

SEVENTY-FIFTH DAY

St. Paul, Minnesota, Friday, January 25, 1974

The Senate met at 12:30 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Hansen, Baldy imposed a call of the Senate. The following Senators answered to their names:

Arnold	Gearty	Kleinbaum	Ogdahl	Sillers
Bang	Hansen, Baldy	Kowalczyk	Olhoft	Spear
Bernhagen	Hansen, Mel	Krieger	Olson, A. G.	Stassen
Blatz	Hanson, R.	Larson	Olson, H. D.	Stokowski
Borden	Hughes	Laufenburger	Olson, J. L.	Thorup
Brown	Humphrey	Lewis	Patton	Willet
Doty	Josefson	Lord	Perpich, A. J.	
Dunn	Keefe, S.	Moe	Perpich, G.	
Fitzsimons	Kirchner	Novak	Renneke	

The Sergeant-at-Arms was instructed to bring in the absent members.

Prayer by the Chaplain.

The roll being called, the following Senators answered to their names:

Anderson	Doty	Kleinbaum	Novak	Schrom
Arnold	Dunn	Knutson	Ogdahl	Sillers
Ashbach	Fitzsimons	Kowalczyk	Olhoft	Solon
Bang	Gearty	Krieger	Olson, A. G.	Spear
Berg	Hansen, Baldy	Larson	Olson, H. D.	Stassen
Bernhagen	Hansen, Mel	Laufenburger	Olson, J. L.	Stokowski
Blatz	Hanson, R.	Lewis	O'Neill	Tennessee
Borden	Hughes	Lord	Patton	Thorup
Brown	Humphrey	McCutcheon	Perpich, A. J.	Ueland
Chenoweth	Josefson	Milton	Perpich, G.	Wegener
Chmielewski	Keefe, J.	Moe	Pillsbury	Willet
Coleman	Keefe, S.	Nelson	Renneke	
Conzemius	Kirchner	North	Schaaf	

Quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Frederick and Jensen were excused from the Session of today.

INTRODUCTION OF BILLS

Messrs. Milton, Kleinbaum and Schaaf introduced—

S. F. No. 2810: A bill for an act relating to crime and criminals; providing for training in investigation and prosecution of the crime of rape.

Which was read the first time and referred to the Committee on Judiciary.

Messrs. Thorup, Ogdahl and Laufenburger introduced—

S. F. No. 2811: A bill for an act relating to subdivided lands; application for registration; annual reports; amending Minnesota Statutes, 1973 Supplement, Sections 83.20, Subdivision 5; 83.23, Subdivisions 2, 3 and 4; and 83.30, Subdivision 1.

Which was read the first time and referred to the Committee on Labor and Commerce.

Messrs. Kirchner, Purfeerst and Bernhagen introduced—

S. F. No. 2812: A bill for an act relating to state parks; authorizing the commissioner of natural resources to transfer administration and control of the Fort Snelling chapel to another state agency or to lease it to a nonprofit organization.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

Messrs. Hughes, Stassen and Humphrey introduced—

S. F. No. 2813: A bill for an act relating to education; smoking by students; requiring parental permission and a smoking education course for permission to smoke on premises.

Which was read the first time and referred to the Committee on Education.

Messrs. Tennesen, Kirchner and Gearty introduced—

S. F. No. 2814: A bill for an act relating to courts; establishing a contingency fund for district court, fourth judicial district; appropriating money.

Which was read the first time and referred to the Committee on Judiciary.

Messrs. Olhoft, Kowalczyk and Novak introduced—

S. F. No. 2815: A bill for an act relating to obscenity; prohibiting the showing of obscene motion pictures at drive-in theatres; providing for a hearing in the courts to determine if a motion picture is obscene.

Which was read the first time and referred to the Committee on Judiciary.

Messrs. Olhoft; Hanson, R. and Stokowski introduced—

S. F. No. 2816: A bill for an act relating to elections; registration of voters; amending Minnesota Statutes, 1973 Supplement, Section 201.061, Subdivision 1.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Olhoft; Hanson, R. and Stokowski introduced—

S. F. No. 2817: A bill for an act relating to elections; providing for the filing of nominating petitions; amending Minnesota Statutes 1971, Section 202.13.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Olhoft; Hanson, R. and Stokowski introduced—

S. F. No. 2818: A bill for an act relating to elections; stating the constitutional residency requirement for candidates; amending Minnesota Statutes, 1973 Supplement, Section 202.04, Subdivision 1.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. McCutcheon, Gearty and Ashbach introduced—

S. F. No. 2819: A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to Article VI; providing that the practice of law may be regulated by law.

Which was read the first time and referred to the Committee on Rules and Administration.

Mr. Renneke introduced—

S. F. No. 2820: A bill for an act relating to McLeod county; authorizing one additional on-sale intoxicating liquor license.

Which was read the first time and referred to the Committee on Labor and Commerce.

Messrs. Perpich, A. J.; Arnold and Perpich, G. introduced—

S. F. No. 2821: A bill for an act relating to transportation; appropriating money to the public service commission for the purpose of contracting for railroad passenger service.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Hughes, Pillsbury and Milton introduced—

S. F. No. 2822: A bill for an act relating to county water management; clarifying the jurisdiction of lake conservation districts and counties over certain bodies of water; amending Laws 1973, Chapter 702, Sections 4, Subdivision 2; and 5, Subdivision 1.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

Messrs. Ogdahl, Gearty and Stokowski introduced—

S. F. No. 2823: A bill for an act relating to the city of Minneapolis; disability, retirement, and survivor benefits for city employees; providing for adjustments in cost, benefits and contributions; amending Laws 1973, Chapter 133, Sections 8, Subdivision 2, as amended; 10, Subdivision 1; and 15, Subdivision 1, as amended.

Which was read the first time and referred to the Committee on Governmental Operations.

Messrs. Hughes, Ashbach and McCutcheon introduced—

S. F. No. 2824: A bill for an act relating to the metropolitan council; providing the number and method by which the members are chosen; amending Minnesota Statutes 1971, Section 473B.02, Subdivisions 1, 2, 3 and 4.

Which was read the first time and referred to the Committee on Metropolitan and Urban Affairs.

Messrs. Chenoweth, Stokowski and Stassen introduced—

S. F. No. 2825: A bill for act relating to the state board of investment; investments applicable to the invested treasurer's cash fund and retirement funds; amending Minnesota Statutes, 1973 Supplement, Sections 11.10, Subdivision 1; 11.16, Subdivision 13; and 11.19, Subdivision 2; and Minnesota Statutes 1971, Sections 11.18, Subdivisions 1, 4, and 5, and by adding a subdivision; 11.20; and 11.21.

