and report its recommendations and comments to the council. The council shall also review the statement to ascertain its consistency with its policy plan and the development guide. No such project may be undertaken unless the council determines that it is consistent with the policy plan and development program. This approval shall be in addition to the requirements of any other statute, ordinance or regulation.

Sec. 11. Minnesota Statutes 1971, Section 473A.16, is amended to read:

473A.16 [ACT EXCLUSIVE.] The exercise by the commission of the powers provided in sections 473A.01 to 473A.18 shall not be subject to regulation by or the jurisdiction or control of any other public body or agency, either state, county, or municipal, except as specifically provided in sections 473A.01 to 473A.18, (AND FURTHER EXCEPT THAT IN THE EVENT A PUBLIC BODY OR AGENCY SHALL BE CREATED TO EXERCISE THE POWERS OF THE COMMISSION AS PROVIDED IN SECTIONS 473A.01 TO 473A.18, SUCH POWERS SHALL BE EXERCISED BY SUCH OTHER PUBLIC BODY OR AGENCY) *and article I of this act.*

Sec. 12. Minnesota Statutes 1971, Section 473A.18, is amended to read:

473A.18 [CITATION.] Sections 473A.01 to 473A.18 may be cited as the (TWIN CITIES AREA METROPOLITAN TRANSIT COMMISSION ACT OF 1967) *metropolitan transit commission act of 1974.*

Sec. 13. [REPEALER.] Minnesota Statutes 1971, Sections 473A.04, Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; 473A.05, Subdivisions 1, 2, 3, 4, 5 and 6; 473A.06, Subdivision 1; and 473A.065 are repealed.

ARTICLE IV

Section 1. [METROPOLITAN REORGANIZATION ACT OF 1974; CITATION.] This act shall be known and may be cited as the Metropolitan Reorganization Act of 1974.

Sec. 2. [EFFECTIVE DATE.] Except for article I, sections 10, 11 and 12 which are effective on the day following final enactment, this act is effective January 1, 1975."

Further, amend by striking the title and inserting in lieu thereof:

"A bill for an act relating to metropolitan government; prescribing powers and duties for the metropolitan council; establishing the metropolitan waste control commission and prescribing powers and duties; prescribing powers and duties of the metropolitan transit commission; amending Minnesota Statutes 1971, Chapters 473A, by adding a section and 473B, by adding sections; Section 473A.01, Subdivisions 2 and 3 and by adding a subdivision; 473A.02; 473A.03; 473A.04, Subdivision 1; 473A.05, Subdivision 10 and by adding a subdivision; 473A.06, by adding a subdivision; 473A.16; 473A.18; 473B.01, Subdivision 3; 473B.02, Subdivisions 1, 2, 4, and 5; 473B.04; 473B.06, by adding subdivisions; 473C.03, Subdivision 1; 473C.06, Subdivi-

sion 3; 473C.10; 473C.16, Subdivision 3; 473C.18; and 473D.02, Subdivision 9; repealing Minnesota Statutes 1971, Section 473A.04, Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; 473A.05, Subdivisions 1, 2, 3, 4, 5 and 6; 473A.06, Subdivision 1; 473A.065; 473B.06, Subdivisions 7 and 8; 473C.03, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 473C.04 and 473C.06, Subdivisions 1 and 2."

We request adoption of this report and repassage of the bill in accordance therewith.

House Conferees: TOM BERG, ROBERT C. BELL, RICHARD J. MENKE, FRED C. NORTON, and JOHN J. SALCHERT.

Senate Conferees: ROBERT NORTH, JOHN C. CHENOWETH, HUBERT H. HUMPHREY, III, WILLIAM G. KIRCHNER, and HARMON T. OGDahl.

Berg moved that the report of the Conference Committee on H. F. No. 636 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 636, A bill for an act relating to establishing a metropolitan transportation commission; assumption by commission of Twin City area metropolitan transit commission powers; granting authority to commission to approve highway designs and locations; establishing budget procedure; amending Minnesota Statutes 1971, Chapter 473A, by adding sections; and Sections 473A.01, Subdivisions 2 and 3, and by adding a subdivision; 473A.02; 473A.03; 473A.04, by adding subdivisions; 473A.05, Subdivision 10, and by adding a subdivision; 473A.16; 473A.18; repealing Minnesota Statutes 1971, Sections 473A.04, Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14; 473A.06, Subdivision 1; and 473A.065.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 102, and nays 23, as follows:

Those who voted in the affirmative were:

Adams, J.	Carlson, A.	Eckstein	Hook	Knoll
Andersen, R.	Carlson, B.	Eken	Jacobs	Kostohryz
Anderson, G.	Carlson, L.	Enebo	Jaros	LaVoy
Anderson, I.	Cassery	Faricy	Johnson, C.	Lemke
Belisle	Cleary	Ferderer	Johnson, D.	Lombardi
Bell	Clifford	Forsythe	Johnson, J.	McArthur
Bennett	Connors	Fudro	Johnson, R.	McCarron
Berg	Culhane	Fugina	Jude	McFarlin
Berglin	Cummiskey	Graba	Kahn	McMillan
Biersdorf	Dahl	Grove	Kelly	Menke
Braun	Dieterich	Hanson	Klaus	Miller, D.
Brinkman	Dirlam	Haugerud	Knickerbocker	Miller, M.

Moe	Pehler	Salchert	Smith	Weaver
Mueller	Peterson	Samuelson	Spanish	Wenzel
Munger	Pleasant	Sarna	Stanton	Wigley
Nelson	Prahl	Schreiber	Swanson	Wohlwend
Newcome	Quirin	Schulz	Tomlinson	Wolcott
Norton	Resner	Searle	Ulland	Mr. Speaker
Ojala	Rice	Sherwood	Vanasek	
Patton	Ryan	Sieben, H.	Vento	
Pavlak, R.	St. Onge	Sieben, M.	Voss	

Those who voted in the negative were:

Anderson, D.	Erickson	Jopp	Long	Savelkoul
Becklin	Fjoslien	Kempe	Myrah	Skaar
Carlson, D.	Graw	Kvam	Niehaus	Stangeland
DeGroat	Hagedorn	Laidig	Ohnstad	
Erdahl	Heinitz	Lindstrom, J.	Pieper	

The bill was repassed, as amended by Conference, and its title agreed to.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 3580:

Norton; Haugerud; Voss; Anderson, D.; and Andersen, R.

SPECIAL ORDERS

S. F. No. 3338 was reported to the House.

Ojala moved to amend S. F. No. 3338 as follows:

Page 1, line 12, after "*stock*" and before "*is*" insert "*in such banks or bank holding companies*".

The motion prevailed and the amendment was adopted.

S. F. No. 3338, A bill for an act relating to commerce; banks and trust companies; authorized investments; amending Minnesota Statutes 1971, Section 48.61, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Andersen, R.	Anderson, G.	Becklin	Bell
Adams, S.	Anderson, D.	Anderson, I.	Belisle	Bennett

Berg	Esau	Kempe	Myrah	Schreiber
Berglin	Faricy	Klaus	Nelson	Schulz
Biersdorf	Ferderer	Knickerbocker	Newcome	Searle
Braun	Fjoslien	Knoll	Niehaus	Sherwood
Brinkman	Fudro	Kostohryz	Norton	Sieben, H.
Carlson, A.	Fugina	Kvam	Ohnstad	Sieben, M.
Carlson, B.	Graba	Laidig	Ojala	Skaar
Carlson, D.	Graw	Larson	Parish	Smith
Carlson, L.	Growe	LaVoy	Patton	Spanish
Casserly	Hagedorn	Lemke	Paviak, R.	Stangeland
Cleary	Hanson	Lindstrom, J.	Pehler	Stanton
Clifford	Haugerud	Lombardi	Peterson	Swanson
Connors	Heinitz	Long	Pieper	Tomlinson
Culhane	Hook	Mann	Pleasant	Ulland
Cummiskey	Jacobs	McArthur	Prahl	Vanasek
Dahl	Jaros	McCarron	Quirin	Vento
DeGroat	Johnson, C.	McEachern	Resner	Voss
Dieterich	Johnson, D.	McFarlin	Rice	Weaver
Dirlam	Johnson, J.	McMillan	Ryan	Wenzel
Eckstein	Johnson, R.	Menke	St. Onge	Wigley
Eken	Jopp	Miller, D.	Salchert	Wohlwend
Enebo	Jude	Miller, M.	Samuelson	Wolcott
Erdahl	Kahn	Mueller	Sarna	Mr. Speaker
Erickson	Kelly	Munger	Savelkoul	

The bill was passed, as amended, and its title agreed to.