Which was read the first time and referred to the Committee on Governmental Operations.

Messrs. Renneke, Purfeerst and Willet introduced—

S. F. No. 2826: A bill for an act relating to partition fences; partition fences running into water; repealing Minnesota Statutes 1971, Section 344.15.

Which was read the first time and referred to the Committee on Local Government.

Messrs. Kleinbaum and Ueland introduced—

S. F. No. 2827: A bill for an act relating to student associations; authorizing the student associations at all state colleges and the Minnesota 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.

Which was read the first time and referred to the Committee on Education.

Mr. Laufenburger introduced—

S. F. No. 2828: 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.

Which was read the first time and referred to the Committee on Governmental Operations.

Mr. Tennesen questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Kowalczyk and Larson introduced—

S. F. No. 2829: A bill for an act relating to highway traffic regulations; motorcycle driving rules; requiring certain equipment after a certain date; amending Minnesota Statutes 1971, Section 169.974, Subdivision 5, and by adding a subdivision.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Solon and Perpich, A. J. introduced—

S. F. No. 2830: A bill for an act relating to St. Louis county; authorizing the issuance of additional on-sale liquor licenses.

Which was read the first time and referred to the Committee on Labor and Commerce.

Messrs. O'Neill, Ueland and Brown introduced—

S. F. No. 2831: A bill for an act proposing an amendment to the Minnesota Constitution, Article VII, Sections 1 and 7; conforming the age and residency requirements of voters to the federal constitution and setting the general age to hold office at 18 years.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Mr. Tennesen questioned the reference thereon and, under Rule

35, the bill was referred to the Committee on Rules and Administration.

Messrs. O'Neill, Thorup and Knutson introduced—

S. F. No. 2832: A bill for an act relating to courts; judges retirement, definitions and effective date; amending Laws 1973, Chapter 744, Section 1, Subdivision 17.

Which was read the first time and referred to the Committee on Governmental Operations.

Mr. Krieger introduced—

S. F. No. 2833: A bill for an act relating to the claim of Judith Anne Streiff; arising from malfunctioning of an exercise machine in gym at Rochester state community college; appropriating money for the payment thereof.

Which was read the first time and referred to the Committee on Finance.

Mr. Patton introduced—

S. F. No. 2834: A bill for an act relating to the claim of Harry N. Steckelberg; arising from failure of highway department to properly inform claimant of possible use of his corn acreage topsoil; appropriating money for the payment thereof.

Which was read the first time and referred to the Committee on Finance.

Mr. Ueland introduced—

S. F. No. 2835: A bill for an act relating to the claim of Mark W. Oachs; arising from failure of Mankato state college to clear sidewalk in front of physical education building; appropriating money for the payment thereof.

Which was read the first time and referred to the Committee on Finance.

Messrs. Brown, Hansen, Mel and Bang introduced—

S. F. No. 2836: A bill for an act relating to elections; providing for the order of candidates for offices on the white ballot; amending Minnesota Statutes 1971, Section 203.28, Subdivision 1, as amended.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Brown, Berg and Bernhagen introduced—

S. F. No. 2837: A bill for an act relating to public buildings; re-

quiring installation of coal burning heating plants in new construction or replacements.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Mr. Berg introduced—

S. F. No. 2838: A bill for an act relating to the city of Benson; authorizing the issuance of on-sale liquor licenses.

Which was read the first time and referred to the Committee on Labor and Commerce.

Mr. Doty introduced—

S. F. No. 2839: A bill for an act relating to real property; enacting the uniform residential landlord and tenant act; repealing Minnesota Statutes 1971, Sections 504.18; and 566.03, Subdivisions 2, 3 and 4; and Laws 1973, Chapters 561, 603 and 611, Sections 13 to 28.

Which was read the first time and referred to the Committee on Judiciary.

Mr. Borden introduced—

S. F. No. 2840: A bill for an act legalizing foreclosure sales heretofore made and the records of mortgage foreclosure proceedings; limiting the time within which actions may be brought or defenses interposed; questioning the validity of foreclosure proceedings.

Which was read the first time and referred to the Committee on Judiciary.

Messrs. Lewis, Kirchner and Conzemius introduced—

S. F. No. 2841: A bill for an act relating to corrections; establishing a procedure and safeguards for the discipline of inmates at certain penal and correctional institutions.

Which was read the first time and referred to the Committee on Health, Welfare and Corrections.

Messrs. Kowalczyk; Hansen, Baldy and Knutson introduced—

S. F. No. 2842: A bill for an act relating to public health; authorizing school nurses and other qualified persons to take throat cultures for the purpose of detecting streptococcus infections.

Which was read the first time and referred to the Committee on Health, Welfare and Corrections.

Messrs. Kowalczyk, Willet and Hanson, R. introduced—

S. F. No. 2843: A bill for an act relating to charitable organiza-

tions; exempting volunteer 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.

Which was read the first time and referred to the Committee on Governmental Operations.

Messrs. Borden, Schrom and Wegener introduced—

S. F. No. 2844: A bill for an act relating to commerce; prohibiting sale of petroleum products in excess of the ceiling price established by the federal cost of living council; providing penalties.

Which was read the first time and referred to the Committee on Labor and Commerce.

Mr. Doty introduced—

S. F. No. 2845: A bill for an act relating to the claim of Valaree B. Hammond; arising from the death of her father on an improperly maintained highway; appropriating money for the payment thereof.

Which was read the first time and referred to the Committee on Finance.

Messrs. Berg, Purfeerst and Bernhagen introduced—

S. F. No. 2846: A bill for an act relating to pollution control; exemption of certain livestock feedlots from permit requirements.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

Messrs. Chenoweth, Blatz and Perpich, A. J. introduced—

S. F. No. 2847: A bill for an act relating to taxation; providing for the imposition of penalty for delinquent ad valorem taxes; amending Minnesota Statutes 1971, Section 279.01.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Perpich, A. J. and Arnold introduced—

S. F. No. 2848: A bill for an act relating to taxation; tax-forfeited lands; repurchase after forfeiture for taxes; amending Minnesota Statutes 1971, Section 282.241.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Schrom and Wegener introduced—

S. F. No. 2849: A bill for an act relating to time; providing for a

return to standard time; amending Minnesota Statutes 1971, Section 645.071, Subdivision 1; repealing Minnesota Statutes 1971, Section 645.071, Subdivision 2.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Perpich, A. J. and Solon introduced—

S. F. No. 2850: A bill for an act relating to St. Louis county; authorizing issuance of additional seasonal on-sale intoxicating liquor licenses; amending Laws 1973, Chapter 663, Section 1.

Which was read the first time and referred to the Committee on Labor and Commerce.

Messrs. Kowalczyk, Gearty and O'Neill introduced—

S. F. No. 2851: A bill for an act relating to liquor; temporary licensing of clubs, charitable and religious associations for sale of non-intoxicating malt liquor in schools; amending Minnesota Statutes, 1973 Supplement, Sections 340.02, Subdivision 2; and 624.701, Subdivision 1.

Which was read the first time and referred to the Committee on Labor and Commerce.

Messrs. Jensen; Olson, H. D. and Bernhagen introduced—

S. F. No. 2852: A bill for an act relating to taxation and assessment of property; providing for disbursement of funds derived from tax assessments on agricultural and certain recreational lands to school districts on or before certain dates each year; amending Minnesota Statutes, 1973 Supplement, Section 124.03, Subdivision 3.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Kleinbaum, Larson and Perpich, A. J. introduced—

S. F. No. 2853: A bill for an act relating to taxation; sales tax exemption for residential fuel oil; amending Minnesota Statutes, 1973 Supplement, Section 297A.25, Subdivision 1.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Borden, McCutcheon and Humphrey introduced—

S. F. No. 2854: A bill for an act relating to the protection of individual privacy; regulating the collection, storage, dissemination and usage of criminal offender record information; providing a civil cause of action; providing penalties; appropriating money; amending Minnesota Statutes 1971, Section 16.91.

Which was read the first time and referred to the Committee on Judiciary.

Messrs. Borden, Humphrey and Tennesen introduced—

S. F. No. 2855: A bill for an act relating to distinction on the basis of sex; abolishing these distinctions in the area of labor and industry; amending Minnesota Statutes 1971, Sections 175.16, as amended; 175.18; 175.20; 181.07; 181.40, as amended; repealing Minnesota Statutes 1971, Sections 181.18; 181.19; 181.20; 181.21; 181.22; 181.23; 181.43; 181.44; 181.45; 181.46; 181.47; 181.48; and 182.09, as amended.

Which was read the first time and referred to the Committee on Judiciary.

Mr. Hansen, Baldy questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Stassen introduced—

S. F. No. 2856: A bill for an act relating to the claim of Armour Food Company; arising from losses sustained under a contract for meat products with the state when federal cost of living council lifted ceiling prices on pork; appropriating money for the payment thereof.

Which was read the first time and referred to the Committee on Finance.

Messrs. Wegener; Hanson, R. and Willet introduced—

S. F. No. 2857: A bill for an act relating to wild animals; clarifying certain provisions concerning fishing license exemptions and free fishing licenses; amending Minnesota Statutes, 1973 Supplement, Section 98.47, Subdivisions 1 and 8.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

Messrs. Humphrey, Kleinbaum and Sillers introduced—

S. F. No. 2858: A bill for an act relating to the state college board; including a student or recent graduate on its membership; amending Minnesota Statutes 1971, Section 136.12.

Which was read the first time and referred to the Committee on Education.

Messrs. Perpich, A. J.; Conzemius and O'Neill introduced—

S. F. No. 2859: A bill for 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.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Mr. Dunn introduced—

S. F. No. 2860: A bill for an act relating to state lands; directing conveyance of certain state lands in Isanti county to Cambridge memorial hospital.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

Mr. Dunn, by request, introduced—

S. F. No. 2861: A bill for an act relating to the claim of Virgil K. Clemons; arising from failure of driver of state snowplow to take adequate precautions in making a left turn; appropriating money for the payment thereof.

Which was read the first time and referred to the Committee on Finance.

Mr. Brown introduced—

S. F. No. 2862: A bill for an act relating to public indebtedness; amending Minnesota Statutes 1971, Section 475.52, Subdivision 4.

Which was read the first time and referred to the Committee on Local Government.

Messrs. Doty and Schaaf introduced—

S. F. No. 2863: A bill for an act relating to taxation; establishing an income tax credit for public transportation users.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Doty and Solon introduced—

S. F. No. 2864: A bill for an act relating to St. Louis county; tax levy for health purposes; repealing Laws 1967, Chapter 501.

Which was read the first time and referred to the Committee on Local Government.

Mr. Doty questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Doty, Chmielewski and Solon introduced—

S. F. No. 2865: A bill for an act relating to courts; providing for

the salary of county court judges of St. Louis county; amending Minnesota Statutes, 1973 Supplement, Section 15A.083, Subdivision 2.

Which was read the first time and referred to the Committee on Governmental Operations.

Mr. Arnold introduced—

S. F. No. 2866: A bill for an act relating to mining; requiring stockpiling of overburden from open pit or strip mining in certain instances.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

Mr. Arnold introduced—

S. F. No. 2867: A bill for an act relating to mining; authorizing county assessors to engage in exploratory drilling in order to ascertain the existence of unmined iron ore; providing for condemnation proceedings in certain cases; amending Minnesota Statutes 1971, Chapter 298, by adding a section.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

Messrs. Arnold, Ashbach and Laufenburger introduced—

S. F. No. 2868: A bill for an act relating to highway traffic regulations; equipment on certain vehicles; requiring tires on certain vehicles to meet requirements of the commissioner of public safety; prohibiting the sale, other than to a dealer, of certain vehicles with unsafe tires; and prescribing penalties.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Mr. Arnold introduced—

S. F. No. 2869: A bill for an act relating to Koochiching county; authorizing the issuance of additional on-sale intoxicating liquor licenses.

Which was read the first time and referred to the Committee on Labor and Commerce.

Messrs. Keefe, J.; Lewis and Ogdahl introduced—

S. F. No. 2870: A bill for an act relating to the Minnehaha creek watershed district; providing for tax levies.

Which was read the first time and referred to the Committee on Metropolitan and Urban Affairs.

Mr. Anderson introduced—

S. F. No. 2871: A bill for an act relating to Chisago county; authorizing the county board to use certain feasibility studies when establishing county water, sewer, or combined water and sewer systems.

Which was read the first time and referred to the Committee on Local Government.

Mr. Lord introduced—

S. F. No. 2872: A bill for an act relating to environment; solid waste disposal; user fee; authorizing certain counties to exempt landfills and incinerators from the user fee under certain conditions; amending Minnesota Statutes, 1973 Supplement, Section 116F.07.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

Mr. O'Neill, by request, introduced —

S. F. No. 2873: A bill for an act relating to the claim of Libby W. Swanson; arising from an injury sustained in a fall on snow and ice of Minnesota department of highways parking lot; appropriating money for the payment thereof.

Which was read the first time and referred to the Committee on Finance.

Mr. Ueland introduced—

S. F. No. 2874: A bill for an act relating to human rights; authorizing banks and other financial institutions to refuse to hire spouses of persons employed by them for purposes of security; amending Minnesota Statutes, 1973 Supplement, Section 363.03, Subdivision 1; and by adding a subdivision.