S. F.No. 3272, A bill for an act relating to the legislature; authorizing group hospital and medical benefits coverage for retired members; amending Minnesota Statutes 1971, Section 43.491, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 124, and nays 2, as follows:

Those who voted in the affirmative were:

Adams, J.	Dahl	Jacobs	McEachern	Prahl
Adams, S.	DeGroat	Jaros	McFarlin	Quirin
Andersen, R.	Dieterich	Johnson, C.	McMillan	Resner
Anderson, D.	Dirlam	Johnson, D.	Menke	Rice
Anderson, G.	Eckstein	Johnson, R.	Miller, D.	Ryan
Anderson, I.	Eken	Jopp	Miller, M.	St. Onge
Bell	Enebo	Jude	Mueller	Salchert
Bennett	Erdahl	Kahn	Munger	Samuelson
Berg	Erickson	Kelly	Myrah	Sarna
Berglin	Esau	Kempe	Nelson	Savelkoul
Biersdorf	Faricy	Klaus	Newcome	Schreiber
Braun	Ferderer	Knickerbocker	Niehaus	Schulz
Brinkman	Fjoslien	Knoll	Norton	Searle
Carlson, A.	Fudro	Kostohryz	Ohnstad	Sherwood
Carlson, B.	Fugina	Kvam	Ojala	Sieben, H.
Carlson, D.	Graba	Laidig	Parish	Sieben, M.
Carlson, L.	Graw	Larson	Patton	Skaar
Casserly	Growe	LaVoy	Paviak, R.	Smith
Cleary	Hagedorn	Lindstrom, J.	Paviak, R. L.	Spanish
Clifford	Hanson	Long	Pehler	Stangeland
Connors	Haugerud	Mann	Peterson	Stanton
Culhane	Heinitz	McArthur	Pieper	Swanson
Cummiskey	Hook	McCarron	Pleasant	Tomlinson

Ulland
Vanasek

Vento
Voss

Weaver
Wenzel

Wohlwend
Wolcott

Mr. Speaker

Those who voted in the negative were:

Belisle

Johnson, J.

The bill was passed and its title agreed to.

S. F. No. 2690 was reported to the House.

Ojala moved to amend S. F. No. 2690, the typewritten committee report, as follows:

After clause "(i)" insert:

"(j) Statutes which relate to the writ of habeas corpus, including but not limited to Minnesota Statutes, Sections 589.01 through 589.30 and 484.03."

The motion prevailed and the amendment was adopted.

Ojala moved that S. F. No. 2690, as amended, be re-referred to the Committee on Judiciary. The motion did not prevail.

S. F. No. 2690, A bill for an act relating to the supreme court; authorizing the court to promulgate rules of criminal procedure which supersede certain statutes; amending Minnesota Statutes 1971, Section 480.059, Subdivision 7.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 115, and nays 10, as follows:

Those who voted in the affirmative were:

Adams, J.	Cleary	Grove	Kvam	Munger
Adams, S.	Clifford	Hagedorn	Laidig	Nelson
Andersen, R.	Connors	Hanson	Larson	Newcome
Anderson, D.	Culhane	Haugerud	LaVoy	Niehaus
Anderson, G.	Cummiskey	Heinitz	Lemke	Norton
Becklin	Dahl	Hook	Lindstrom, J.	Ohnstad
Belisle	DeGroat	Jacobs	Lombardi	Parish
Bell	Dirlam	Johnson, C.	Long	Patton
Bennett	Eken	Johnson, D.	Mann	Pavlak, R.
Berg	Enebo	Johnson, J.	McArthur	Pavlak, R. L.
Berglin	Erickson	Jopp	McCarron	Peterson
Biersdorf	Esau	Jude	McFarlin	Pieper
Brinkman	Faricy	Kahn	McMillan	Pleasant
Carlson, A.	Ferderer	Kelly	Menke	Quirin
Carlson, B.	Fjoslien	Kempe	Miller, D.	Resner
Carlson, D.	Fudro	Klaus	Miller, M.	Rice
Carlson, L.	Graba	Knickerbocker	Moe	Ryan
Casserly	Graw	Knoll	Mueller	St. Onge

Samuelson	Searle	Smith	Tomlinson	Weaver
Sarna	Sherwood	Spanish	Ulland	Wenzel
Savelkoul	Sieben, H.	Stangeland	Vanasek	Wohlwend
Schreiber	Sieben, M.	Stanton	Vento	Wolcott
Schulz	Skaar	Swanson	Voss	Mr. Speaker

Those who voted in the negative were:

Dieterich	Fugina	Kostohryz	Ojala	Prahl
Eckstein	Jaros	McCauley	Pehler	Salchert

The bill was passed, as amended, and its title agreed to.

S. F. No. 1888 was reported to the House.

Newcome moved to amend S. F. No. 1888 as follows:

After line 9, add a new section to read "Sec. 2. The court may order the adopting parents to pay the costs of services rendered by guardians or attorneys appointed pursuant to section 1, provided that such parents shall be given a reasonable opportunity to be heard."

The motion prevailed and the amendment was adopted.

S. F. No. 1888, A bill for an act relating to adoption; providing for appointment of guardian ad litem and attorney for child.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 133, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Culhane	Haugerud	Lindstrom, J.	Parish
Adams, S.	Cummiskey	Heinitz	Lombardi	Patton
Andersen, R.	Dahl	Hook	Long	Pavlak, R.
Anderson, D.	DeGroat	Jacobs	Mann	Pavlak, R. L.
Anderson, G.	Dieterich	Jaros	McArthur	Pehler
Anderson, I.	Dirlam	Johnson, C.	McCarron	Peterson
Becklin	Eckstein	Johnson, D.	McCauley	Pieper
Belisle	Eken	Johnson, J.	McEachern	Pleasant
Bell	Enebo	Johnson, R.	McFarlin	Prahl
Bennett	Erdahl	Jopp	McMillan	Quirin
Berg	Erickson	Jude	Menke	Resner
Berglin	Esau	Kahn	Miller, D.	Rice
Biersdorf	Faricy	Kelly	Miller, M.	Ryan
Braun	Ferderer	Kempe	Moe	St. Onge
Brinkman	Fjoslien	Klaus	Mueller	Salchert
Carlson, A.	Forsythe	Knickerbocker	Munger	Samuelson
Carlson, B.	Fudro	Knoll	Myrah	Sarna
Carlson, D.	Fugina	Kostohryz	Nelson	Savelkoul
Carlson, L.	Graba	Kvam	Newcome	Schreiber
Casserly	Graw	Laidig	Niehaus	Schulz
Cleary	Growe	Larson	Norton	Searle
Clifford	Hagedorn	LaVoy	Ohnstad	Sherwood
Connors	Hanson	Lemke	Ojala	Sieben, H.

Sieben, M.	Stangeland	Ulland	Weaver	Wolcott
Skaar	Stanton	Vanasek	Wenzel	Mr. Speaker
Smith	Swanson	Vento	Wigley	
Spanish	Tomlinson	Voss	Wohlwend	

The bill was passed, as amended, and its title agreed to.

S. F. No. 2110, A bill for an act relating to metropolitan government; providing for the establishment of standards for the regulation of the subdivision, use and development of land and water; providing for adoption of ordinances therefor.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 106, and nays 13, as follows:

Those who voted in the affirmative were:

Adams, J.	Eken	Knickerbocker	Norton	Sherwood
Adams, S.	Faricy	Knoll	Ohnstad	Sieben, H.
Andersen, R.	Ferderer	Kostohryz	Ojala	Sieben, M.
Anderson, G.	Fjoslien	Laidig	Parish	Skaar
Anderson, I.	Fudro	Larson	Patton	Spanish
Becklin	Fugina	LaVoy	Pavlak, R.	Stangeland
Bell	Graba	Lemke	Pavlak, R. L.	Stanton
Bennett	Grove	Lombardi	Pehler	Swanson
Berg	Hagedorn	Mann	Peterson	Tomlinson
Berglin	Hanson	McArthur	Prahl	Ulland
Biersdorf	Haugerud	McCarron	Quirin	Vanasek
Braun	Hook	McCauley	Resner	Vento
Carlson, A.	Jacobs	McEachern	Rice	Voss
Carlson, B.	Jaros	McFarlin	Ryan	Weaver
Carlson, D.	Johnson, C.	McMillan	St. Onge	Wenzel
Carlson, L.	Johnson, D.	Menke	Salchert	Wohlwend
Casserly	Johnson, J.	Miller, D.	Samuelson	Wolcott
Clifford	Jude	Miller, M.	Sarna	Mr. Speaker
Connors	Kahn	Moe	Savelkoul	
Dahl	Kelly	Munger	Schreiber	
Dieterich	Kempe	Nelson	Schulz	
Eckstein	Klaus	Niehaus	Searle	

Those who voted in the negative were:

Anderson, D.	Erdahl	Heinitz	Long	Pleasant
Belisle	Erickson	Johnson, R.	Myrah	
DeGroat	Graw	Jopp	Pieper	

The bill was passed and its title agreed to.