Which was read the first time and referred to the Committee on Judiciary.

Mr. Hansen, Baldy questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Josefson introduced—

S. F. No. 2875: A bill for an act relating to the city of Marshall; authorizing land acquisition and development to promote industry and alleviate unemployment.

Which was read the first time and referred to the Committee on Local Government.

Mr. Ueland introduced—

S. F. No. 2876: A bill for an act relating to the city of Mankato; veterans preference in employment in the police and fire departments.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Conzemius and Hansen, Baldy introduced—

S. F. No. 2877: A bill for an act relating to intoxicating liquor; authorizing off-sale of certain wines by certain manufacturers; amending Minnesota Statutes 1971, Section 340.13, Subdivision 1.

Which was read the first time and referred to the Committee on Labor and Commerce.

Messrs. Conzemius and Hansen, Baldy introduced—

S. F. No. 2878: A bill for an act relating to intoxicating liquor; authorizing wine research by higher educational institutions; amending Minnesota Statutes 1971, Section 340.11, Subdivision 1.

Which was read the first time and referred to the Committee on Labor and Commerce.

Messrs. Wegener, Blatz and Hughes introduced—

S. F. No. 2879: A bill for an act relating to reimbursement of nonpublic school pupil expenditures in certain cases; amending Minnesota Statutes 1971, Section 290.086, by adding subdivisions.

Which was read the first time and referred to the Committee on Education.

Mr. Solon introduced—

S. F. No. 2880: A bill for an act relating to education; creation of an independent school district in the county of St. Louis.

Which was read the first time and referred to the Committee on Education.

Mr. Purfeerst introduced—

S. F. No. 2881: A bill for an act relating to taxation; increases in valuation for property tax purposes; amending Minnesota Statutes 1971, Section 273.11, Subdivision 2, as added.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Mr. Berg introduced—

S. F. No. 2882: A bill for an act relating to the claim of Gerald L. Kleene, as claimant for petitioners of Chippewa county ditch

No. 58; arising from expenses incurred in connection with Chippewa county ditch No. 58 as a result of action taken by the department of natural resources; appropriating money for the payment thereof.

Which was read the first time and referred to the Committee on Finance.

Messrs. Ueland, Blatz and Patton introduced—

S. F. No. 2883: A bill for an act relating to taxation; repealing the inspection fee and excise tax imposed on oleomargarine; appropriating money from the general fund to the dairy and related products research and marketing account; amending Minnesota Statutes 1971, Sections 33.17, Subdivision 2; and 33.171; repealing Minnesota Statutes 1971, Sections 33.10; 33.11; 33.12; 33.13; 33.14; 33.15; and 33.17, Subdivision 1.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Mr. Thorup introduced—

S. F. No. 2884: A bill for an act relating to the city of Coon Rapids; appropriating funds for special assessments levied by the city against property of Anoka-Ramsey community college.

Which was read the first time and referred to the Committee on Finance.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted:

H. F. No. 862.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 23, 1974

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted:

H. F. Nos. 2587, 2554, 2667 and 2051.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 24, 1974

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 296: A bill for an act relating to taxation; excise tax on motor vehicles; defining purchase price; amending Minnesota Statutes 1971, Section 297B.01, Subdivision 8.

Senate File No. 296 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned January 23, 1974

Mr. Doty moved that S. F. No. 296 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 2244: A bill for an act relating to securities and usury; exemption from usury for margin accounts maintained by broker-dealers; amending Minnesota Statutes 1971, Chapter 334, by adding a section; repealing Minnesota Statutes 1971, Section 80.122.

Senate File No. 2244 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned January 24, 1974

CONCURRENCE AND REPASSAGE

Mr. Thorup moved that the Senate do now concur in the amendments by the House to S. F. No. 2244 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2244: A bill for an act relating to securities and usury; exemption from usury for margin accounts maintained by broker-dealers; amending Minnesota Statutes 1971, Chapter 334, by adding a section.

Was read the third time, as amended by the House, and placed on its repassage.

The question being taken on the repassage of the bill, as amended,

And the roll being called, there were yeas 55 and nays 5, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Kowalczyk	Novak	Renneke
Bang	Fitzsimons	Krieger	Ogdahl	Schaaf
Berg	Gearty	Larson	Olhoft	Sillers
Bernhagen	Hansen, Mel	Laufenburger	Olson, A. G.	Solon
Blatz	Hanson, R.	Lewis	Olson, H. D.	Spear
Borden	Hughes	Lord	Olson, J. L.	Stassen
Brown	Humphrey	McCutcheon	O'Neill	Stokowski
Chenoweth	Josefson	Milton	Patton	Tennessen
Coleman	Keefe, S.	Moe	Perpich, A. J.	Thorup
Conzemius	Kirchner	Nelson	Perpich, G.	Ueland
Doty	Kleinbaum	North	Pillsbury	Wegener

Those who voted in the negative were:

Ashbach Hansen, Baldy Knutson Schrom Willet
 So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 944: A bill for an act relating to education; permitting certain teachers to apply for and receive life or permanent certificates.

Senate File No. 944 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
 Returned January 24, 1974

CONCURRENCE AND REPASSAGE

Mr. Solon moved that the Senate do now concur in the amendments by the House to S. F. No. 944 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 944 was read the third time, as amended by the House, and placed on its repassage.

The question being taken on the repassage of the bill, as amended,

And the roll being called, there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Knutson	Olson, A. G.	Solon
Ashbach	Fitzsimons	Kowalczyk	Olson, H. D.	Spear
Bang	Gearty	Krieger	Olson, J. L.	Stassen
Berg	Hansen, Baldy	Larson	O'Neill	Stokowski
Bernhagen	Hansen, Mel	Laufenburger	Patton	Thorup
Blatz	Hanson, R.	Lewis	Perpich, A. J.	Ueland
Borden	Hughes	Lord	Perpich, G.	Wegener
Brown	Humphrey	McCutcheon	Pillsbury	Willet
Chenoweth	Josefson	Milton	Renneke	
Coleman	Keefe, S.	Nelson	Schaaf	
Conzemius	Kirchner	North	Schrom	
Doty	Kleinbaum	Novak	Sillers	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned:

S. F. Nos. 152, 781, 2012, 2243 and 2246.

Edward A. Burdick, Chief Clerk, House of Representatives
 Returned January 24, 1974

FIRST READING OF HOUSE BILLS

H. F. No. 862: A bill for an act relating to highway traffic regulations; motor vehicle equipment; loads; weighing of certain vehicles; amending Minnesota Statutes 1971, Sections 169.67, Subdivision 4; 169.73, Subdivision 2; 169.80, Subdivision 3; 169.85; and Chapter 169, by adding a section.

H. F. No. 2587: A bill for an act relating to polygraph tests of police officers; prohibiting the use thereof; repealing Laws 1973, Chapter 667, Section 3.

H. F. No. 2554: A bill for an act relating to counties; establishment and use of imprest cash funds in counties.

H. F. No. 2667: A bill for an act relating to taxation; reassessment of improperly valued property; amending Minnesota Statutes 1971, Section 270.18, Subdivision 2.

H. F. No. 2051: A bill for an act relating to counties; authorizing the use of county road and bridge funds in the construction and maintenance of bicycle paths; amending Minnesota Statutes 1971, Chapter 163, by adding a section.

Which were read the first time and referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 2607: A bill for an act relating to public cemeteries; authorizing disbursement of funds for maintenance of public cemeteries; amending Minnesota Statutes 1971, Section 306.243, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "public" and insert "abandoned or neglected"

Further, amend the title in line 2 by striking "public" and in line 4 by striking "public" and inserting "abandoned or neglected"

And when so amended the bill do pass and be placed on the Calendar of Ordinary Matters. Amendments adopted. Report adopted.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 2684: A bill for an act authorizing the city of Fairmont to designate, regulate, maintain, and improve streets in the central business district as a mall and to levy special assessments and taxes and issue bonds for this purpose; repealing Laws 1965, Chapter 70.

Reports the same back with the recommendation that the bill be amended as follows:

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

"Section 1. Laws 1965, Chapter 70, Section 1, Subdivision 1, is amended to read:

Section 1. [FAIRMONT, CITY OF; PEDESTRIAN MALL.] Subdivision 1. The city of Fairmont in Martin county may, by ordinance adopted by its council in accordance with the city charter and this section, designate one or more streets within its central business district as a mall for primarily pedestrian use and may thereafter establish, regulate, maintain, and improve the mall for such use and may levy special assessments and taxes and issue bonds for those purposes. *Nothing in this act shall be construed to restrict the use of any such mall to pedestrian traffic only, and wherever in this act there is reference to a pedestrian mall, the reference shall be construed to apply to and permit the establishment of a mall for general use.*

Sec. 2. Laws 1965, Chapter 70, Section 1, is amended by adding a subdivision to read:

Subd. 2a. The mall ordinance may be adopted if the council determines upon hearing as provided in this section, and recites in the ordinance, that the proposed mall will enhance the freedom of movement, safety, convenience, or enjoyment of individuals. The ordinance shall specify the street or streets to be included within the mall and shall state that the council intends to begin proceedings to finance the cost of establishing the mall by special assessments as provided in subdivision 3 of this section.

Sec. 3. Laws 1965, Chapter 70, Section 1, Subdivision 2, and Section 2, Subdivision 2, are repealed.

Sec. 4. This act is effective upon its approval by the members of the council of the city of Fairmont, and upon compliance with Minnesota Statutes, Section 645.021."

Amend the title in line 7 before the semicolon by inserting "; amending Laws 1965, Chapter 70, Section 1, Subdivision 1, and by adding a subdivision" and in line 8 before the period by inserting ", Section 1, Subdivision 2, and Section 2, Subdivision 2"

And when so amended the bill do pass and be placed on the Calendar of Ordinary Matters. Amendments adopted. Report adopted.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 2376: A bill for an act relating to Otter Tail county; providing for the appointment of the county attorney by the board of county commissioners.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

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

"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 11, 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 the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Subd. 3. "Metropolitan commission or commission" means the metropolitan environmental service commission, the metropolitan transportation 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 or commission referred to herein.

Subd. 5. "Local governmental unit" means any county, city, borough, 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 8, 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 for each commission adopted pursuant to section 6 of this article.

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

Sec. 3. 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 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 shall be fixed by law and his expense allowances shall be fixed by the metropolitan council.

Sec. 4. 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 governor with the advice and consent of the senate. One member shall be appointed from each of the following commission 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 15;
- (7) Precinct G, consisting of council districts 10 and 16; and
- (8) Precinct H, consisting of council districts 11 and 12.

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 member of the commission and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. The commission chairman shall serve at the pleasure of the governor. 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. All chairmen presently serving on commissions shall continue to serve at the pleasure of the governor.*

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 as a commission member 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 5, 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 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, other than the chairman, may be removed by the governor only for cause in the manner specified in chapter 351.*

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 governor shall designate one of them to serve as the commission member from the district and the terms of the other members are thereupon terminated. The governor 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 other than chairman becomes vacant, the vacancy shall be filled by appointment by the governor in the same manner in which the last regular appointment for that precinct was made. Vacancies in the office of chairman shall be filled by the governor. 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 \$35 for each meeting and for such other services as are specifically 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 law 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 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 commission 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 commission 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 commission 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 commission 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. 5. 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~~ .

Sec. 6. 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 af-

jected 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 functions;

(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 90 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 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 45 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. 7. Minnesota Statutes 1971, Section 473B.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. 8. 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. 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 review. 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.

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 the 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.

(5) The council shall be obligated 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, village, borough, town, and coun-*

ty 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, village, borough, 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, village, borough, town, county, or special district which may be affected by the plans submitted, of the general nature of the plan, 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 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. 9. 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 6 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 vis-a-vis other capital improvements described in the program;

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

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 approval 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. 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 plan 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. 10. 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 commission, 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. 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. 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 for consideration by the legislature.

Sec. 11. Minnesota Statutes 1971, Chapter 473B, is amended by adding a section to read:

[473B.09] [FINANCIAL DISCLOSURE.] *Subdivision 1. Each member of the council and the commissions shall file with the executive director of the council by April 1 of each year, on forms prescribed by the council, a report listing his occupation and membership on the board of directors or similar governing body of, membership in or employment by, any profit or nonprofit corporation, partnership, labor organization, professional or business association cooperative or other financial, educational health or business institution. The report shall also disclose each of the member's financial interests, including both assets and liabilities, of a value in excess of \$1,000. Assets shall exclude accounts in banks, credit unions and savings and loan associations, United States government savings bonds, the member's or employee's homestead, household goods and personal effects, personal automobile, and the cash value of life insurance. Liabilities shall exclude indebtedness on the member's or employee's homestead, household goods and personal effects, personal automobile, and amounts borrowed against the cash value of life insurance.*

Subd. 2. [INTEREST IN CONTRACTS PROHIBITED.] No commissioner or any person holding appointment under the commission shall be interested directly or indirectly in any contract entered into by the commission. No commissioner shall be subject to any personal liability on account of any liability of the commission.

Sec. 12. [REPEALER.] Minnesota Statutes 1971, Section 473B.06, Subdivisions 7 and 8, are repealed.