S. F. No. 2590 was reported to the House.

McCarron moved to amend S. F. No. 2590 as follows:

Page 1, line 20, strike "that approval of the electors".

Page 1, line 20, after "except" insert "that notwithstanding the provisions of Minnesota Statutes, Chapter 475, the procedure for a vote on this bond issue by the electors shall be as provided in section 3."

Page 1, line 21, strike "on the question is not required."

Page 1, after line 23, insert:

"Sec. 3. Upon approval by the commissioners of Anoka county this act shall be published for two weeks in a legal newspaper having a general circulation in the county. This act shall not take effect if, within 20 days following the second week of publication, there shall be filed with the county auditor of Anoka county a petition or petitions signed by not less than five percent of the qualified voters who voted in the last county general election requesting that a referendum be held to determine the question of the issuance of the bonds by Anoka county in the amount of and for the purposes designated in this act. Each of the signers of any petition shall affix his signature and his permanent address to the petition. The county auditor shall validate the petitions. Any petition or petitions demanding a referendum of this act shall refer to the act by chapter number, title, date of passage and shall state fully the subject matter of this act. If the petition or petitions containing not less than the minimum number of signatures as designated above are filed and the signatures are genuine and the petition or petitions answer the requirements set forth in this section, the board of commissioners of Anoka county shall fix a time for the holding of the referendum, which shall be not less than 30 days and not more than 180 days after the petition or petitions are filed and the signatures thereon are found to be genuine and sufficient. The election shall be held at the time and place within the county as the board of county commissioners shall designate.

If the petition or petitions referred to herein are insufficient and do not comply with the requirements as set out in this section, and the board of county commissioners shall so find, then the board by formal resolution shall declare its finding of the insufficiency of the petition or petitions to answer the requirements for the petition or petitions as provided in this section.

If a majority of the voters voting on the question submitted to the voters of Anoka county shall vote in the affirmative, all sections of this act immediately preceding this section shall take effect immediately upon compliance with Minnesota Statutes, Section 645.021.

If a majority of the voters voting on the question submitted to the voters of Anoka county shall vote in the negative, this act shall not take effect."

Page 1, line 24, strike "3" and insert in lieu thereof "4".

The motion did not prevail and the amendment was not adopted.

S. F. No. 2590, A bill for an act relating to Anoka county; authorizing the acquisition, development, and construction of nature centers; the operation thereof; and the issuance of bonds therefor.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 105, and nays 21, as follows:

Those who voted in the affirmative were:

Adams, J.	Culhane	Jaros	Menke	Samuelson
Adams, S.	Cummiskey	Johnson, C.	Miller, D.	Sarna
Andersen, R.	Dahl	Johnson, D.	Moe	Savelkoul
Anderson, D.	DeGroat	Johnson, J.	Mueller	Schreiber
Anderson, G.	Dieterich	Jude	Munger	Schulz
Anderson, I.	Dirlam	Kahn	Nelson	Searle
Becklin	Eckstein	Kelly	Norton	Sherwood
Bell	Eken	Kempe	Ojala	Sieben, H.
Bennett	Enebo	Klaus	Parish	Smith
Berg	Faricy	Knickerbocker	Patton	Spanish
Berglin	Ferderer	Knoll	Pavlak, R.	Stangeland
Biersdorf	Fudro	Kostohryz	Pavlak, R. L.	Stanton
Braun	Fugina	Laidig	Pehler	Swanson
Brinkman	Graba	LaVoy	Pieper	Tomlinson
Carlson, A.	Graw	Mann	Pleasant	Ulland
Carlson, B.	Growe	McArthur	Prahl	Vanasek
Carlson, D.	Hanson	McCarron	Quirin	Vento
Carlson, L.	Haugerud	McCauley	Rice	Voss
Casserly	Heinitz	McEachern	Ryan	Wohlwend
Clifford	Hook	McFarlin	St. Onge	Wolcott
Connors	Jacobs	McMillan	Salchert	Mr. Speaker

Those who voted in the negative were:

Belisle	Hagedorn	Lombardi	Ohnstad	Wigley
Erickson	Johnson, R.	Long	Sieben, M.	
Esau	Jopp	Miller, M.	Skaar	
Fjoslien	Kvam	Myrah	Weaver	
Forsythe	Larson	Niehaus	Wenzel	

The bill was passed and its title agreed to.

S. F. No. 3059 was reported to the House.

Pavlak, R., moved to amend S. F. No. 3059, as amended by the House of Representatives when it adopted the report of the Committee on Metropolitan and Urban Affairs, as follows:

Page 3 of the amendment, after section 5, line 2, insert:

"Sec. 6. Subdivision 1. The board of county commissioners of Dakota county shall redistrict commissioner districts to provide seven districts.

Subd. 2. Each district shall be composed of contiguous territory regular and compact in form and as nearly equal in population as practicable. Commissioners from the new districts shall first be elected in 1976. Four of those elected shall be chosen by lot to serve four year terms and three to serve two year terms.

Except to complete unexpired terms, successors shall thereafter be elected for four year terms. The plan establishing the districts shall be filed with the county auditor and the secretary of state. After filing, the plan shall be published with the proceedings of the county board.

The districts shall be reapportioned after the 1980 federal census and each decade thereafter after the federal census.

Subd. 3. This section is effective upon its approval by the governing body of Dakota county and compliance with Minnesota Statutes, Section 645.021."

Further amend the title in line 2 after "of" and before "Hennepin" by inserting "Dakota,".

The motion prevailed and the amendment was adopted.

Faricy moved to amend S. F. No. 3059, as amended by the House of Representatives when it adopted the report of the Committee on Metropolitan and Urban Affairs, as amended, as follows:

Page 2, line 3 of the amendment, Sec. 2, Subdivision 1, after "district" and before "four" strike "number" and insert in lieu thereof "numbers". Continuing in the line, after "four" and before "shall" insert ", five, six and seven".

Page 2 of the amendment, after Sec. 2, Subdivision 1, insert a new subdivision as follows:

"Subd. 2. [COMMISSIONER DISTRICTS FOUR, FIVE, SIX AND SEVEN.] *Within 30 days after the effective date of this act, in Ramsey County the district court shall appoint a redistricting commission on a bipartisan or nonpartisan basis to establish districts four, five, six and seven. The commission shall be composed of not less than five nor more than nine residents of the county. No officer or employee of county or local government except notaries public shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the county board until two years after*

the determination of the district boundaries pursuant to this act. Members of the commission shall serve without pay but may be reimbursed their necessary expenses in the conduct of the business of the commission. The county board shall provide for the necessary expenses of the commission. The commission shall complete its work within 60 days after its appointment."

Page 2 of the amendment, renumber Subd. 2 as Subd. 3.

Further in this new Subd. 3, line 3 of the subdivision, after "members" insert a period and strike the language in lines 4, 5 and 6.