ARTICLE II

METROPOLITAN ENVIRONMENTAL SERVICE COMMISSION

Section 1. Minnesota Statutes 1971, Section 473C.03, Subdivision 1, is amended to read:

473C.03 [METROPOLITAN ENVIRONMENTAL SERVICE COMMISSION.] *Subdivision 1. [ESTABLISHMENT; APPOINTMENTS.] A metropolitan sewer environmental service*

board *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 11 of article I.

Sec. 2. 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 subdivision 1 article I, section 6, 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 environmental service board 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. 3. Minnesota Statutes 1971, Section 473C.10, is amended to read:

473C.10 [SERVICE COMMISSION BUDGET.] The *sewer environmental service board 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.06;

subdivision 4, and deferments under section 473C.03, 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 10.

Sec. 4. 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 plan, 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. 5. 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 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. 6. [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. 7. [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 TRANSPORTATION COMMISSION

Section 1. Minnesota Statutes 1971, Section 473A.01, Subdivision 2, is amended to read:

Subd. 2. "Metropolitan ~~transit~~ *transportation* area" or "~~transit transportation~~ *area*" or "area" or "MTA" means the ~~Twin Cities~~ metropolitan public ~~transit~~ *transportation* area hereinafter established.

Sec. 2. Minnesota Statutes 1971, Section 473A.01, Subdivision 3, is amended to read:

Subd. 3. "Metropolitan ~~transit~~ *transportation* commission" or "~~transit transportation~~ *commission*" or "commission" means the ~~Twin Cities area~~ metropolitan ~~transit~~ *transportation* 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~~ *transportation* 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~~ *transportation* 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~~ *transportation* 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 TRANSPORTATION AREA, ESTABLISHMENT.] There is hereby established a ~~Twin Cities~~ metropolitan ~~public transit~~ *transportation* 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 TRANSPORTATION COMMISSION.] Subdivision 1. [COMMISSION; CREATION AND COMPOSITION.] There is hereby created a ~~Twin Cities area~~ metropolitan ~~transit~~ *transportation* 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

~~173B.02~~ *The commission shall prepare, submit and adopt a budget in the manner provided in, and otherwise comply with, the provisions of article I, section 10 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 6 hereof, which shall include policies both capital and noncapital 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 6 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. 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 sub-

division 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 9 of this act, a transportation development program, including both capital and noncapital elements, 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 and include 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 commission deems necessary.

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

Subd. 1b. [APPROVAL OF HIGHWAY PROJECTS.] Before acquiring land for or constructing a highway or road of metropolitan significance in the area which is not included in an existing development program (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 relation to the development program and report its comments and recommendations to the council. The council shall also review the statement to ascertain its consistency with 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 transportation commission act of 1974*.

Sec. 13. **[REVISOR DUTIES.]** In the next edition of Minnesota Statutes, the revisor of statutes shall change the term "metropolitan transit area" to "metropolitan transportation area," the term "transit area" to "transportation area," the term "metropolitan transit commission" to "metropolitan transportation commission," the term "transit commission" to "transportation commission," and the term "transit commissioner" to "transportation commissioner" wherever each such term appears in Minnesota Statutes, Chapter 473A.

Sec. 14. **[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 6, 7 and 8 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; requiring the metropolitan council to review and to provide technical assistance for local government planning; establishing the metropolitan environmental services commission and the metropolitan transportation commission; amending Minnesota Statutes 1971, Chapters 473A, by adding a section; and 473B, by adding sections; Sections 473A.01, Subdivisions 2 and 3, and by adding a subdivision; 473A.02; 473A.03; 473A.04, Subdivision 1; 473A.05, Subdivision 10; 473A.06, by adding subdivisions; 473A.16; 473A.18; 473B.02, Subdivision 4; 473B.04; 473B.06, by adding subdivisions; 473C.03, Subdivision 1; 473C.06, Subdivision 3; 473C.10; 473C.16, Subdivision 3; 473C.18; repealing 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; 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."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 2736: A bill for an act relating to education; providing for loans to medical and osteopathy students who agree to practice in rural communities; authorizing the issuance of revenue bonds; amending Minnesota Statutes, 1973 Supplement, Sections 147.30; 147.31; and 147.32; and Laws 1973, Chapter 727, Section 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 12, strike "\$6,000" and insert "\$8,000"

Page 3, strike all of line 10

Page 3, line 11, strike "adopted prior to January 1, 1974" and insert "under the provisions of Minnesota Statutes, 1973 Supplement, Sections 147.30 to 147.33"

Page 3, line 23, after "147.33" and before the comma, insert "as such principal and interest become due"

Page 3, lines 25 and 26, strike "as the same become due"

Page 4, line 25, after "act" insert "*as the same become due*"

Page 4, line 27, strike "*, as the same become due*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 2595: 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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 2405 for comparison to companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

CALENDAR OF

GENERAL ORDERS		ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2405	2323				

Pursuant to Rule 49 the Committee recommends that H. F. No. 2405 be amended as follows:

Page 1, line 22, strike "*Within*" and insert in lieu thereof "*At least*"

Page 1, line 22, strike "*after*" and insert in lieu thereof "*before*"

Page 1, line 23, after "*boundaries*" and before the comma insert "*become effective*"

And when so amended, H. F. No. 2405 will be identical to S. F. No. 2323 and further recommends that H. F. No. 2405 be given its second reading and substituted for S. F. No. 2323 and S. F. No. 2323 be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 2185 for comparison to companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

CALENDAR OF

GENERAL ORDERS		ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2185	2129				

Pursuant to Rule 49 the Committee recommends that H. F. No. 2185 be amended as follows:

Page 1, strike lines 19 through 26 and insert in lieu thereof the following:

"Sec. 2, Minnesota Statutes 1971, Section 100.29, Subdivision 8, is amended to read:

Subd. 8. *Except for a duck hunter*, it shall be unlawful to hunt or trap, or assist therein, ~~in any territory open for the taking of deer with the use of firearms, during such open season any firearm deer hunting season~~, unless the ~~visible portion of the hunter's or trapper's cap and outer coat shall be bright red or blaze~~

Page 2, line 13, strike "1975" and insert in lieu thereof "1974"

And when so amended, H. F. No. 2185 will be identical to S. F. No. 2129 and further recommends that H. F. No. 2185 be given its second reading and substituted for S. F. No. 2129 and S. F. No. 2129 be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 2332 for comparison to companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

CALENDAR OF

GENERAL ORDERS		ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2332	2266				

Pursuant to Rule 49 the Committee recommends that H. F. No. 2332 be amended as follows:

Page 1, line 17, strike "90" and insert in lieu thereof "120"

Page 3, delete all of lines 18 to 23

Renumber the sections in order

Page 8, line 18, strike "1974" and insert in lieu thereof "1973"

Further, amend the title in line 4 by deleting " , and by adding a" and in line 5 by deleting "subdivision"

And when so amended, H. F. No. 2332 will be identical to S. F.

No. 2266 and further recommends that H. F. No. 2332 be given its second reading and substituted for S. F. No. 2266 and S. F. No. 2266 be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 2789 for comparison to companion Senate File, reports the following House File was found identical and recommends the House File be given its Second Reading and substituted for its companion Senate File as follows:

CALENDAR OF					
GENERAL ORDERS		ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2789	2643		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred

H. F. Nos. 2191, 2587, 2554, 2667 and 2051 for comparison to companion Senate Files, reports the following House Files were found to have no companion Senate Files on Senate Calendars and are recommended to be re-referred to their respective Committees as follows:

H. F. Nos. 2191 and 2587 to the Committee on Judiciary.

H. F. No. 2554 to the Committee on Local Government.

H. F. No. 2667 to the Committee on Taxes and Tax Laws.

H. F. No. 2051 to the Committee on Transportation and General Legislation.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 2607, 2684, 2376, 2736 and 2595 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 636, 2405, 2185, 2332 and 2789 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. North moved that the names of Messrs. Bernhagen and Purfeerst be added as co-authors to S. F. No. 2790. The motion prevailed.

Mr. North moved that the name of Mr. O'Neill be added as chief author and the name of Mr. Novak be added as co-author to S. F. No. 2492. The motion prevailed.

Mr. North moved that the name of Mr. Olhoft be added as co-author to S. F. No. 2771. The motion prevailed.

Mr. Gearty moved that the name of Mr. Kowalczyk be added as co-author to S. F. Nos. 2506 and 2532. The motion prevailed.

Mr. Borden moved that the names of Messrs. Doty and Solon be added as co-authors to S. F. No. 2228. The motion prevailed.

Mr. Hughes moved that S. F. No. 481 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Hughes moved that the Senate do now concur in the amendments by the House to S. F. No. 481 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 481: A bill for an act relating to highway traffic regulations; accidents; reporting of accidents; driver's license suspension under certain circumstance by reason of accident; amending Minnesota Statutes 1971, Sections 169.09, Subdivisions 3, 7, 8, and 13; and 170.25, Subdivision 1; repealing Minnesota Statutes 1971, Section 170.33, Subdivision 5.

Was read the third time, as amended by the House, and placed on its repassage.

The question being taken on the repassage of the bill, as amended,

And the roll being called, there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Kowalczyk	Olhoft	Solon
Ashbach	Fitzsimons	Krieger	Olson, A. G.	Spear
Bang	Gearty	Larson	Olson, H. D.	Stassen
Berg	Hansen, Baldy	Laufenburger	Olson, J. L.	Stokowski
Bernhagen	Hansen, Mel	Lewis	O'Neill	Tennezen
Blatz	Hanson, R.	Lord	Patton	Thorup
Borden	Hughes	McCutcheon	Perpich, A. J.	Ueland
Brown	Humphrey	Milton	Perpich, G.	Wegener
Chenoweth	Josefson	Moe	Pillsbury	Willet
Chmielewski	Keefe, S.	Nelson	Renneke	
Coleman	Kirchner	North	Schaaf	
Conzemius	Kleinbaum	Novak	Schrom	
Doty	Knutson	Ogdahl	Sillers	

So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Laufenburger moved that H. F. No. 2065, No. 44 on General Orders, be stricken and re-referred to the Committee on Local Government. The motion prevailed.

Mr. Kleinbaum moved that H. F. No. 484, No. 9 on the Calendar, be stricken and returned to the top of General Orders. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 1104: A bill for an act relating to public indebtedness; amending the school district debt limit, authorizing the issuance of temporary obligations in anticipation of state or federal grants, and revising and clarifying other provisions; amending Minnesota Statutes 1971, Sections 475.51, Subdivision 9; 475.53, Subdivisions 1, 2, 3, 4, and 5; 475.56; 475.58, Subdivisions 1 and 2; 475.61, by adding a subdivision; 475.66; and 475.71.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Kowalczyk	Olhoff	Solon
Ashbach	Fitzsimons	Krieger	Olson, A. G.	Spear
Bang	Gearity	Larson	Olson, H. D.	Stassen
Berg	Hansen, Baldy	Laufenburger	Olson, J. L.	Stokowski
Bernhagen	Hansen, Mel	Lewis	O'Neill	Tennessee
Blatz	Hanson, R.	Lord	Patton	Thorup
Borden	Hughes	McCutcheon	Perpich, A. J.	Ueland
Brown	Humphrey	Milton	Perpich, G.	Wegener
Chenoweth	Josefson	Moe	Pillsbury	Willet
Chmielewski	Keefe, S.	Nelson	Renneke	
Coleman	Kirchner	North	Schaaf	
Conzemius	Kleinbaum	Novak	Schrom	
Doty	Knutson	Ogdahl	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 1541: A bill for an act relating to highway traffic regulations; vehicle lighting; requiring use of lighted lamps under certain conditions; amending Minnesota Statutes 1971, Section 169.48.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Knutson	Ogdahl	Solon
Ashbach	Fitzsimons	Kowalczyk	Olhoff	Spear
Bang	Gearity	Krieger	Olson, A. G.	Stassen
Berg	Hansen, Baldy	Larson	Olson, H. D.	Stokowski
Bernhagen	Hansen, Mel	Laufenburger	Olson, J. L.	Tennessee
Blatz	Hanson, R.	Lewis	O'Neill	Thorup
Borden	Hughes	Lord	Patton	Ueland
Brown	Humphrey	McCutcheon	Perpich, A. J.	Wegener
Chenoweth	Josefson	Milton	Perpich, G.	Willet
Chmielewski	Keefe, J.	Moe	Pillsbury	
Coleman	Keefe, S.	Nelson	Renneke	
Conzemius	Kirchner	North	Schaaf	
Doty	Kleinbaum	Novak	Sillers	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Tennesen in the chair.

After some time spent therein, the committee arose, and the President having resumed the chair, Mr. Tennesen reported that the committee had considered

S. F. No. 634 which the committee reports progress, subject to the following motions:

Mr. Borden moved to amend S. F. No. 634 as follows:

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

"Section 1. Minnesota Statutes 1971, Chapter 116, is amended by adding a section to read:

[116.42] [DEFINITIONS.] *Subdivision 1. For purposes of this act, the terms defined in this section shall have the meanings given them.*

Subd. 2. "Beverage container" means an individual, hermetically sealed glass, metal or plastic bottle, can, jar or carton used for the purpose of containing beer, ale, or other malt drink containing one-half of one percentum or more of alcohol by volume; or mineral waters, soda waters or any other carbonated soft drink in liquid form and intended for human consumption.