Page 2 of the amendment, strike Subd. 3. [ALLEY SYSTEM.] in its entirety.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll being called, there were yeas 68, and nays 49, as follows:

Those who voted in the affirmative were:

Adams, S.	Cleary	Hanson	Myrah	Schulz
Andersen, R.	Clifford	Heinitz	Nelson	Sherwood
Anderson, I.	Connors	Johnson, C.	Niehaus	Sieben, M.
Becklin	Culhane	Kempe	Norton	Smith
Bell	Cummiskey	Klaus	Ohnstad	Stangeland
Bennett	Eken	Knickerbocker	Ojala	Stanton
Berglin	Faricy	Kostohryz	Parish	Ulland
Biersdorf	Ferderer	Laidig	Patton	Vanasek
Braun	Fjoslien	LaVoy	Pehler	Voss
Brinkman	Forsythe	Lindstrom, J.	Pleasant	Wenzel
Carlson, A.	Fudro	McArthur	Prahl	Wohlwend
Carlson, D.	Graba	McCarron	Ryan	Wolcott
Carlson, L.	Graw	McCauley	Sarna	
Casserly	Hagedorn	Moe	Schreiber	

Those who voted in the negative were:

Adams, J.	Fugina	Kvam	Munger	Savelkoul
Anderson, D.	Hook	Larson	Newcome	Searle
Belisle	Jaros	Lombardi	Pavlak, R.	Sieben, H.
Carlson, B.	Johnson, D.	Long	Pavlak, R. L.	Skaar
DeGroat	Johnson, J.	Mann	Peterson	Tomlinson
Dieterich	Johnson, R.	McFarlin	Pieper	Vento
Dirlam	Jopp	McMillan	Quirin	Weaver
Enebo	Jude	Miller, D.	Resner	Wigley
Erickson	Kahn	Miller, M.	Rice	Mr. Speaker
Esau	Knoll	Mueller	Salchert	

The motion prevailed and the amendment was adopted.

S. F. No. 3059, A bill for an act relating to the counties of Hennepin and Ramsey; providing for boards of seven members; providing for redistricting commissions; amending Minnesota Statutes 1971, Section 375.01; repealing Special Laws 1871,

Chapter 73, Sections 1, 2, 3, 4, and 5; Special Laws 1891, Chapter 438, as amended; and Laws 1963, Chapter 789.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 123, and nays 7, as follows:

Those who voted in the affirmative were:

Adams, J.	Eckstein	Jude	Moe	Savelkoul
Andersen, R.	Eken	Kahn	Mueller	Schreiber
Anderson, D.	Enebo	Kelly	Munger	Schulz
Anderson, G.	Erdahl	Kempe	Nelson	Searle
Anderson, I.	Erickson	Klaus	Newcome	Sherwood
Becklin	Esau	Knickerbocker	Niehaus	Sieben, H.
Belisle	Faricy	Knoll	Norton	Sieben, M.
Bell	Ferderer	Kostohryz	Ohnstad	Skaar
Bennett	Fjoslien	Kvam	Ojala	Smith
Berglin	Forsythe	Laidig	Parish	Stangeland
Biersdorf	Fudro	LaVoy	Patton	Stanton
Braun	Fugina	Lemke	Pavlak, R.	Swanson
Brinkman	Graba	Lindstrom, J.	Pavlak, R. L.	Tomlinson
Carlson, A.	Grove	Lombardi	Pehler	Ulland
Carlson, B.	Hagedorn	Long	Peterson	Vanasek
Carlson, D.	Hanson	Mann	Pieper	Vento
Carlson, L.	Haugerud	McArthur	Prahl	Voss
Casserly	Hook	McCarron	Quirin	Weaver
Cleary	Jacobs	McCauley	Resner	Wenzel
Connors	Jaros	McEachern	Rice	Wigley
Cummiskey	Johnson, C.	McFarlin	Ryan	Wohlwend
Dahl	Johnson, D.	McMillan	St. Onge	Wolcott
DeGroat	Johnson, J.	Menke	Salchert	Mr. Speaker
Dieterich	Johnson, R.	Miller, D.	Samuelson	
Dirlam	Jopp	Miller, M.	Sarna	

Those who voted in the negative were:

Adams, S.	Graw	Larson	Myrah	Pleasant
Clifford	Heinitz			

The bill was passed, as amended, and its title agreed to.

Hagedorn was excused for the remainder of today's session.

S. F. No. 1713, A bill for an act proposing an amendment to the Minnesota Constitution in all its articles; reforming its structure, style and form.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 107, and nays 8, as follows:

Those who voted in the affirmative were:

Adams, J.	Dirlam	Jopp	Miller, M.	Schreiber
Andersen, R.	Eken	Jude	Munger	Schulz
Anderson, D.	Enebo	Kahn	Myrah	Searle
Anderson, G.	Esau	Kelly	Nelson	Sherwood
Anderson, I.	Faricy	Klaus	Newcome	Sieben, H.
Becklin	Ferderer	Knickerbocker	Norton	Sieben, M.
Belisle	Fjoslien	Knoll	Ohnstad	Skaar
Bell	Forsythe	Kostohryz	Ojala	Smith
Bennett	Fudro	Laidig	Parish	Stanton
Berg	Fugina	Larson	Pavlak, R.	Swanson
Biersdorf	Graba	LaVoy	Pavlak, R. L.	Tomlinson
Braun	Growe	Lemke	Peterson	Ulland
Carlson, A.	Hanson	Lindstrom, J.	Pieper	Vanasek
Carlson, D.	Haugerud	Lombardi	Prahl	Vento
Carlson, L.	Heinitz	Mann	Quirin	Wenzel
Casserly	Hook	McArthur	Resner	Wigley
Cleary	Jacobs	McCarron	Rice	Wohlwend
Clifford	Jaros	McCauley	Ryan	Wolcott
Connors	Johnson, C.	McFarlin	Salchert	Mr. Speaker
Culhane	Johnson, D.	McMillan	Samuelson	
Cummiskey	Johnson, J.	Menke	Sarna	
Dahl	Johnson, R.	Miller, D.	Savelkoul	

Those who voted in the negative were:

Berglin	DeGroat	Long	Patton	Pehler
Brinkman	Erickson	Niehaus		

The bill was passed and its title agreed to.

S. F. No. 3433, A bill for an act relating to the board of pardons; the granting of a pardon extraordinary; authorizing application to a district court for an order setting aside the conviction and sealing the record; amending Minnesota Statutes 1971, Section 638.02, by adding subdivisions.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Bennett	Carlson, L.	Dirlam	Fjoslien
Adams, S.	Berg	Casserly	Eckstein	Forsythe
Andersen, R.	Berglin	Cleary	Eken	Fudro
Anderson, D.	Biersdorf	Clifford	Enebo	Fugina
Anderson, G.	Braun	Connors	Erdahl	Graba
Anderson, I.	Brinkman	Culhane	Erickson	Graw
Becklin	Carlson, A.	Cummiskey	Esau	Growe
Belisle	Carlson, B.	Dahl	Faricy	Hanson
Bell	Carlson, D.	Dieterich	Ferderer	Haugerud

Heinitz	Kvam	Miller, M.	Pieper	Sieben, M.
Hook	Larson	Moe	Pleasant	Skaar
Jacobs	LaVoy	Munger	Prahl	Smith
Jaros	Lemke	Myrah	Quirin	Stanton
Johnson, C.	Lindstrom, J.	Nelson	Resner	Swanson
Johnson, D.	Lombardi	Newcome	Rice	Tomlinson
Johnson, J.	Long	Niehaus	St. Onge	Ulland
Johnson, R.	Mann	Norton	Salchert	Vanasek
Jopp	McArthur	Ohnstad	Samuelson	Vento
Jude	McCarron	Ojala	Sarna	Voss
Kahn	McCauley	Parish	Savelkoul	Weaver
Kelly	McEachern	Patton	Schreiber	Wenzel
Kempe	McFarlin	Pavlak, R.	Schulz	Wigley
Klaus	McMillan	Pavlak, R. L.	Searle	Wohlwend
Knickerbocker	Menke	Pehler	Sherwood	Wolcott
Kostohryz	Miller, D.	Peterson	Sieben, H.	Mr. Speaker

The bill was passed and its title agreed to.

S. F. No. 2639 was reported to the House.

Hook moved to amend S. F. No. 2639 as follows:

Page 1, line 15, before "*employee*" strike "*public*".

Page 1, line 25, before "*employee*" strike "*public*".

The motion did not prevail and the amendment was not adopted.

S. F. No. 2639, A bill for an act relating to courts; allowance of certain costs and disbursements in district court; amending Minnesota Statutes 1971, Sections 549.02; and 549.04.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 124, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Carlson, L.	Forsythe	Kelly	McEachern
Adams, S.	Casserly	Fudro	Kempe	McFarlin
Andersen, R.	Cleary	Fugina	Klaus	McMillan
Anderson, D.	Clifford	Graba	Knickerbocker	Menke
Anderson, G.	Connors	Graw	Knoll	Miller, D.
Anderson, I.	Culhane	Growe	Kostohryz	Miller, M.
Becklin	Cummiskey	Hanson	Kvam	Moe
Belisle	Dahl	Haugerud	Laidig	Mueller
Bell	Dieterich	Heinitz	Larson	Munger
Rennett	Dirlam	Hook	LaVoy	Myrah
Berg	Eken	Jacobs	Lemke	Nelson
Berglin	Enebo	Jaros	Lindstrom, J.	Newcome
Biersdorf	Erdahl	Johnson, C.	Lombardi	Niehaus
Braun	Erickson	Johnson, D.	Long	Norton
Brinkman	Esau	Johnson, J.	Mann	Ohnstad
Carlson, A.	Faricy	Johnson, R.	McArthur	Ojala
Carlson, B.	Ferderer	Jude	McCarron	Parish
Carlson, D.	Fjoslien	Kahn	McCauley	Patton

Pavlak, R.	Resner	Schreiber	Stangeland	Weaver
Pavlak, R. L.	Rice	Schulz	Stanton	Wenzel
Pehler	Ryan	Sherwood	Swanson	Wigley
Pieper	St. Onge	Sieben, H.	Tomlinson	Wohlwend
Pleasant	Salchert	Sieben, M.	Ulland	Wolcott
Prahl	Sarna	Skaar	Vanasek	Mr. Speaker
Quirin	Savelkoul	Smith	Voss	

The bill was passed and its title agreed to.

S. F. No. 2640, A bill for an act relating to courts; allowance of costs and disbursements in the supreme court.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Dahl	Johnson, D.	Menke	Salchert
Adams, S.	DeGroat	Johnson, J.	Miller, D.	Samuelson
Andersen, R.	Dieterich	Johnson, R.	Miller, M.	Sarna
Anderson, D.	Dirlam	Jopp	Moe	Savelkoul
Anderson, G.	Eckstein	Jude	Mueller	Schreiber
Anderson, I.	Eken	Kahn	Munger	Schulz
Becklin	Enebo	Kelly	Myrah	Sherwood
Belisle	Erdahl	Kempe	Nelson	Sieben, H.
Bell	Erickson	Klaus	Newcome	Sieben, M.
Bennett	Esau	Knickerbocker	Niehaus	Skaar
Berg	Faricy	Knoll	Norton	Smith
Berglin	Ferderer	Kostohryz	Ohnstad	Stangeland
Biersdorf	Fjoslien	Kvam	Ojala	Stanton
Braun	Forsythe	Laidig	Patton	Swanson
Brinkman	Fugina	Larson	Pavlak, R.	Tomlinson
Carlson, A.	Graba	Lemke	Pavlak, R. L.	Ulland
Carlson, B.	Graw	Lombardi	Pehler	Vanasek
Carlson, D.	Grove	Long	Pieper	Vento
Carlson, L.	Hanson	Mann	Pleasant	Voss
Casserly	Haugerud	McArthur	Prahl	Weaver
Cleary	Heinitz	McCarron	Quirin	Wenzel
Clifford	Hook	McCauley	Resner	Wigley
Connors	Jacobs	McEachern	Rice	Wohlwend
Culhane	Jaros	McFarlin	Ryan	Wolcott
Cummiskey	Johnson, C.	McMillan	St. Onge	Mr. Speaker

The bill was passed and its title agreed to.

S. F. No. 2641 was reported to the House.

Fugina and Carlson, B., moved to amend S. F. No. 2641 as follows:

Page 1, line 14, after "registered" and before "in" insert "in this state or".

Line 16, after "may" and before "operate" insert "*with a permit as provided in this subdivision.*".

Line 19, strike "occasionally".

Line 20, strike "occasionally".

Line 25, strike "Use of a vehicle".

Strike all of lines 26 to 31.

Page 2, strike lines 1 and 2.

Page 2, after line 2, insert: "*The commissioner of highways shall issue a one year permit to any person qualified under this subdivision. The permit fee shall be \$2 per tire and shall be credited to the highway user tax distribution fund.*".

A roll call was requested and properly seconded:

The question was taken on the amendment and the roll being called, there were yeas 26, and nays 98, as follows:

Those who voted in the affirmative were:

Anderson, D.	DeGroat	LaVoy	Prahl	Spanish
Anderson, I.	Eckstein	Mann	Rice	Wenzel
Brinkman	Fugina	Munger	St. Onge	
Carlson, B.	Jaros	Ojala	Salchert	
Carlson, D.	Johnson, D.	Patton	Skaar	
Cummiskey	Larson	Pehler	Smith	

Those who voted in the negative were:

Adams, J.	Dirlam	Johnson, R.	Miller, D.	Schreiber
Adams, S.	Eken	Jude	Miller, M.	Schulz
Andersen, R.	Enebo	Kelly	Moe	Sherwood
Anderson, G.	Erdahl	Kempe	Mueller	Sieben, H.
Becklin	Erickson	Klaus	Myrah	Sieben, M.
Belisle	Esau	Knickerbocker	Nelson	Stangeland
Bell	Faricy	Kostohryz	Newcome	Stanton
Bennett	Ferderer	Kvam	Niehaus	Swanson
Berg	Fjoslien	Laidig	Norton	Tomlinson
Berglin	Forsythe	Lemke	Ohnstad	Ulland
Biersdorf	Fudro	Lindstrom, J.	Parish	Vanasek
Braun	Graba	Lombardi	Pavlak, R.	Vento
Carlson, A.	Graw	Long	Peterson	Voss
Carlson, L.	Growe	McArthur	Pieper	Weaver
Casserly	Hanson	McCarron	Pleasant	Wigley
Cleary	Heinitz	McCauley	Quirin	Wohlwend
Connors	Hook	McEachern	Resner	Wolcott
Culhane	Jacobs	McFarlin	Ryan	Mr. Speaker
Dahl	Johnson, C.	McMillan	Sarna	
Dieterich	Johnson, J.	Menke	Savelkoul	

The motion did not prevail and the amendment was not adopted.

S. F. No. 2641, A bill for an act relating to motor vehicles; use of certain equipment thereon; authorizing the use of certain equipment on motor vehicles of nonresidents of this state under certain conditions; amending Minnesota Statutes, 1973 Supplement, Section 169.72, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 97, and nays 28, as follows:

Those who voted in the affirmative were:

Adams, J.	DeGroat	Jopp	Miller, D.	Schreiber
Andersen, R.	Dieterich	Jude	Miller, M.	Schulz
Anderson, G.	Dirlam	Kahn	Moe	Sieben, H.
Becklin	Eken	Kelly	Myrah	Sieben, M.
Belisle	Erdahl	Klaus	Newcome	Skaar
Bennett	Erickson	Knickerbocker	Niehaus	Smith
Berg	Esau	Kostohryz	Norton	Stangeland
Biersdorf	Faricy	Kvam	Ohnstad	Stanton
Braun	Ferderer	Laidig	Patton	Tomlinson
Brinkman	Fjoslien	Larson	Pavlak, R.	Ulland
Carlson, A.	Forsythe	Lemke	Pehler	Vanasek
Carlson, B.	Graba	Lindstrom, J.	Peterson	Vento
Carlson, D.	Graw	Lombardi	Pieper	Voss
Casserly	Grove	Long	Pleasant	Wigley
Cleary	Haugerud	Mann	Quirin	Wohlwend
Clifford	Heinitz	McArthur	Resner	Wolcott
Connors	Jacobs	McCarron	Rice	Mr. Speaker
Culhane	Jaros	McCauley	St. Onge	
Cummiskey	Johnson, C.	McMillan	Salchert	
Dahl	Johnson, J.	Menke	Savelkoul	

Those who voted in the negative were:

Anderson, D.	Enebo	Johnson, R.	Nelson	Spanish
Anderson, I.	Fudro	Kempe	Ojala	Swanson
Bell	Fugina	LaVoy	Parish	Weaver
Berglin	Hanson	McEachern	Prahl	Wenzel
Carlson, L.	Hook	McFarlin	Sarna	
Eckstein	Johnson, D.	Munger	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 3088 was reported to the House.

Faricy moved to amend S. F. No. 3088 as follows:

On page 27, line 17, after the word "section" and before the word "of" strike the figure "41" and insert the figure "39".

The motion prevailed and the amendment was adopted.

S. F. No. 3088, A bill for an act relating to courts, Ramsey and Chisago counties; amending Minnesota Statutes, 1973 Supple-

ment, Sections 488A.18, Subdivisions 10 and 13; 488A.20, Subdivisions 1, 2, 4, and 6; 488A.22, Subdivision 3; 488A.281; 488A.283; 488A.285, Subdivisions 1 and 2; 488A.286; 488A.30, Subdivisions 1, 2, and 4; Minnesota Statutes 1971, Sections 484.18, Subdivision 3; 488A.18, Subdivision 11; 488A.19, Subdivisions 6, 8, and 10; 488A.20, Subdivisions 3 and 7; 488A.21, Subdivision 1; 488A.23, Subdivision 1; 488A.26, Subdivisions 1, 3, 4, and 7; 488A.27, Subdivisions 3 and 7; 488A.30, Subdivision 3; 488A.31, Subdivisions 1 and 5; 488A.34, Subdivisions 2, 3, 4, 6, 9 and 12; repealing Minnesota Statutes 1971, Section 488A.23, Subdivisions 3 and 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	DeGroat	Johnson, J.	Miller, D.	Salchert
Adams, S.	Dieterich	Johnson, R.	Miller, M.	Samuelson
Andersen, R.	Dirlam	Jopp	Moe	Sarna
Anderson, D.	Eckstein	Jude	Mueller	Savelkoul
Anderson, G.	Eken	Kahn	Munger	Schreiber
Anderson, I.	Enebo	Kelly	Myrah	Schulz
Becklin	Erdahl	Kempe	Nelson	Sherwood
Belisle	Erickson	Klaus	Newcome	Sieben, H.
Bell	Esau	Knickerbocker	Niehaus	Sieben, M.
Bennett	Faricy	Kostohryz	Norton	Skaar
Berg	Ferderer	Kvam	Ohnstad	Smith
Berglin	Fjoslien	Laidig	Ojala	Spanish
Biersdorf	Forsythe	Larson	Parish	Stangeland
Braun	Fudro	LaVoy	Patton	Stanton
Brinkman	Fugina	Lemke	Pavlak, R.	Swanson
Carlson, A.	Graba	Lindstrom, J.	Pavlak, R. L.	Tomlinson
Carlson, B.	Graw	Lombardi	Pehler	Ulland
Carlson, D.	Growe	Long	Peterson	Vanasek
Carlson, L.	Hanson	Mann	Pieper	Vento
Casserly	Haugerud	McArthur	Pleasant	Voss
Cleary	Heinitz	McCarron	Prahl	Weaver
Clifford	Hook	McCauley	Quirin	Wenzel
Connors	Jacobs	McEachern	Resner	Wigley
Culhane	Jaros	McFarlin	Rice	Wohlwend
Cummiskey	Johnson, C.	McMillan	Ryan	Wolcott
Dahl	Johnson, D.	Menke	St. Onge	Mr. Speaker

The bill was passed, as amended, and its title agreed to.

S. F. No. 2885 was reported to the House.

Tomlinson moved to amend S. F. No. 2885, as amended by the House of Representatives when it adopted the report of the Committee on Metropolitan and Urban Affairs, as follows:

Page 2, line 24, strike the new language "without cost to the metropolitan transit commission,".

The motion prevailed and the amendment was adopted.

Quirin moved to amend S. F. No. 2885, as amended, as follows:

Page 2, after line 26, add a new subdivision to read:

"Subd. 9. The commission shall call upon the affected school districts and school bus companies for participation in the study."

The motion prevailed and the amendment was adopted.

S. F. No. 2885, A bill for an act relating to metropolitan transportation; directing the metropolitan transit commission to promote the use of car pools and employer vans; requiring freeways constructed after a certain date to include provision for exclusive lanes for vans and other multipassenger vehicles; authorizing tax levies.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 2, as follows:

Those who voted in the affirmative were:

Adams, J.	DeGroat	Jopp	Moe	Samuelson
Adams, S.	Dieterich	Jude	Mueller	Sarna
Andersen, R.	Dirlam	Kahn	Munger	Savelkoul
Anderson, D.	Eken	Kelly	Myrah	Schreiber
Anderson, G.	Enebo	Kempe	Nelson	Schulz
Anderson, I.	Erdahl	Klaus	Newcome	Searle
Becklin	Erickson	Knickerbocker	Niehaus	Sherwood
Belisle	Esau	Knoll	Norton	Sieben, H.
Bell	Faricy	Kostohryz	Ohnstad	Sieben, M.
Bennett	Fjoslien	Kvam	Ojala	Smith
Berg	Fudro	Laidig	Parish	Spanish
Berglin	Fugina	Larson	Patton	Stangeland
Biersdorf	Graba	LaVoy	Pavlak, R.	Stanton
Braun	Graw	Lemke	Pavlak, R. L.	Swanson
Brinkman	Growe	Lindstrom, J.	Pehler	Tomlinson
Carlson, A.	Hanson	Lombardi	Peterson	Ulland
Carlson, D.	Haugerud	Long	Pieper	Vanasek
Carlson, L.	Heinitz	Mann	Pleasant	Vento
Casserly	Hook	McArthur	Prahl	Voss
Cleary	Jacobs	McEachern	Quirin	Weaver
Clifford	Jaros	McFarlin	Resner	Wenzel
Connors	Johnson, C.	McMillan	Rice	Wigley
Culhane	Johnson, D.	Menke	Ryan	Wohlwend
Cummiskey	Johnson, J.	Miller, D.	St. Onge	Wolcott
Dahl	Johnson, R.	Miller, M.	Salchert	Mr. Speaker

Those who voted in the negative were:

Eckstein Skaar

The bill was passed, as amended, and its title agreed to.

Newcome was excused for the remainder of today's session.

S. F. No. 2703, A bill for an act relating to metropolitan public transit; directing the metropolitan transit commission to plan an automated small vehicle fixed guideway system; establishing a joint metropolitan transit planning legislative review commission; authorizing tax levies upon property within the metropolitan transit taxing district.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 71, and nays 56, as follows:

Those who voted in the affirmative were:

Adams, J.	Dieterich	Kahn	Norton	Sherwood
Andersen, R.	Enebo	Kelly	Ojala	Sieben, H.
Anderson, I.	Faricy	Knoll	Parish	Sieben, M.
Bell	Forsythe	Kostohryz	Patton	Smith
Bennett	Fudro	LaVoy	Pavlak, R.	Swanson
Berg	Fugina	Lombardi	Pehler	Tomlinson
Berglin	Graba	McArthur	Pleasant	Vento
Brinkman	Grove	McCarron	Quirin	Voss
Carlson, A.	Hanson	McEachern	Resner	Wenzel
Carlson, L.	Haugerud	McMillan	Rice	Wolcott
Casserly	Jacobs	Menke	Ryan	Mr. Speaker
Clifford	Jaros	Miller, D.	St. Onge	
Connors	Johnson, C.	Moe	Salchert	
Cummiskey	Johnson, D.	Munger	Sarna	
Dahl	Jude	Nelson	Schreiber	

Those who voted in the negative were:

Anderson, D.	Eckstein	Kempe	Miller, M.	Skaar
Anderson, G.	Eken	Klaus	Mueller	Spanish
Becklin	Erdahl	Kvam	Myrah	Stangeland
Belisle	Erickson	Laidig	Niehaus	Ulland
Biersdorf	Esau	Larson	Ohnstad	Vanasek
Braun	Ferderer	Lemke	Pavlak, R. L.	Weaver
Carlson, B.	Fjoslien	Lindstrom, E.	Peterson	Wigley
Carlson, D.	Heinitz	Lindstrom, J.	Pieper	Wohlwend
Cleary	Hook	Long	Prahl	
Culhane	Johnson, J.	Mann	Savelkoul	
DeGroat	Johnson, R.	McCauley	Schulz	
Dirlam	Jopp	McFarlin	Searle	

The bill was passed and its title agreed to.

S. F. No. 3301 was reported to the House.

Carlson, A. moved to amend S. F. No. 3301 as follows:

Page 1, line 9, strike "rapes" and insert in lieu thereof "sexual attacks".

Page 1, after subdivision 1, insert a new subdivision 2 as follows:

"Subd. 2. As used in this act, a 'sexual attack' means any non-consensual act of rape, sodomy, or indecent liberties."

Renumber subdivision "2" as "3".

Page 1, line 14, strike "rape" and insert in lieu thereof "sexual attack".

Page 1, line 17, strike "rape" and insert in lieu thereof "attack".

Page 1, line 27, strike "rape" and insert in lieu thereof "sexual attack".

Page 1, line 28, strike "." and insert "or is ineligible to receive compensation under any other law of this state or of the United States."

Page 1, Section 2, add a new clause (a) as follows:

"(a) assist and encourage county attorneys to assign prosecuting attorneys trained in sensitivity and understanding of victims of sexual attacks."

Page 2, Section 2, renumber the clauses in order.

Page 2, line 3, strike "rape".

Page 2, line 4, after "victims" insert "of sexual attacks".

Page 2, line 8, strike "rape" and after "victims" insert "of sexual attacks".

Page 2, line 10, strike "rape" and after "victims" insert "of sexual attacks".

Page 2, line 16, strike "rape" and after "victims" insert "of sexual attacks".

Amend the title in line 5 by striking "rape" and after "victims" inserting "of sexual attacks".

The motion prevailed and the amendment was adopted.

S. F. No. 3301, A bill for an act relating to crime and criminals; requiring the commissioner of corrections to develop a program to aid rape victims.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Dirlam	Jude	Miller, M.	Sarna
Adams, S.	Eckstein	Kahn	Moe	Savelkoul
Andersen, R.	Eken	Kelly	Mueller	Schreiber
Anderson, D.	Enebo	Kempe	Munger	Schulz
Anderson, G.	Erdahl	Klaus	Myrah	Searle
Anderson, I.	Erickson	Knickerbocker	Nelson	Sherwood
Becklin	Esau	Knoll	Niehaus	Sieben, H.
Belisle	Faricy	Kostohryz	Norton	Sieben, M.
Bell	Ferderer	Kvam	Ohnstad	Skaar
Bennett	Fjoslien	Laidig	Ojala	Smith
Berglin	Forsythe	Larson	Parish	Spanish
Biersdorf	Fudro	LaVoy	Patton	Stangeland
Braun	Fugina	Lemke	Pavlak, R.	Stanton
Brinkman	Graba	Lindstrom, E.	Pavlak, R. L.	Swanson
Carlson, A.	Graw	Lindstrom, J.	Pehler	Tomlinson
Carlson, B.	Grove	Lombardi	Peterson	Ulland
Carlson, D.	Hanson	Long	Pieper	Vanasek
Carlson, L.	Haugerud	Mann	Pleasant	Vento
Casslerly	Heinitz	McArthur	Prahl	Voss
Cleary	Hook	McCarron	Quirin	Weaver
Clifford	Jacobs	McCauley	Resner	Wenzel
Connors	Jaros	McEachern	Rice	Wigley
Culhane	Johnson, C.	McFarlin	Ryan	Wohlwend
Cummiskey	Johnson, D.	McMillan	St. Onge	Wolcott
Dahl	Johnson, J.	Menke	Salchert	Mr. Speaker
DeGroat	Johnson, R.	Miller, D.	Samuelson	

The bill was passed, as amended, and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 2813, A bill for an act relating to student associations; authorizing the student associations at all state colleges and the Minnesota state college student association to expend money assigned to them to fund a legal counseling and service program for students; amending Laws 1973, Chapter 488, Section 1.

H. F. No. 3089, A bill for an act relating to the city of Detroit Lakes; authorizing the issuance of an on-sale liquor license.

H. F. No. 3248, A bill for an act relating to education; area vocational-technical schools; providing for traffic and parking regulation by the school boards or joint school boards.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2704, A bill for an act relating to the department of natural resources; appropriating money for the improvement of a certain road leading to a state park; and providing for the transfer of the road to the town of Camp Release.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1692, A bill for an act relating to labor and industry; boiler and pressure vessel fees to be paid to the state of Minnesota; amending Minnesota Statutes 1971, Sections 183.545, Subdivisions 3 and 4; and 183.57, Subdivision 2.

H. F. No. 2324, A bill for an act relating to manpower services; unemployment compensation; administration fund; amending Minnesota Statutes 1971, Section 268.15, Subdivision 1.

H. F. No. 2477, A bill for an act relating to water pollution control; authorizing municipalities to let individual contracts for the joint design and construction of sewage treatment facilities.

H. F. No. 2725, A bill for an act relating to education; requiring a good faith attempt to make up time lost by school districts on account of calamity; amending Minnesota Statutes 1971, Section 124.16.

H. F. No. 3013, A bill for an act relating to the city of Beaver Bay; authorizing the issuance of on-sale liquor licenses.

H. F. No. 3032, A bill for an act relating to the department of human rights; providing that no bids be accepted or contracts be awarded on public contracts until a certificate of compliance is obtained from the department of human rights or an application is made therefor; amending Minnesota Statutes 1971, Section 363.073, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 3048, A bill for an act relating to municipal housing and redevelopment authorities; permitting public officers and employees to serve as commissioners; amending Minnesota Statutes 1971, Section 462.425, Subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McArthur moved that the House concur in the Senate amendments to H. F. No. 3048 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3048, A bill for an act relating to municipal housing and redevelopment authorities; permitting public officers and employees to serve as commissioners; amending Minnesota Statutes 1971, Section 462.425, Subdivision 5.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 124, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Dahl	Johnson, J.	McMillan	St. Onge
Adams, S.	Dirlam	Johnson, R.	Menke	Salchert
Andersen, R.	Eckstein	Jopp	Miller, D.	Samuelson
Anderson, D.	Eken	Jude	Miller, M.	Savelkoul
Anderson, G.	Enebo	Kahn	Moe	Schulz
Anderson, I.	Erdahl	Kelly	Mueller	Searle
Becklin	Erickson	Kempe	Munger	Sherwood
Belisle	Esau	Klaus	Nelson	Sieben, H.
Bell	Faricy	Knickerbocker	Niehaus	Sieben, M.
Bennett	Ferderer	Knoll	Norton	Smith
Berg	Fjoslien	Kostohryz	Ohnstad	Spanish
Berglin	Forsythe	Laidig	Ojala	Stangeland
Biersdorf	Fudro	Larson	Parish	Stanton
Braun	Fugina	LaVoy	Patton	Swanson
Brinkman	Graba	Lemke	Pavlak, R.	Tomlinson
Carlson, A.	Graw	Lindstrom, E.	Pavlak, R. L.	Ulland
Carlson, B.	Grove	Lindstrom, J.	Pehler	Vanasek
Carlson, D.	Hanson	Lombardi	Peterson	Vento
Carlson, L.	Hangerud	Long	Pieper	Voss
Casserly	Heinitz	Mann	Pleasant	Wenzel
Cleary	Hook	McArthur	Prahl	Wigley
Clifford	Jacobs	McCarron	Quirin	Wohlwend
Connors	Jaros	McCauley	Resner	Wolcott
Culhane	Johnson, C.	McEachern	Rice	Mr. Speaker
Cummiskey	Johnson, D.	McFarlin	Ryan	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 1973, A bill for an act relating to education ; teacher certification ; providing for the refund of renewal fees paid by mistake ; amending Minnesota Statutes 1971, Section 125.08, as amended.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Belisle moved that the House concur in the Senate amendments to H. F. No. 1973 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1973, A bill for an act relating to education, teacher certification ; providing for the refund of renewal fees paid by mistake ; amending Minnesota Statutes, 1973 Supplement, Section 125.08.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 131, and nays 0, as follows :

Those who voted in the affirmative were :

Adams, J.	Casslerly	Forsythe	Kelly	McEachern
Adams, S.	Cleary	Fudro	Kempe	McFarlin
Andersen, R.	Clifford	Fugina	Klaus	McMillan
Anderson, D.	Connors	Graba	Knickerbocker	Menke
Anderson, G.	Culhane	Graw	Knoll	Miller, D.
Anderson, I.	Cummiskey	Grove	Kostohryz	Miller, M.
Becklin	Dahl	Hanson	Kvam	Moe
Belisle	DeGroat	Haugerud	Laidig	Mueller
Bell	Dieterich	Heinitz	Larson	Munger
Bennett	Dirlam	Hook	LaVoy	Nelson
Berg	Eckstein	Jacobs	Lemke	Niehaus
Berglin	Eken	Jaros	Lindstrom, E.	Norton
Biersdorf	Enebo	Johnson, C.	Lindstrom, J.	Ohnstad
Braun	Erdahl	Johnson, D.	Lombardi	Ojala
Brinkman	Erickson	Johnson, J.	Long	Parish
Carlson, A.	Esau	Johnson, R.	Mann	Patton
Carlson, B.	Faricy	Jopp	McArthur	Paviak, R.
Carlson, D.	Ferderer	Jude	McCarron	Paviak, R. L.
Carlson, L.	Fjoslien	Kahn	McCauley	Pehler

Peterson	St. Onge	Sherwood	Swanson	Wigley
Pieper	Salchert	Sieben, H.	Tomlinson	Wohlwend
Pleasant	Samuelson	Sieben, M.	Ulland	Wolcott
Prahl	Sarna	Skaar	Vanasek	Mr. Speaker
Quirin	Savelkoul	Smith	Vento	
Resner	Schreiber	Spanish	Voss	
Rice	Schulz	Stangeland	Weaver	
Ryan	Searle	Stanton	Wenzel	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 3325, A bill for an act relating to taxation; assessment of real property; permitting newly organized towns adequate time to have their local assessors certified; amending Minnesota Statutes 1971, Section 270.50.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dahl moved that the House concur in the Senate amendments to H. F. No. 3325 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3325, A bill for an act relating to taxation; assessment of real property; requiring towns to make certain payments to town assessors; permitting newly organized towns adequate time to employ a qualified assessor; amending Minnesota Statutes 1971, Section 270.50.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 2, as follows:

Those who voted in the affirmative were:

Adams, J.	Bennett	Carlson, L.	Dirlam	* Fjoslien
Adams, S.	Berg	Cassery	Eckstein	Forsythe
Andersen, R.	Berglin	Cleary	Eken	Fudro
Anderson, D.	Biersdorf	Clifford	Enebo	Fugina
Anderson, G.	Braun	Connors	Erdahl	Graba
Anderson, I.	Brinkman	Culhane	Erickson	Graw
Becklin	Carlson, A.	Cummiskey	Esau	Growe
Belisle	Carlson, B.	Dahl	Faricy	Hanson
Bell	Carlson, D.	DeGroat	Ferderer	Haugerud

Heinitz	Laidig	Miller, M.	Pleasant	Skaar
Hook	Larson	Moe	Prahl	Smith
Jacobs	LaVoy	Mueller	Quirin	Spanish
Jaros	Lemke	Munger	Resner	Stangeland
Johnson, C.	Lindstrom, E.	Myrah	Rice	Stanton
Johnson, D.	Lindstrom, J.	Nelson	Ryan	Swanson
Johnson, J.	Lombardi	Niehaus	St. Onge	Tomlinson
Jopp	Long	Norton	Salchert	Ulland
Jude	Mann	Ohnstad	Samuelson	Vanasek
Kahn	McArthur	Ojala	Sarna	Vento
Kelly	McCarron	Parish	Savelkoul	Voss
Kempe	McCauley	Patton	Schreiber	Weaver
Klaus	McEachern	Pavlak, R.	Schulz	Wenzel
Knickerbocker	McFarlin	Pavlak, R. L.	Searle	Wigley
Knoll	McMillan	Pehler	Sherwood	Wohlwend
Kostohryz	Menke	Peterson	Sieben, H.	Wolcott
Kvam	Miller, D.	Pieper	Sieben, M.	Mr. Speaker

Those who voted in the negative were:

Dieterich Johnson, R.

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 987, A bill for an act relating to Scott county; authorizing that county to establish a housing and redevelopment authority.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Menke moved that the House concur in the Senate amendments to H. F. No. 987 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 987, A bill for an act creating a housing and redevelopment authority in Scott county; applying the provisions of the municipal housing and redevelopment act to Scott county.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Dieterich	Johnson, R.	Menke	Salchert
Adams, S.	Dirlam	Jopp	Miller, D.	Samuelson
Andersen, R.	Eckstein	Jude	Miller, M.	Sarna
Anderson, D.	Eken	Kahn	Moe	Savelkoul
Anderson, G.	Enebo	Kelly	Mueller	Schreiber
Anderson, I.	Erdahl	Kempe	Munger	Schulz
Becklin	Erickson	Klaus	Myrah	Searle
Belisle	Esau	Knickerbocker	Nelson	Sherwood
Bell	Faricy	Knoll	Niehaus	Sieben, H.
Bennett	Ferderer	Kostohryz	Norton	Sieben, M.
Berg	Fjoslien	Kvam	Ohnstad	Skaar
Berglin	Forsythe	Laidig	Ojala	Smith
Biersdorf	Fudro	Larson	Parish	Spanish
Braun	Fugina	LaVoy	Patton	Stangeland
Brinkman	Graba	Lemke	Pavlak, R.	Stanton
Carlson, A.	Graw	Lindstrom, E.	Pavlak, R. L.	Swanson
Carlson, B.	Growe	Lindstrom, J.	Pehler	Tomlinson
Carlson, D.	Hanson	Lombardi	Peterson	Ulland
Carlson, L.	Haugerud	Long	Pieper	Vanasek
Casserly	Heinitz	Mann	Pleasant	Vento
Cleary	Hook	McArthur	Prahl	Voss
Clifford	Jacobs	McCarron	Quirin	Wenzel
Connors	Jaros	McCauley	Resner	Wigley
Culhane	Johnson, C.	McEachern	Rice	Wohlwend
Cummiskey	Johnson, D.	McFarlin	Ryan	Wolcott
Dahl	Johnson, J.	McMillan	St. Onge	Mr. Speaker

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1425, A bill for an act relating to the supreme court; authorizing promulgation of rules of evidence by the supreme court; repealing Minnesota Statutes 1971, Section 480.059, Subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Parish moved that the House concur in the Senate amendments to H. F. No. 1425 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1425, A bill for an act relating to the supreme court; authorizing promulgation of rules of evidence by the supreme court.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Dieterich	Johnson, R.	Miller, D.	Samuelson
Adams, S.	Dirlam	Jopp	Miller, M.	Sarna
Andersen, R.	Eckstein	Jude	Moe	Savelkoul
Anderson, D.	Eken	Kahn	Mueller	Schreiber
Anderson, G.	Enebo	Kelly	Munger	Schulz
Anderson, I.	Erdahl	Kempe	Myrah	Searle
Becklin	Erickson	Klaus	Nelson	Sherwood
Belisle	Esau	Knickerbocker	Niehaus	Sieben, H.
Bell	Faricy	Knoll	Norton	Sieben, M.
Bennett	Ferderer	Kostohryz	Ohnstad	Skaar
Berg	Fjoslien	Kvam	Ojala	Spanish
Berglin	Forsythe	Laidig	Parish	Stangeland
Biersdorf	Fudro	Larson	Patton	Stanton
Braun	Fugina	LaVoy	Pavlak, R.	Swanson
Brinkman	Graba	Lemke	Pavlak, R. L.	Tomlinson
Carlson, A.	Graw	Lindstrom, E.	Pehler	Ulland
Carlson, B.	Growe	Lindstrom, J.	Peterson	Vanasek
Carlson, D.	Hanson	Lombardi	Pieper	Vento
Carlson, L.	Haugerud	Long	Pleasant	Voss
Casserly	Heinitz	Mann	Prahl	Weaver
Cleary	Hook	McArthur	Quirin	Wenzel
Clifford	Jacobs	McCarron	Resner	Wigley
Connors	Jaros	McEachern	Rice	Wohlwend
Culhane	Johnson, C.	McFarlin	Ryan	Wolcott
Cummiskey	Johnson, D.	McMillan	St. Onge	Mr. Speaker
Dahl	Johnson, J.	Menke	Salchert	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 3023, A bill for an act relating to retirement; actuarial valuations and experience studies of various public retirement funds; amending Minnesota Statutes 1971, Chapter 356, by adding a section; and Sections 356.22, Subdivisions 1 and 3; and 356.23; repealing Minnesota Statutes 1971, Sections 356.21, as amended; 356.211; and 356.212.

PATRICK E. FLAHAVEN, Secretary of the Senate

Moe moved that the House refuse to concur in the Senate amendments to H. F. No. 3023, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2866, A bill for an act relating to the city of Saint Paul; providing for and authorizing said city to issue its general obligation bonds for urban renewal development purposes and for rehabilitation loans; amending Laws 1963, Chapter 881, Sections 1, as amended; 2; and 3; and repealing Laws 1973, Chapter 395, Section 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Vento moved that the House refuse to concur in the Senate amendments to H. F. No. 2866, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 3023:

Moe, Patton, and Larson.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2866:

Vento, Dieterich, and Pavlak, R. L.

ADJOURNMENT

Mr. Anderson, I., moved that when the House adjourns today it adjourn until 10:00 a.m., Monday, March 25, 1974. The motion prevailed.

Mr. Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Monday, March 25, 1974.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