Subd. 3. "Bottler" means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers.

Subd. 4. "Distributor" means every person who engages in the sale of beverages in beverage containers to a dealer in this state including any bottler who engages in such sales.

Subd. 5. "Dealer" means every person in this state who engages in the sale of beverages in beverage containers at a retail.

Sec. 2. Minnesota Statutes 1971, Chapter 116, is amended by adding a section to read:

[116.43] [REFUND.] *Subdivision 1. [REFUND VALUE OF CONTAINERS.] Except as otherwise provided in this section, every beverage container sold or offered for sale in this state shall have a refund value of:*

(a) five cents on a container holding 16 ounces or less;

(b) ten cents on a container holding less than 32 ounces, but more than 16 ounces;

(c) twenty-five cents on a container holding 32 ounces or more. Provided, however, that every beverage container certified as provided in section 5 of this act sold or offered for sale in this state, shall have a refund value of not less than three cents as determined by the agency.

Subd. 2. [REFUND PAYMENT REQUIRED.] Except as provided in subdivision 3:

(a) A dealer shall accept from any person any empty beverage containers of the brand sold by the dealer, and shall pay to the person the refund value therefor as provided in subdivision 1.

(b) A distributor or bottler or a designee of a distributor or bottler shall accept from a dealer any empty beverage containers of the kind, size and brand sold by the distributor or bottler, and shall pay the dealer the refund value therefor as provided in subdivision 1.

Subd. 3. [EXCEPTIONS.] A dealer may refuse to accept from any person, and a distributor, bottler or designee may refuse to accept from a dealer, any empty beverage container that does not state thereon a refund value as required by section 4 of this act.

Sec. 3. Minnesota Statutes 1971, Chapter 116, is amended by adding a section to read:

[116.44] [TRUTH IN PRICING.] Dealers shall display an itemized listing on each beverage container or group of beverage containers sold at retail as a packaged unit showing both the refund value and the total price of the beverage and container less the refund value.

Sec. 4. Minnesota Statutes 1971, Chapter 116, is amended by adding a section to read:

[116.45] [CONTAINER DESIGN.] Subdivision 1. Every beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing, by a stamp, by a label or other method securely affixed to the beverage container, the refund value therefor as provided in section 2, subdivision 1.

Subd. 2. Subdivision 1 of this section shall not apply to beverage containers having a brand name permanently marked thereon that, on the effective date of this act, had a refund value of not less than five cents.

Sec. 5. Minnesota Statutes 1971, Chapter 116, is amended by adding a section to read:

[116.46] [CONTAINER CERTIFICATION.] Subdivision 1. [PROMOTION OF UNIFORM CONTAINERS.] To promote the use in the state of reusable beverage containers of uniform design, and to facilitate the return of beverage containers to bottlers for reuse as beverage containers, the pollution control agency may certify beverage containers that satisfy the requirements of this section.

Subd. 2. [REQUIREMENTS FOR CERTIFICATION AS UNIFORM CONTAINER.] A beverage container may be certified if:

(a) It is reusable as a beverage container by bottlers who bottle more than one company's beverage product line in the ordinary course of business; and

(b) More than one bottler will, in the ordinary course of business, accept the beverage container for reuse as a beverage container and pay the refund value of the container.

Subd. 3. [LIQUID CAPACITIES.] *The agency may by rule establish appropriate liquid capacities and shapes for beverage containers to be certified or decertified in accordance with the purposes set forth in subdivision 1.*

Subd. 4. [NON-UNIFORM CONTAINERS.] *A beverage container shall not be certified under this section if:*

(a) By reason of its quality, weight, shape, color or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting or other permanent method, it is reusable as a beverage container in the ordinary course of business only by a bottler of a beverage sold under a specific brand name; or

(b) The bottler's proposed system of identifying the contents of the beverage container causes an adverse environmental effect worse than that caused by the use of non-uniform beverage containers.

Subd. 5. [AUTOMATIC CERTIFICATION.] *If a person applies for certification under this section, and his application for certification is not denied by the agency within 60 days after the filing of the application for certification, the beverage container shall be deemed certified.*

Subd. 6. [CERTIFICATION REVIEW.] *The agency may at any time review the certification of any beverage container. If the agency determines that certification was improperly withheld and that the container is qualified for certification, the agency shall grant certification.*

Sec. 6. Minnesota Statutes 1971, Chapter 116, is amended by adding a section to read:

[116.47] [STANDARDS AND REGULATIONS.] *Pursuant to the provisions of chapter 15 and to the rules of procedure of the Minnesota pollution control agency, the agency may adopt, amend and rescind regulations and standards having the force of law to carry out the provisions of this act. The regulations or standards may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein.*

Sec. 7. [EFFECTIVE DATE.] *This act takes effect January 1, 1978, except that the agency shall adopt rules and regulations pursuant to this act before April 1, 1976, to take effect on January 1, 1978. Applications and certifications may be made prior to January 1, 1978, to take effect on January 1, 1978."*

Strike the title and insert in lieu thereof:

"A bill for an act relating to solid waste pollution; requiring beverage containers to have certain refund values; providing for certification of uniform containers; amending Minnesota Statutes 1971, Chapter 116, by adding sections."

The motion prevailed. So the amendment was adopted.

Mr. Arnold moved that S. F. No. 634 be re-referred to the Committee on Natural Resources and Agriculture.

The question being taken on adoption of the motion,

And the roll being called, there were yeas 26 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Larson	Renneke	Wegener
Arnold	Hansen, Baldy	Laufenburger	Schrom	Willet
Ashbach	Hughes	McCutcheon	Solon	
Chenoweth	Kleinbaum	Novak	Stokowski	
Chmielewski	Knutson	Olson, H. D.	Thorup	
Fitzsimons	Kowalczyk	Perpich, A. J.	Ueland	

Those who voted in the negative were:

Bang	Doty	Kirchner	Olhoft	Schaaf
Berg	Dunn	Lewis	Olson, A. G.	Sillers
Bernhagen	Hansen, Mel	Milton	Olson, J. L.	Spear
Blatz	Hanson, R.	Moe	O'Neill	Stassen
Borden	Humphrey	Nelson	Patton	
Brown	Josefson	North	Perpich, G.	
Coleman	Keefe, S.	Ogdahl	Pillsbury	

The motion did not prevail.

The committee then progressed S. F. No. 634.

And then, on motion of Mr. Tennesen, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 9:00 o'clock a.m., Wednesday, January 30, 1974. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate.