

ONE HUNDRED SIXTH DAY

St. Paul, Minnesota, Friday, March 15, 1974.

The Senate met at 10 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

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

Anderson	Conzemius	Humphrey	McCutcheon	Pillsbury
Arnold	Dunn	Jensen	Milton	Purfeerst
Ashbach	Fitzsimons	Josefson	North	Renneke
Bang	Frederick	Keefe, S.	Ogdahl	Spear
Berg	Gearty	Kirchner	Olhoft	Stokowski
Bernhagen	Hansen, Baldy	Kowalczyk	Olson, J. L.	Ueland
Borden	Hansen, Mel	Krieger	Patton	
Brown	Hanson, R.	Larson	Perpich, A. J.	
Chenoweth	Hughes	Lewis	Perpich, G.	

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

Quorum present.

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

MEMBERS EXCUSED

Messrs. Blatz, Doty and Patton were excused from the Session of today. Messrs. Coleman; Nelson; Olson, H. D. and Stassen were excused from this morning's Session.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 14, 1974

The Honorable Alec G. Olson
President of the Senate

Sir:

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

S. F. No. 625, An act authorizing the conveyance by the state of a certain easement over certain lands in the county of Chisago.

S. F. No. 1069, An act relating to traffic regulations; motorcycle license requirements; amending Minnesota Statutes 1971, Section 169.974, Subdivision 2.

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

S. F. No. 1721, An act authorizing the commissioner of administration to sell certain real estate in Winona county.

S. F. No. 2682, An act relating to the city of Upsala; validating certain proceedings of the city preliminary to and in the issuance and sale of certain general obligation bonds.

S. F. No. 2718, An act directing the commissioner of natural resources to convey certain lands to Lake of the Woods county.

S. F. No. 2886, An act relating to place of filing bonds of county officials; amending Minnesota Statutes 1971, Section 574.21.

S. F. No. 3037, An act relating to labor relations; political activity as grounds for removal from office of mediator; amending Minnesota Statutes 1971, Section 179.03.

S. F. No. 3069, An act authorizing the city of Foley to acquire and develop certain land for industrial purposes.

S. F. No. 3084, An act relating to state lands; authorizing the conveyance of certain state conservation area lands in Roseau county.

S. F. No. 3085, An act relating to state government; authorizing a conveyance of certain state owned lands to the city of Owatonna and specifying terms and conditions thereof.

S. F. No. 3151, An act relating to towns; officers' compensation and mileage allowance; amending Minnesota Statutes 1971, Section 367.05, Subdivision 2; repealing Minnesota Statutes 1971, Sections 367.05, Subdivision 4; 367.06; 367.07; and 367.08.

Sincerely,
Wendell R. Anderson, Governor

INTRODUCTION OF BILLS

Mr. Ogdahl introduced—

S. F. No. 3574: A bill for an act relating to the Minnesota state art council; establishing the office of poet laureate in Minnesota.

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. Nos. 2285, 3017, 3183, 3218, 3271, 2840, 3144, 3162, 3239, 3417, 1679, 2004, 2977, 3024, 3068, 2457, 2822, 3233, 3360, 2627, 2687, 2740, 2857, 2918, 2332, 3159, 3160, 3175, 3287, 2817, 3075 and 3033.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 14, 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. 3023: A bill for an act relating to municipal industrial development; definitions; issuance of bonds; amending Minnesota Statutes, 1973 Supplement, Section 474.02, by adding a subdivision; and Minnesota Statutes, 1973 Supplement, Section 474.06.

Senate File No. 3023 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 14, 1974

CONCURRENCE AND REPASSAGE

Mr. Gearty moved that the Senate do now concur in the amendments by the House to S. F. No. 3023 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 3023 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 47 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	North	Renneke
Ashbach	Gearty	Kowalczyk	Novak	Schrom
Bang	Hansen, Mel	Krieger	Ogdahl	Solon
Berg	Hanson, R.	Larson	Olhoft	Spear
Brown	Hughes	Laufenburger	Olson, J. L.	Stokowski
Chenoweth	Humphrey	Lewis	Patton	Ueland
Chmielewski	Josefson	Lord	Perpich, A. J.	Wegener
Conzemius	Keefe, S.	McCutcheon	Perpich, G.	
Dunn	Kirchner	Milton	Pillsbury	
Fitzsimons	Kleinbaum	Moe	Purfearer	

Messrs. Bernhagen; Hansen, Baldy; and Olson, A. G. voted in the negative.

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. 526: A bill for an act relating to aquatic vegetation; providing authority for the commissioner of natural resources to charge a fee for permits for the destruction of harmful or undesirable aquatic vegetation; amending Minnesota Statutes 1971, Section 98.48, Subdivision 9.

Senate File No. 526 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 14, 1974

CONCURRENCE AND REPASSAGE

Mr. Lord moved that the Senate do now concur in the amendments by the House to S. F. No. 526 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 526 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Moe	Purfeerst
Arnold	Fitzsimons	Kleinbaum	North	Renneke
Ashbach	Frederick	Knutson	Novak	Schrom
Bang	Gearty	Kowalczyk	Ogdahl	Solon
Berg	Hansen, Baldy	Krieger	Olhoft	Spear
Bernhagen	Hansen, Mel	Larson	Olson, A. G.	Stokowski
Brown	Hanson, R.	Laufenburger	Olson, J. L.	Tennessen
Chenoweth	Hughes	Lewis	Patton	Ueland
Chmielewski	Humphrey	Lord	Perpich, A. J.	Wegener
Conzemius	Josefson	McCutcheon	Perpich, G.	Willet
Davies	Keefe, S.	Milton	Pillsbury	

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. 2933: A bill for an act relating to free-standing ambulatory surgery facilities; coverage for surgery in certain instances; amending Minnesota Statutes 1971, Chapter 62A, by adding a section; Section 62C.14, by adding a subdivision; Chapter 144, by adding a section; and Section 145.72, Subdivision 2.

Senate File No. 2933 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 14, 1974

Mr. Kleinbaum moved that the Senate do not concur in the amendments by the House to S. F. No. 2933 and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. 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. 2759: A bill for an act relating to public employees; authorizing participation in the state deferred compensation plan; amending Minnesota Statutes, 1973 Supplement, Section 16.027, Subdivision 8.

Senate File No. 2759 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 14, 1974

Mr. Chenoweth moved that the Senate do not concur in the amendments by the House to S. F. No. 2759 and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1810:

H. F. No. 1810: A bill for an act providing standards and procedures for tax increment financing; authorizing municipalities to create development districts; authorizing the issuance of bonds to

carry out development programs in development districts; authorizing tax increment financing for the payment of principal and interest on such bonds; authorizing municipalities to assess the cost of operation against development districts; authorizing port authorities to segregate tax increments in industrial development districts; providing limitation on extent of districts to which tax increment financing applies; amending Minnesota Statutes 1971, Chapter 273, by adding sections; Sections 462.585, Subdivision 1; and 458.192, Subdivision 1 and adding new subdivisions to the section; and repealing Minnesota Statutes 1971, Sections 462.545, Subdivision 5; 462.585, Subdivisions 2 and 3; and 474.10, Subdivisions 2 and 3.

And the House respectfully requests that a Conference Committee of five members be appointed thereon:

Messrs. Cummiskey; Pavlak, R.; Berglin; Pleasant and Savelkoul have been appointed as such committee on the part of the House.

House File No. 1810 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 14, 1974

Mr. Conzemius moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1810, and that a Conference Committee of 5 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. 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. 2971: A bill for an act relating to health maintenance organizations; regulating the details of operation; amending Minnesota Statutes, 1973 Supplement, Sections 62D.02, Subdivision 7; 62D.06, Subdivision 1; 62D.08, Subdivision 2; 62D.10, Subdivisions 2 and 4; 62D.11, Subdivision 1; 62D.12, Subdivisions 4 and 9; 62D.22, Subdivision 8; and 62D.28, Subdivision 3.

Senate File No. 2971 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 14, 1974

CONCURRENCE AND REPASSAGE

Mr. Conzemius moved that the Senate do now concur in the amendments by the House to S. F. No. 2971 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2971 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	North	Purfeerst
Arnold	Fitzsimons	Kirchner	Novak	Renneke
Ashbach	Frederick	Kleinbaum	Ogdahl	Schaaf
Bang	Gearty	Knutson	Olhoff	Schrom
Berg	Hansen, Baldy	Kowalczyk	Olson, A. G.	Sillers
Bernhagen	Hansen, Mel	Krieger	Olson, H. D.	Solon
Borden	Hanson, R.	Larson	Olson, J. L.	Spear
Brown	Hughes	Laufenburger	O'Neill	Stokowski
Chenoweth	Humphrey	Lewis	Patton	Tennessen
Chmielewski	Jensen	Lord	Perpich, A. J.	Thorup
Conzemius	Josefson	McCutcheon	Perpich, G.	Ueland
Davies	Keefe, J.	Moe	Pillsbury	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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 1489, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 1489: A bill for an act relating to education; providing for establishment and operation of cooperative centers by independent school districts.

House File No. 1489 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 14, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1489

A bill for an act relating to education; providing for establishment and operation of cooperative centers by independent school districts.

March 12, 1974

Honorable Martin O. Sabo
Speaker of the House of Representatives

Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees on the part of the House and the Senate, upon the disagreeing votes as to H.F. No. 1489, report that we have agreed upon the items in dispute and recommend as follows:

Page 1, lines 11 and 12, delete “, as provided in this act”

Page 2, lines 3 and 4, delete “by the commissioner of education” and insert in lieu thereof “pursuant to Minnesota Statutes, Section 122.03”

Page 2, line 21, delete “between” and insert in lieu thereof “among”

Page 3, line 6, delete “Saturday”

Page 4, line 4, after “the” and before “board” insert “center”

Page 4, line 4, after “to” delete “the” and insert in lieu thereof “such”

Page 4, line 11, after “district” delete the comma

Page 5, line 11, after “subdivision 5” insert “, clause” and after “subdivision 4” insert “, clauses”

Page 6, line 14, after “by” and before “majority” delete “the”

Page 7, lines 7 and 8, delete “may upon application to the commissioner of education become” and insert in lieu thereof “shall be”

Page 7, line 9, after “subdivision 1.” insert the following: “Any changes in center agreements necessary to comply with this act shall be completed within twelve months after the effective date of this act and filed with the state board by the administrator of each center.”

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

House Conferees: (Signed) Jack H. LaVoy, Carl M. Johnson, Wendell O. Erickson.

Senate Conferees: (Signed) Sam G. Solon, Douglas H. Sillers, B. Robert Lewis.

Mr. Solon moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1489 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1489: A bill for an act relating to education; providing for establishment and operation of cooperative centers by independent school districts.

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

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

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was re-passed 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. 3176: A bill for an act relating to Dakota county; authorizing certain requirements for appointees to the Dakota county planning advisory commission.

Senate File No. 3176 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 14, 1974

CONCURRENCE AND REPASSAGE

Mr. Knutson moved that the Senate do now concur in the amendments by the House to S. F. No. 3176 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 3176 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	Moe	Purfeerst
Arnold	Fitzsimons	Kirchner	North	Renneke
Ashbach	Frederick	Kleinbaum	Novak	Schrom
Bang	Gearty	Knutson	Ogdahl	Sillers
Berg	Hansen, Baldy	Kowalczyk	Olhoft	Solon
Bernhagen	Hansen, Mel	Krieger	Olson, A. G.	Spear
Borden	Hanson, R.	Larson	Olson, J. L.	Stokowski
Brown	Hughes	Laufenburger	O'Neill	Tennessen
Chenoweth	Humphrey	Lewis	Patton	Thorup
Chmielewski	Jensen	Lord	Perpich, A. J.	Ueland
Conzemius	Josefson	McCutcheon	Perpich, G.	Wegener
Davies	Keefe, J.	Milton	Pillsbury	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 House Files, herewith transmitted: H. F. Nos. 1951 and 3347.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 14, 1974

FIRST READING OF HOUSE BILLS

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

H. F. No. 3347: A bill for an act relating to education; providing for biennial reports on the percentages of men, women and racial minorities in professional programs.

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

REPORTS OF COMMITTEES

Mr. Davies moved that the Committee Reports at the Desk be now adopted, with the exception of the report from the Committee on Health, Welfare and Corrections pertaining to appointments. The motion prevailed.

Mr. Novak from the Committee on Finance, to which was re-referred

H. F. No. 2950: A bill for an act relating to the Minnesota housing finance agency; revising limitations upon agency bonds and notes; providing for rehabilitation loans and grants; appropriating money; amending Minnesota Statutes 1971, Sections 462A.02, Subdivisions 3, 6, and by adding a subdivision; 462A.03, by adding a subdivision; 462A.04, Subdivision 1; 462A.05, by adding subdivisions; 462A.07, Subdivisions 2, 3, 10, and by adding subdivisions; 462A.20, by adding a subdivision; 462A.21, Subdivisions 1 and 5, and by adding a subdivision; Minnesota Statutes, 1973 Supplement, Sections 462A.03, Subdivisions 9 and 11; 462A.06, Subdivision 11; 462A.08, Subdivision 1; 462A.21, Subdivisions 2, 3, 4, and by adding a subdivision; and 462A.22, Subdivision 1.

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

Page 2, line 15, after the semicolon insert "*that many have a market value substantially below the market that they would have if rehabilitated; that many are substantially less desirable to live in than they would be if rehabilitated;*"

Page 3, line 5, strike "*and sanitary and*" and insert "*more desirable to live in, to be of greater market value or*"

Page 3, line 32, after "*primarily*" insert "*to make the housing more desirable to live in, to increase the market value of the housing or*"

Page 4, line 11, after "*primarily*" insert "*to make the housing more desirable to live in, to increase the market value of the housing or*"

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

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was re-referred

H. F. No. 3102: A bill for an act relating to pharmacy; legend drugs; restrictions on the prescription and possession of legend drugs; relating to controlled substances; providing restrictions on the possession of controlled substances; amending Minnesota Statutes 1971, Section 151.37, by adding a subdivision and 152.12, by adding a subdivision.

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

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was re-referred

H. F. No. 3030: A bill for an act relating to public health, requiring employees of school districts, private or parochial schools, day care centers and nursery schools to show freedom from tuberculosis, amending Minnesota Statutes 1971, Section 123.69.

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

Page 1, line 4, after "shall" insert a comma

Page 1, line 5, after "after" insert a comma

Page 1, line 15, strike "such" and insert "*the*"

Page 1, line 16, strike "such" and insert "*the*"

Page 2, line 1, strike "Such" and insert "*The*"

Page 2, line 2, strike "such"

Page 2, line 3, strike "*in*" and insert "*legally*"

Page 2, line 3, strike "*charge of*" and insert "*for*"

Page 2, line 5, after "healing" strike "and" and insert a comma

Page 2, line 6, after "health" insert a comma

Page 2, line 6, strike "such" and insert "*those*"

Page 2, line 11, strike "*in*" and insert "*legally*"

Page 2, line 11, strike "*charge of*" and insert "*for*"

Page 2, line 12, strike "*such*" and insert "*the*"

Page 2, line 13, after "*tiousness*" strike the comma and insert a semicolon

Page 2, line 13, strike "*such*" and insert "*an*"

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

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was re-referred

H. F. No. 2333: A bill for an act relating to welfare; providing for mandatory certification to the commissioner of manpower services; amending Minnesota Statutes 1971, Section 256.736, Subdivisions 3 and 4.

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

Page 1, line 2, strike "*a*" and insert "*an*"

Page 1, line 3, strike "*manpower*" and insert "*employment*"

Page 1, line 4, strike "*in compliance*" and insert "*consistent*"

Page 1, line 6, strike "*department*" and insert "*commissioner*"

Page 1, line 6, strike "*manpower*" and insert "*employment*"

Page 2, line 10, strike "*shall*"

Page 2, line 10, strike "*manpower*" and insert "*employment*"

Page 2, line 10, after "*training*" insert a comma

Page 2, line 21, strike "*department*" and insert "*commissioner*"

Page 2, line 21, strike "*manpower*" and insert "*employment*"

Page 2, line 25, after "*ter*" insert "*for employment services, training, and employment*"

Page 2, line 25, strike "*pursuant to this paragraph*"

Page 2, line 26, strike "*so*"

Page 2, line 28, strike "*manpower*" and insert "*employment*"

Page 2, line 30, strike "*department*" and insert "*commissioner*"

Page 2, line 30, strike "*manpower*" and insert "*employment*"

Page 2, line 35, strike "*manpower*" and insert "*employment*"

Page 2, line 36, after "*other*" insert "*necessary*"

Page 2, line 36, strike "*as neces-*"

Page 3, line 1, strike "*sary*"

Page 3, line 3, strike "*manpower*" and insert "*employment*"

Page 3, line 5, strike "manpower" and insert "*employment*"

Page 3, line 23, strike "manpower" and insert "*employment*"

Page 3, line 25, strike "department" and insert "*commissioner*"

Page 3, line 25, strike "manpower" and insert "*employment*"

Page 3, line 26, strike "of manpower services"

Page 3, line 29, strike "has" and insert "*to have*"

Page 3, line 29, after "of" insert "*public or other*"

Page 3, line 29, strike "made"

Page 3, line 30, strike "through the public employment offices of the state or otherwise offered by an employer"

Page 3, line 31, after "departments" insert "*shall*"

Page 4, line 5, after "shall" insert a comma

Page 4, line 5, after "days" strike the comma

Page 4, line 5, strike "manpower" and insert "*employment*"

Page 4, line 5, strike "decision" and insert "*determination*"

Page 4, line 9, strike "to the child or relative aimed at" and insert "*for the purpose of*"

Page 4, line 10, strike "manpower" and insert "*employment*"

Further, amend the title as follows:

Lines 1 and 2, strike "manpower" and insert "*employment*"

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

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

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

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

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

H. F. No. 2011: A bill for an act relating to St. Louis county; levy of taxes for major capital improvements.

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

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

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

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

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

"Section 1. Minnesota Statutes, 1973 Supplement, Section 465.56, Subdivision 1, is amended to read:

465.56 [CITIES MAY APPROPRIATE MONEY FOR ADVERTISING PURPOSES.] Subdivision 1. The governing body of any statutory city, or home rule charter city of the fourth class may, as hereinafter provided, annually levy a tax of not to exceed one mill on all the taxable property within such municipality but in no event shall more than \$2,000 be raised in any one year annually appropriate money for the purpose of advertising the municipality and its resources and advantages. Such tax shall be levied in the same manner and at the same time as taxes for other municipal purposes are levied, and shall be collected in the same manner. The proceeds of such tax money appropriated shall be used only for the purpose of advertising such the municipality or for cooperative programs of promotion for the area by more than one such municipality and its resources and advantages; . provided, that the annual expenditure for such purposes by any such municipality is hereby limited to the sum of \$2,000; provided, nothing in sections 465.56 and 465.57 shall permit the levy of any tax in excess of the amount authorized by sections 275.11 to 275.13. For purposes of this subdivision the term "statutory city" does not include any city which was operating under the provisions of Laws 1895, Chapter 8, as amended, on July 1, 1975 1973."

Amend the title by striking it in its entirety and inserting in lieu thereof:

"A bill for an act relating to municipalities; authorizing the appropriation of money for advertising in certain cities; amending Minnesota Statutes, 1973 Supplement, Section 465.56, Subdivision 1."

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

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

H. F. No. 3230: A bill for an act authorizing the city of Elk River to issue general obligation bonds in the amount of \$260,000 for a municipal library.

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

Page 1, line 12, after "River" insert "and upon compliance with Minnesota Statutes, Section 645.021"

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

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

H. F. No. 2186: A bill for an act relating to the city of Alexandria; and the townships of Alexandria, Carlos, Hudson, and LaGrand in the county of Douglas; sanitary sewer board membership and operation in Alexandria Lake area sanitary district; amending Laws 1971, Chapter 869, Section 4, Subdivision 1.

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

Page 2, line 11, before the period insert "and upon approval by the city council of the city of Alexandria and the town boards of the towns of Alexandria, Carlos, Hudson and LaGrand, and upon compliance with Minnesota Statutes, Section 645.021"

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

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was re-referred

H. F. No. 3544: A bill for an act relating to registered nurses; defining the practice of professional nursing; amending Minnesota Statutes 1971, Section 148.171.

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

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was re-referred the following appointment:

VETERANS HOME BOARD

John Bacich, 5321 Harriet Avenue South, Minneapolis, Hennepin County, appointed effective February 11, 1974, for a term expiring January 1, 1979.

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Conzemius moved that the foregoing report be laid on the table. The motion prevailed.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 2349: A bill for an act relating to the city of Virginia; authorizing one additional on-sale intoxicating liquor license.

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

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 3340: A bill for an act relating to the city of Rogers; authorizing the issuance of on-sale licenses for the sale of intoxicating liquor.

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

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 1931: A bill for an act relating to cities of the first class; providing for the transfer of liquor licenses in certain cases; amending Minnesota Statutes 1971, Section 340.57.

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

Strike everything after the enacting clause and insert the following:

"Section 1. Notwithstanding any charter or ordinance to the contrary, but subject to the restrictions of Minnesota Statutes, Section 340.14, a city of the first class may issue licenses for the sale of liquor in any area of 100,000 or more square feet that is zoned for commercial or industrial use, in addition to any other areas of the city where liquor sale is permitted by law, charter or ordinance.

Sec. 2. When real property or the buildings thereon are taken for a public purpose by negotiation or eminent domain proceedings and the real property was used for the licensed sale of intoxicating liquor one year immediately prior to the taking, the governing body of the city of Minneapolis may reissue the license in any area of 100,000 or more square feet that is zoned for commercial or industrial use in the city, subject to the restrictions of Minnesota Statutes, Section 340.14.

Sec. 3. Minnesota Statutes 1971, Section 340.57, is repealed.

Sec. 4. Section 1 of this act shall take effect one year following enactment. Section 2 is effective the day following its final enactment."

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

"A bill for an act relating to cities of the first class; providing for the issuance of liquor licenses in certain areas; repealing Minnesota Statutes 1971, Section 340.57."

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

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 2608: A bill for an act relating to cable communications; providing for interim certificates of confirmation; amend-

ing Laws 1973, Chapter 568, Sections 2, Subdivision 8, and by adding a subdivision; 4, Subdivision 9; 5, Subdivisions 2, 3, 6, and 7; 6, by adding subdivisions; 9, Subdivision 13 and adding a subdivision.

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

3rd line of title after “; 9,” insert “by adding a”

3rd line of title after “Subdivision” and before “13” insert “, and”

3rd and 4th lines of title strike “and adding a subdivision”

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

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 2710: A bill for an act relating to mobile homes; restricting inclusion of certain devices in the advertised length of mobile homes by dealers and manufacturers; prescribing penalties.

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

Page 1, line 5, after “disseminate” insert “in this state”

Page 1, after line 9, add a section to read:

“Sec. 2. This act is effective July 1, 1975.”

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

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

H. F. No. 3090: A bill for an act relating to towns; requiring a city to confer jointly with the governing body of a town and county planning commission before extending certain municipal services into the area governed by the town.

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

Page 1, line 1, strike “Before any” and insert “When”

Page 1, line 2, strike “beyond the corporate boundaries”

Page 1, line 3, strike “jointly consider the plans with the governing body of the town, in which the municipal services” and insert “meet at least once with the town board of the affected area and the county planning commission in joint session to review the plans and consider the comments of the town board and the county planning commission. The city may thereafter proceed to undertake the proposed extension pursuant to applicable law. Failure to

comply with the provisions of this act shall not invalidate any proceedings undertaken by the city pursuant to chapter 429 and 475."

Page 1, line 4, strike "are to be extended and the county planning commission."

Page 1, line 4, strike "duly organized" and after "sewer district" insert "or sanitary district created pursuant to special law or pursuant to chapters 115, 116A, or 473C or section 378.31"

Page 1, line 6, strike "section" and insert "act"

Further, amend the title as follows:

In the first line, strike "towns" and insert "local government"

In the first line, strike "the governing body of a town" and insert "a town board"

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

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

H. F. Nos. 3276, 3321 and 2967 for comparison to companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their Second Readings and substituted for their companion Senate Files 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.
				3276	3250
				3321	3238
				2967	2900

And that the above Senate Files 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. 3279, 1834, 3035, 3571, 3313 and 1835 for comparison to companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
1834	1739			3279	3337
3313	3234			3035	3076
1835	1205			3571	3494

Pursuant to Rule 49 the Committee recommends that H. F. No. 3279 be amended as follows:

Page 1, line 22, delete "*management*" and insert in lieu thereof "*administrative*"

Page 3, line 15, delete "*at least once*"

Page 3, line 16, strike "legal"

Page 3, lines 19, 20 and 21, reinstate the stricken language

Page 4, line 2, after "*surplus*" insert "*real*"

Page 4, line 9, after "*contract*" insert "*for deed*"

Page 4, line 14, after "*contract*" insert "*for deed*"

Page 6, line 2, delete "POLITICAL SUBDIVISIONS" and insert in lieu thereof "STATE AGENCIES"

And when so amended, H. F. No. 3279 will be identical to S. F. No. 3337 and further recommends that H. F. No. 3279 be given its second reading and substituted for S. F. No. 3337 and S. F. No. 3337 be indefinitely postponed.

Pursuant to Rule 49 the Committee recommends that H. F. No. 1834 be amended as follows:

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

"Section 1. [CITATION.] This act shall be known and may be cited as the Minnesota Disaster Act of 1974.

Sec. 2. [PURPOSES.] Subdivision 1. The purposes of this act are to:

(a) Reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from disasters and emergencies, riots, or hostile military or paramilitary action;

(b) Prepare for prompt and efficient rescue, care, and treatment of persons victimized by disasters or threatened by emergencies;

(c) Provide effective and efficient restoration and rehabilitation of persons and property affected by disasters;

(d) Clarify and strengthen the roles of the governor, state agencies and local governments in prevention of, preparation for, and response to and recovery from disasters and emergencies;

(e) Authorize and provide for coordination and cooperation between state government, its political subdivision and foreign governments, in disaster prevention, preparedness, response, and recovery;

(f) Provide a plan which will set forth all the guidelines of emergency and disaster preparedness and response;

(g) Assist in prevention of disasters caused or aggravated by

inadequate planning for and regulation of public and private facilities and land use; and

(h) Provide plans to deal with monitoring and distribution of energy supplies.

Sec. 3. [LIMITATIONS.] Nothing in this act shall be construed to:

(a) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this act or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health;

(b) Interfere with dissemination of news or comment on public affairs; but any communications facility or organization, including but not limited to radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with disasters and emergencies;

(c) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state, local, and interjurisdictional emergency plans shall place reliance upon the forces available for performance of functions related to emergencies and disasters; or

(d) Limit, modify, or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in him under the constitution, statutes, or common law of this state independent of, or in conjunction with, any provisions of this act.

Sec. 4. [DEFINITIONS.] Subdivision 1. For the purposes of this act each term defined in this section has the meaning ascribed to it.

Subd. 2. "Disaster" means the occurrence of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill, or other water contamination requiring immediate action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, or shortages of crucial materials such as fuel and energy.

Subd. 3. "Emergency" means an unforeseen combination of circumstances which calls for immediate action to protect life and property and to prevent a disaster from occurring. Such action shall include but not be limited to the management of resources when necessary to prevent a disaster.

Subd. 4. "Emergency plan" means the operating procedure to be used in the event of an emergency or disaster.

Subd. 5. "Emergency services" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters

caused by enemy attack, sabotage, or other enemy hostile action, or from fire, flood, tornado, blizzards, earthquake, or other natural or manmade causes. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

Subd. 6. "Federal government" means the government of the United States of America.

Subd. 7. "Interjurisdictional" means the cooperation between two or more political subdivisions of this state or between one or more political subdivisions of this state and a foreign state, political subdivision thereof or country.

Subd. 8. "Local organization for emergency services" means an organization created in accordance with the provisions of this chapter by the state or a political subdivision to perform local emergency services functions.

Subd. 9. "Mobile support unit" means an organization for emergency services created in accordance with the provisions of this chapter by the state or a political subdivision to be dispatched by the governor to supplement local organizations for emergency services in a stricken area.

Subd. 10. "Organizational equipment" means equipment and supplies essential for emergency services in excess of equipment and supplies provided for normal operation of the state or political subdivision to the acquisition of which the federal government will contribute.

Subd. 11. "Political subdivision" means a county, city, town, or a public corporation created and operating under Minnesota Statutes, Sections 360.101 to 360.133.

Subd. 12. "Available personnel" means all able-bodied persons.

Sec. 5. [EMERGENCIES; THE GOVERNOR AND EXECUTIVE COUNCIL.] Subdivision 1. The provisions of this section are subject to the provisions of Minnesota Statutes, Chapter 9.

Subd. 2. The governor may appoint an emergency service advisory council. Such a council shall consist of not less than five nor more than 15 members. The size of the council shall be determined within the above limits by the governor. The members of the council shall serve at the pleasure of the governor without compensation, but shall be reimbursed as in the same manner and amount as state employees. The council shall advise the governor and the state director on all matters pertaining to emergency services.

Subd. 3. When a war or the imminence of a war threatens the people of this state, the governor shall:

(a) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he deems this action necessary for the preservation of life or property;

(b) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(c) Control ingress and egress to and from a stricken or threatened area, the movement of persons within the area, and the occupancy of premises therein;

(d) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives, and combustibles; and

(e) Make provisions for the availability and use of temporary housing.

Sec. 6. [DIVISION OF EMERGENCY SERVICES.] Subdivision 1. The division of civil defense in the department of public safety established by Laws 1969, Chapter 1129, Article 1, Section 14, is hereby renamed the division of emergency services. It shall remain under the supervision and control of the state director whose position was established by Laws 1969, Chapter 1129, Article 1, Section 14 and as there provided he shall serve at the pleasure of the commissioner in the unclassified service of the state and shall hold no other state office. The relationship between the state director and the commissioner of public safety shall be governed by the provisions of Laws 1969, Chapter 1129, Article 1, Section 14.

(a) Such professional, technical, secretarial and clerical employees as are necessary for the performance of the division's functions shall be employed in the manner provided by law.

(b) The state director and other personnel of the division of emergency services shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as provided for personnel of other state agencies.

Subd. 2. The division of emergency services shall prepare and maintain a state emergency plan and keep it current, the plan shall include:

(a) Guidelines and standards for the prevention and minimization of injury and damage caused by disaster;

(b) Measures outlining prompt and effective response to disasters and emergencies;

(c) Programs for disaster relief;

(d) Identification of areas particularly vulnerable to disasters and emergencies;

(e) Recommendations for zoning, building, use of land, and safety measures for securing mobile homes;

(f) Guidelines which will assist local officials in designing local emergency plans;

(g) Recommendations for the construction of temporary works designed to prevent loss of life and property from flood, conflagration, or other disaster;

(h) Guidelines for the preparation of catalogues containing federal, state and private assistance programs and distribution of these to the appropriate state and local officials;

(i) Provisions for the organization and use of available personnel and chains of command;

(j) Provisions for the coordination of the state and local emergency plans with the emergency plans of the federal government; and

(k) Other necessary matters to carry out this act.

Subd. 3. The division of emergency services shall participate in the development and revision of local and interjurisdictional emergency plans prepared under section 8. The division may employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions, and carrying out their emergency plans. This personnel shall consult with political subdivisions and shall make field examinations of the areas, circumstances, and conditions to which particular emergency plans are intended to apply, and may suggest revisions to the emergency plans. Any such revisions to the plan are subject to the approval of the division.

(a) In preparing and revising the state emergency plan, the division of emergency services shall seek the advice and assistance of local governmental, business, labor, industrial, agricultural, civic, and volunteer organizations and community leaders. The division shall encourage the political subdivisions to seek advice from these sources in developing their emergency plans.

(b) The division of emergency services shall:

(1) Determine requirements of the state and its political subdivisions for food, clothing, and other necessities in event of an emergency or disaster;

(2) Procure supplies, medicines, materials, and equipment and position them such that in the event of an emergency or disaster they are readily available;

(3) Promulgate minimum standards to be incorporated in the emergency plans of political subdivisions;

(4) Periodically review the emergency plans of the political subdivision to assure that minimum standards are met;

(5) Provide for the mobile support units necessary to adequately assist the political subdivisions during emergencies and disasters.

(6) Shall provide assistance to political subdivisions in the establishment and operation of training programs and programs for dissemination of public information;

(7) Make surveys of industries, resources, and facilities within the state, both public and private, to ascertain the availability of materials for use in an emergency or disaster;

(8) Make arrangements for the use of materials determined to be available for emergencies and disasters;

(9) Establish a register of persons with types of training and skills important in emergencies and disasters;

(10) Suggest and submit to the governor, or executive council, orders, proclamations, and regulations as necessary or appropriate in coping with disasters or emergencies;

(11) Cooperate, when possible, with the federal government and any public or private agency or person in achieving the purpose of this act and in developing and implementing emergency plans;

(12) Perform all other necessary duties, incidental, or appropriate for the implementation of this act.

Sec. 7. [FINANCE, ASSISTANCE, ACCEPTANCE; RULES BY GOVERNOR.] Subdivision 1. Where an emergency or disaster exists the executive council shall expend the funds appropriated to it pursuant to Minnesota Statutes, Section 9.061, for the purposes of this act as for the purposes specified in that section.

Subd. 2. Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for the purposes of emergency services, the state, acting through the governor, or such political subdivision, acting with the consent of the governor and through its governing body, may accept such offer and upon such acceptance the governor of the state or governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer, but no moneys or other funds shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Subd. 3. Whenever any person, firm or corporation shall offer to the state or to any political subdivision thereof, services, equipment, supplies, materials, real property, or funds by the way of gift, grant or loan, for purposes of emergency services, the state, acting through the governor, or such political subdivision, acting through its governing body, may accept such offer and upon such acceptance the governor of the state or the governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, real property, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer, but no moneys or other

funds shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law. Real property so accepted shall be treated as, and subject to the same immunities during time of emergencies and disasters as real property owned by the state.

Subd. 4. The governor shall have authority to establish rules and regulations in accordance with the law for the proper and efficient operation and administration of the emergency services program including methods relating to the establishment and maintenance of personnel standards on a merit basis for all employees of local emergency services agencies, provided, however, that the governor shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods.

The governor may, by rule or regulation, cooperate with the federal government in any manner as may be necessary to qualify for federal aid to carry out the provisions herein expressed. The governor may, by rule or regulation, also cooperate with other political units or subdivisions in establishing and maintaining personnel standards on a merit basis.

In carrying out the provisions of this act, the governor and the governing bodies of the political subdivisions of the state are directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the state and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the emergency services organizations of the state upon request.

Subd. 5. Where the governor or his duly authorized representative find it necessary to send an employee of the division of emergency services or a volunteer designated by the division, to any school training or indoctrination program, or place for training or indoctrination in a matter legitimately connected with emergency services. The division shall compensate that person at the rate of \$35 per day for the time that he remains where he has been sent plus reasonable and necessary expenses in the same manner and amount as state employees.

Subd. 6. Nothing contained in this section shall be construed to limit the governor's authority to apply for, administer, and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response, or recovery.

Sec. 8. [LOCAL ORGANIZATIONS.] Subdivision 1. Each political subdivision of this state shall establish a local organization for emergency services in accordance with the state emergency plan and program, but no town shall establish a local organization for emergency services without approval of the state director. Each local organization for emergency services shall have a director who shall be appointed forthwith in a city, by the mayor thereof, in a town by the town board, and for a public corporation created and

operating under Minnesota Statutes, Sections 360.101 to 360.133 by its governing body who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency services, subject to the direction and control of such governing body.

Subd. 2. Each county emergency services organization shall have a director and one or more deputy directors. They shall be appointed by the county board. A county organization for emergency services shall have jurisdiction throughout the county outside of any city, or of a town which has a local emergency services organization. In addition to the other powers granted by this subdivision, such county organizations shall coordinate the activities of and may assist in the training of emergency services organizations of political subdivisions within the county, plan for the continuity of county government in cooperation with the county attorney who is authorized and directed to give legal advice to the county organization, acquire equipment necessary in connection therewith, and expend funds provided by the county board out of general revenue funds for such purposes.

Subd. 3. Each local and county organization for emergency services shall perform emergency functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this act or any other applicable provisions of law.

Subd. 4. The county emergency services director shall promote a community first aid and blood bank committee for each hospital within the county other than any owned and operated by the state or federal governments. This committee, in cooperation with the committee on emergency services and disaster blood program, the medical and administrative staff of the hospital and other local and state agencies, shall develop blood banks and donor lists in accordance with the provisions of this act.

Subd. 5. With approval of the governor, two or more political subdivisions may enter into agreements determining the boundaries of the geographic areas of their respective emergency responsibilities or providing for a common emergency services organization which, for the purposes of this act shall be a local emergency services organization.

Subd. 6. Each political subdivision either alone or in conjunction with another political subdivision shall prepare and keep current an emergency plan for its area.

Subd. 7. The political subdivision's organization of emergency service shall prepare and distribute to all appropriate persons in written form a clear and complete statement of the emergency responsibilities of local agencies and persons.

Subd. 8. To provide moneys for emergency services purposes authorized by this chapter, a political subdivision is empowered to levy annually upon all taxable property in the political subdivision, except as provided in subdivision 11, a tax in excess of and over and above all taxing limitations, except a limitation established

pursuant to sections 275.50 to 275.56, in such amount as may be necessary to pay such expenditures. The total amount of a tax levied under authority of this section except when levied by a county shall not exceed 40 cents per capita based on the last federal regular or special census, except in a political subdivision in which such tax will not produce a total amount of \$1,000 in which event a tax sufficient to produce \$1,000 or so much thereof as may be necessary may be levied, if not in excess of a limitation established pursuant to sections 275.50 to 275.56.

Subd. 9. (a) To provide moneys for the purchase of organizational equipment which is to be paid for in part by the federal government, a political subdivision is empowered to levy a tax upon all taxable property in the political subdivision, except as provided in subdivision 10, in excess of and over and above all taxing limitations, including those provided in subdivision 8, but subject to a limitation established pursuant to sections 275.50 to 275.56, in such amount as may be necessary to pay its share of the cost of such organizational equipment, provided that the governor has approved the purchase thereof.

(b) Each political subdivision which has initiated the purchase of organizational equipment shall have the power:

(1) To pay into the state treasury, in trust, its share of the cost of organizational equipment required by the federal government to be paid in advance.

(2) To pay into the state treasury, in trust, its share of the reimbursement of the federal government by the state as part of its share of the cost of organizational equipment purchased for the political subdivision and initially wholly paid for from the federal treasury.

(3) To pay the entire cost of organizational equipment from funds derived from tax levies herein authorized but within the limitations of subdivision 8. Organizational equipment purchased entirely from funds of a political subdivision need not be in excess of equipment provided for normal operation of a political subdivision and may be of a type and kind usable for emergency services purposes.

Subd. 10. When levied by a county, the taxes authorized in subdivisions 8 and 9, respectively, shall be spread wholly and exclusively upon property within the portion of the county over which the county local organization for civil defense has justification as provided in section 12.25, subdivision 1; provided, however, that a county may levy annually a tax upon all taxable property within any city or town within the county which has a local civil defense organization.

Subd. 11. Notwithstanding the limitation contained in section 8, subdivision 9, the limitation applicable to the city of Minneapolis shall continue at 20 cents per capita, and no levy may be made by Hennepin county on property within the city of Minneapolis pursuant to section 8, subdivision 11.

Sec. 9. Subdivision 1. If the governor or his designee find that

two or more political subdivisions would benefit more by jointly developing and maintaining an emergency plan than by maintaining separate emergency plans, he may by executive order require the political subdivisions to develop and maintain a single emergency plan. This determination shall be subject to the consent of the political subdivisions and shall be based on these considerations of the political subdivisions:

- (a) Population;
- (b) Financial resources;
- (c) Vulnerability to disaster or emergency;
- (d) Interrelated characteristics;
- (e) Other relevant conditions or circumstances.

Subd. 2. If the governor finds that a vulnerable area lies only partly within this state and includes territory in another state or territory in a foreign jurisdiction and that it would be desirable to establish an interstate or international relationship to protect this area, he shall take the proper steps to establish this relationship.

Subd. 3. In the event a jurisdiction or jurisdictions with which the governor proposes to cooperate has not enacted the interstate civil defense and disaster compact, he may negotiate special agreements with the jurisdiction or jurisdictions. Any agreement, if sufficient authority for the making thereof does not otherwise exist, becomes effective only after its text has been communicated to the legislature and provided that neither house of the legislature has disapproved it in the next session or within one year after its submission, whichever is shorter.

Sec. 10. [INTERGOVERNMENTAL ARRANGEMENTS.]
Subdivision 1. This state enacts into law and enters into the interstate civil defense and disaster compact with all states, defined therein, which states have enacted or shall hereafter enact the compact in the form substantially as follows:

Interstate Civil Defense and Disaster Compact

The contracting States solemnly agree:

ARTICLE I

The purpose of this compact is to provide mutual aid among the states in meeting any emergency or disaster from enemy attack or other cause, natural or otherwise, including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full, and effective utilization of the resources of the respective states, including such resources as may be available from the United States government or any other source, are essential to the safety, care, and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment, or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the states that are parties

hereto. The directors of civil defense of all party states shall constitute a committee to formulate plans to take all necessary steps for the implementation of this contract.

ARTICLE II

It shall be the duty of each party state to formulate civil defense plans and programs for application within such state. There shall be frequent consultation between the representatives of the states and with the United States government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party states shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air-raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party state;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

ARTICLE III

Any party state requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall extend to the civil defense forces of any other party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, privileges and immunities as if they were performing their duties in the state in which normally employed or rendering services. Civil defense forces will continue

under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the state receiving assistance.

ARTICLE IV

Whenever any person holds a license, certificate, or other permit issued by any state evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party state to meet an emergency or disaster and such state shall give due recognition to such license, certificate or other permit as if issued in the state in which aid is rendered.

ARTICLE V

No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

ARTICLE VI

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other states party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or states. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

ARTICLE VII

Each party state shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that state and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

ARTICLE VIII

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without

charge or cost; and provided further that any two or more party states may enter into supplementary agreements establishing a different allocation of costs as among those states. The United States government may relieve the party state receiving aid from any liability and reimburse the party state supplying civil defense forces for the compensation paid to and the transportation, subsistence, and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the state and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment, or facilities so utilized or consumed.

ARTICLE IX

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party states and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed by the party state of which the evacuees are residents, or by the United States government under plans approved by it. After the termination of the emergency or disaster the party state of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

ARTICLE X

This compact shall be available to any state, territory or possession of the United States, and the District of Columbia. The term "state" may also include any neighboring foreign country or province or state thereof.

ARTICLE XI

The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States government may attend meetings of such committee.

ARTICLE XII

This compact shall become operative immediately upon its ratification by any state as between it and any other state or

states so ratifying and shall be subject to approval by Congress unless prior congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and the Civil Defense Agency and other appropriate agencies of the United States government.

ARTICLE XIII

This compact shall continue in force and remain binding on each party state until the legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the governor of the party state desiring to withdraw to the governors of all other party states.

ARTICLE XIV

This compact shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

Sec. 11. [LOCAL EMERGENCIES.] Subdivision 1. A local emergency may be declared only by the executive authority of the affected political subdivision. The local emergency shall not be continued or renewed for a period in excess of seven days except with the consent of the governing board of the political subdivision involved. Any order or proclamation in regard to a local emergency shall be given prompt and general publicity and shall be filed promptly with the chief local records-keeping agency.

Subd. 2. The effect of a declaration of a local emergency is to activate applicable emergency plans.

Sec. 12. [DISASTER PREVENTION.] Subdivision 1. The governor shall direct state agencies, including but not limited to those charged with responsibilities of flood plain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, to conduct studies and submit reports to the governor relative to disasters and emergencies. The governor shall make recommendations to the legislature, political subdivisions, and state agencies regarding measures for prevention and reduction of the harmful consequences of disasters and emergencies.

Subd. 2. The department of natural resources, in conjunction with the division of emergency services, shall keep land uses and construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, and flood. The studies under this subdivision shall concentrate on means of reducing or avoiding the dangers and consequences of such occurrences.

Subd. 3. If the division of emergency services determines that existing building standards and land-use controls in an area are inadequate and could add substantially to the magnitude of the disaster, it shall recommend to the governor the changes it finds necessary to reduce the magnitude of the disaster. If the governor upon review of the recommendation finds that the changes are essential, he shall so recommend that these changes be implemented by the appropriate state agency or political subdivision. If his recommendations are not acted upon within the time specified by the governor, he shall so inform the legislature and request legislative action.

Sec. 13. [COMMUNICATIONS.] The division of emergency services shall ascertain what means exist for rapid and efficient communications in times of emergencies or disasters. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive state or state-federal telecommunications or other communications system or network. In studying the character and feasibility of any system or its several parts, the division shall evaluate the possibility of multipurpose use thereof for general state and local governmental purposes. The division shall make recommendations to the governor as appropriate.

Sec. 14. [MUTUAL AID.] Subdivision 1. Political subdivisions shall be encouraged and assisted by the division of emergency services to enter into suitable arrangements for furnishing mutual aid in coping with disasters.

Subd. 2. In reviewing of local emergency plans, the governor shall consider whether they contain adequate provisions for the rendering and receipt of mutual aid.

Sec. 15. [ASSISTANCE BETWEEN POLITICAL SUBDIVISIONS.] Subdivision 1. Whenever requested by a political subdivision after declaration of a stated emergency or disaster, the governor may, in his discretion, authorize and direct the police, fire-fighting, health, or other force of any political subdivision, herein called the sending political subdivision, to go to the assistance of another political subdivision, herein called the receiving political subdivision, and to take and use for such purpose such personnel, equipment, and supplies of the sending political subdivision as the governor may direct.

Subd. 2. While so engaged, the officers and members of such forces shall have the same powers, duties, rights, privileges and immunities as if they were performing like service in the sending political subdivision and shall be considered to be acting within the scope of and in the course of their regular employment, as employees of such sending political subdivision.

Subd. 3. The receiving political subdivision shall reimburse the sending political subdivision for all supplies used and the compensation paid to all officers and members of the forces so furnished during such time as the rendition of such aid prevents them from performing their duties in the sending political subdivision, for the actual traveling and maintenance expenses of such officers and

members while rendering such aid, and the cost of all insurance covering such officers and members while so engaged. Any claim for such loss, damage or expense in use of equipment or supplies or for additional expenses incurred in the operation or maintenance thereof shall not be allowed unless within 90 days after the same is sustained or incurred an itemized notice of such claim, verified by an officer or employee of the municipality having knowledge of the facts, is filed with the clerk of the receiving political subdivision.

Subd. 4. It shall be the policy of the state to reimburse the sending political subdivision for any loss or damage to equipment used outside of the corporate limits of the sending political subdivision and to reimburse the sending political subdivision for any additional expenses incurred in the operation and maintenance thereof outside such corporate limits. Any claim for such loss, damage or expense in use of equipment or for additional expenses incurred in the operation or maintenance thereof shall not be allowed unless within 90 days after the same is sustained or incurred an itemized notice of such claim, verified by an officer or employee of the sending political subdivision having knowledge of the facts, is filed with the state director.

Sec. 16. [PERSONS REQUIRED TO ASSIST.] Subdivision 1. During an emergency or disaster, the governor, the state director or a member of a class of members of a state or local civil defense organization designated by the governor, may, when necessary to save life or property, (1) require any person, except members of the federal or state military forces and officers of the state or a political subdivision, to perform services for emergency services purposes as directed by any of the persons first above described, and (2) commandeer, during a disaster or emergency, any motor vehicle, tools, appliances or any other personal property.

Subd. 2. The owner of any property so commandeered shall be promptly paid just compensation for the use thereof and all damages done to the property while so used for emergency services purposes. The governor or the governing body of the political subdivision concerned, respectively, according to the use thereof, shall make a formal order determining the amount of such compensation. The owner may appeal to the district court of the county in which such property was commandeered if, within 30 days from the date of such order, he serves upon the governor or the political subdivision concerned and files with the clerk of such court a written notice of appeal setting forth the order appealed from and, in detail, the amount claimed as compensation. Upon such appeal, the issue shall be the amount of damages to which the appellant is entitled. It may be noticed for trial as in the case of a civil action and the court may require other parties to be joined and to plead therein when necessary to a proper determination of the questions involved. The cause shall be tried without a jury *de novo* and the court shall determine the damages and the person or persons entitled thereto. Except as herein otherwise provided, the trial shall be conducted and the cause disposed of according to the rules applicable to civil actions in the district court. The court in its discretion may award to the prevailing party the costs and disbursements of the appeal.

Subd. 3. Any available personnel required to perform services for emergency services who refuses, neglects, or otherwise fails to perform the services required under subdivision 1 shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not less than ten days or more than 90 days.

Sec. 17. [MOBILE SUPPORT UNITS CALLED TO DUTY.] Subdivision 1. Mobile support units shall be called to duty upon orders of the governor and shall perform their functions in any part of the state, or, upon the conditions specified in this section, in other states.

Subd. 2. Personnel of mobile support units while on active duty, whether within or without the state, shall: (1) if they are employees of the state, have the powers, duties, rights, privileges and immunities and receive the compensation incidental to their employment; (2) if they are employees of a political subdivision, and whether serving within or without such political subdivision, have the powers, duties, rights, privileges and immunities and receive the compensation incidental to their employment; and (3) if they are not employees of the state or a political subdivision thereof, receive compensation by the state of \$5 per day and have the same rights and immunities as are provided by law for the employees of this state. All personnel of mobile support units shall, while on duty, be subject to the operational control of the authority in charge of emergency services activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

Subd. 3. The state shall reimburse a political subdivision for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of employees of such political subdivision while serving as members of a mobile support unit and for all payments for death, disability or injury of such employees incurred in the course of such duty, and for all losses of or damage to supplies and equipment of such political subdivision resulting from the operation of such mobile support unit.

Subd. 4. Whenever a mobile support unit of another state shall render aid in this state pursuant to the orders of the governor of its home state, and upon the request of the governor of this state, this state shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of the personnel of such mobile support unit while rendering such aid, and for all payments for death, disability or injury of such personnel incurred in the course of rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a governmental subdivision thereof resulting from the rendering of such aid; provided, that the laws of such other state contain provisions substantially similar to this section.

Subd. 5. No personnel of a mobile support unit of this state shall be ordered by the governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this section.

Sec. 18. [GOVERNOR MAY CONTRACT.] The governor, during an emergency or disaster, is, notwithstanding any other provision of law, empowered to enter into contracts and incur obliga-

tions necessary to combat such emergency or disaster by protecting the health and safety of persons and the safety of property, and providing emergency assistance to the victims of such emergency or disaster; to exercise the powers vested by this subdivision in the light of the exigencies of the emergency or disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contract, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, for example, but not limited to, publication of calls for bids, provisions of the civil service act and rules, provisions relating to low bids and requirements for the budgeting and allotment of funds. All contracts shall be in writing, executed on behalf of the state by the governor or a person by him delegated in writing so to do, and shall be promptly filed with the state auditor, who shall forthwith encumber funds appropriated for the purposes of the contract for the full contract liability and certify thereon that such encumbrance has been made.

Sec. 19. [POLITICAL SUBDIVISIONS, AUTHORITY TO ENTER INTO CONTRACTS.] During a disaster or emergency, each political subdivision is, notwithstanding any statutory or charter provision to the contrary, empowered, through its governing body acting within or without the corporate limits of the political subdivision, to enter into contracts and incur obligations necessary to combat such emergency or disaster by protecting the health and safety of persons and property, and providing emergency assistance to the victims of such emergency or disaster. Each political subdivision is authorized to exercise the powers vested by this subdivision in the light of the exigencies of the emergency or disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers; rental of equipment, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

Sec. 20. [EMPLOYEES; LOYALTY OATHS.] No person shall be employed or associated in any capacity in any emergency service organization established under this act who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for emergency services shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

"I,, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution

of the State of against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

This oath may be administered by any officer of the division of emergency services, local emergency services director/coordinator or any public official authorized to administer oaths.

Sec. 21. [POLITICAL ACTIVITIES.] No organization for emergency services established under the authority of this chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute.

Sec. 22. [VIOLATIONS, PENALTIES.] Unless a different penalty or punishment is specifically prescribed, any person who willfully violates any provision of this act or any rule, order or regulation having the force and effect of law issued under authority of this act is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

Sec. 23. [LIMITATION OF POWERS.] Nothing in this act shall be construed to authorize the governor or the director:

(1) By subpoena or otherwise to require any person to appear before him or any other person or to produce any records for inspection by him or any other person, or to examine any person under oath; and

(2) To remove summarily from office any person, other than a person appointed under this chapter, except as now provided by law or as herein specifically authorized.

Sec. 24. [COLLECTION OF BLOOD TO TREAT CASUALTIES IN DISASTER.] The state board of health is authorized to procure and to store blood typing serums, donor and recipient sets of the disposable type and disposable blood containers in which to collect citrated whole human blood for transfusion purposes. Such donor and recipient sets, disposable blood containers and blood typing serum procured under sections 25 and 26 shall comply with the standards of the National Institutes of Health, United States Public Health Service. The board is authorized to make agreements with such hospitals, blood banks, and bleeding centers for the storing, without cost to the state, of such containers and sets, in quantities not to exceed a one year supply, at such points throughout the state as the board in cooperation with the division of emergency services deems necessary in order to facilitate the immediate collection and use for transfusion purposes of supplies of citrated whole human blood for the treatment of casualties in case of disaster. The hospitals, blood banks, and bleeding centers cooperating with the board pursuant to said agreements shall store such containers and sets but are authorized to use such containers and sets as needed in meeting their normal daily transfusion requirements. In order to keep the supply fresh and readily available at all times for disaster use, such hospitals, blood banks, and bleeding centers shall replenish as used, at their own expense,

the supply of such containers and sets stored with them by the board pursuant to said agreements.

Sec. 25. [BLOOD TYPING SERUMS, BLOOD DONOR LISTS.] Within the limitations of available funds, the board will provide blood typing serums to assist hospitals, blood banks, and bleeding centers in developing and enlarging a blood donor list of such size as to provide a ready source of whole blood for the treatment of casualties in the event of disaster. The hospitals, blood banks, and bleeding centers shall keep such donor lists current and shall report at such times as may be required by the board the total number of donors on the blood donor list and the number in the respective blood groups and RH types.

Sec. 26. [DIRECTOR OF DIVISION OF EMERGENCY SERVICES MAY HANDLE EXCESS FEDERAL PROPERTY.] Subdivision 1. The division is designated as the state agency to purchase, accept, lease, and distribute excess property made available by the federal government thereof to a governmental or nonprofit organization for any purpose authorized by federal law and in accordance with any rules or regulation promulgated thereunder.

Subd. 2. The director may purchase, lease, or accept excess property for the state of Minnesota and may purchase, lease, or accept excess property for the benefit of any other governmental or nonprofit organization. And any such governmental or nonprofit organization may designate the director to purchase, lease, or accept excess property for it upon such terms and conditions as may be mutually agreed upon.

Sec. 27. [EXCESS PROPERTY REVOLVING FUND; ADVANCES FOR CERTAIN EXPENSES.] Subdivision 1. In order to enable the director to pay for excess property received from the federal government for any governmental or nonprofit organization, including the expenses of screening, accepting and distributing such property, there is hereby created an excess property revolving fund. Any moneys paid into said excess property revolving fund are hereby appropriated to the director for the purposes of sections 26 to 28. An excess property revolving account is established in the state treasury. All moneys or reimbursements received by the director of emergency services from the operation of the excess property program or any branch thereof shall be deposited in the state treasury and credited to this account.

Subd. 2. A sum not to exceed \$1,000 of the moneys credited to such fund may be advanced to the director of the division of emergency services or any state officer or employee engaged in performing duties under sections 18 to 27 for the purpose of defraying the expenses of travel, subsistence, toll charges, and other similar expenses, and in accordance with such requirements, therefor as may be prescribed by the state auditor. Moneys so advanced when repaid shall be deposited in the state treasury to the credit of the excess property revolving fund.

Sec. 28. [EXCESS PROPERTY, STORAGE, TRANSFER REIMBURSEMENT OF REVOLVING FUND.] Subdivision 1. The

director may store excess property until needed and any expenses incurred in connection therewith shall be paid from the excess property revolving fund.

Subd. 2. Wherever the state of Minnesota or any of its departments or agencies operating pursuant to a legislative appropriation obtain excess property from the director the state auditor upon request of the director shall transfer the cost thereof, including any expenses of screening, accepting and distributing such property, from the appropriation of the state department or agency receiving the excess property to the excess property revolving fund. The determination of the director as to the cost of such excess property to the state department or agency receiving the same shall be final.

Subd. 3. Whenever any governmental or nonprofit organization other than a state department or agency receives excess property from the director, such governmental or nonprofit organization shall reimburse the excess property revolving fund for the cost thereof, including the expenses of screening, accepting and distributing the same, in such amount as the director may determine. The director may, however, require such governmental or nonprofit organization to deposit in advance in the excess property revolving fund moneys covering the cost of such excess property and upon such terms and conditions as may be mutually agreed upon.

Sec. 29. The revisor of statutes, in the next and subsequent editions of Minnesota Statutes, shall substitute the words "division of emergency services" for "Minnesota civil defense agency or division of civil defense" where the same appear in Minnesota Statutes, except in the interstate civil defense and disaster compact.

Sec. 30. Minnesota Statutes 1971, Section 15.0411, Subdivision 2, is amended to read:

Subd. 2. "Agency" means any state officer, board, commission, bureau, division, department, or tribunal, other than a court, having a statewide jurisdiction and authorized by law to make rules or to adjudicate contested cases. Sections 15.0411 to 15.0422 do not apply to (a) agencies directly in the legislative or judicial branches, (b) emergency powers in Laws 1951, Chapter 694, Title III, Sections 301 to 307 sections 1 to 28 of this act, (c) Adult Corrections Commission and Pardon Board, (d) the Youth Conservation Commission, (e) the Department of Manpower Services, (f) the Director of Mediation Services, (g) the department of labor and industry, (h) workmen's compensation commission.

Sec. 31. Minnesota Statutes 1971, Sections 12.01; 12.02; 12.03; 12.04; 12.11; 12.12; 12.21; 12.22; 12.23; 12.24; 12.25; 12.26, Subdivisions 1, 3 and 6; 12.27; 12.28; 12.31; 12.32; 12.33; 12.34; 12.35; 12.36; 12.37; 12.42; 12.43; 12.44; 12.45; 12.46; 12.56; and 12.57 and Minnesota Statutes, 1973 Supplement, Section 12.26, Subdivisions 2 and 4; and Laws 1951, Chapter 669, are repealed.

Sec. 32. This act is effective July 1, 1974."

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

"A bill for an act relating to civil defense; revising the provisions of the state civil defense law; enacting the interstate civil defense and disaster compact; providing penalties; amending Minnesota Statutes 1971, Section 15.0411, Subdivision 2; repealing Minnesota Statutes 1971, Chapter 12, as amended; and Laws 1951, Chapter 669."

And when so amended, H. F. No. 1834 will be identical to S. F. No. 1739 and further recommends that H. F. No. 1834 be given its second reading and substituted for S. F. No. 1739 and S. F. No. 1739 be indefinitely postponed.

Pursuant to Rule 49 the Committee recommends that H. F. No. 3035 be amended as follows:

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

"Section 1. The twin cities area metropolitan transit commission is hereby authorized to implement its bus service expansion report as adopted by the metropolitan transit commission on February 20, 1974. It is the intent of the legislature to have this program completed by July 1, 1977. The commission shall make a progress report to the legislature in January of each year until the year following the completion of this program. The 1975 report shall also include recommendations for alternative methods of financing.

Sec. 2. Minnesota Statutes 1971, Section 473A.09, is amended by adding a subdivision to read:

Subd. 12. [BUS SYSTEM FARES.] The commission shall charge bus system passengers a fare of not more than \$.25 per ride, without additional charge for distance traveled or transfer; except that the commission may establish separate fares for passengers on express bus service. This subdivision shall be in effect on January 30, 1975.

Sec. 3. Minnesota Statutes, 1973 Supplement, Section 473A.111, Subdivision 1, is amended to read:

473A.111 [TRANSIT TAX LEVIES.] Subdivision 1. [AMOUNT.] For the purposes of chapter 473A and the metropolitan transit system, the metropolitan transit commission may levy upon all taxable property within the metropolitan transit taxing district, defined herein, a transit tax, which shall not in any year exceed the sum of the following:

(a) An amount equal to ~~1.15~~ 3.37 mills times the assessed value of all such property some or all of the proceeds of which may be used to provide for the full and timely payment of its certificates of indebtedness and other obligations of the commission to which collections of the wheelage tax and replacement property tax

under Minnesota Statutes 1969, Section 473A.14, have been pledged, plus any amount needed for compliance with any final judgment of a court of competent jurisdiction requiring payment of any amount of the wheelage tax levied by the commission for 1971 and prior years ; *except that the amount of taxes which may be levied in any year for the operating costs of the commission shall, except where this reduction would render the commission ineligible for the federal aid involved, be further reduced by the amount of any funds received by the commission during the previous year from federal grants to cover operating costs ; plus (b) such an additional amount equal to .04 mills times the assessed valuation of all such property all of which shall be used for the operating cost of service programs for the handicapped; plus*

(b) (c) such additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on February 1, 1974, plus additional certificates of indebtedness and other obligations in an amount not to exceed \$8,000,000 for the purposes of the transit related elements of the bus improvement program as expressed in the commission's bus service expansion report to the legislature of February 22, 1974, to which property taxes under this section have been pledged, provided that the amount of principal and interest to come due on such obligations shall not exceed \$3,000,000 in any year ; plus

(d) Such additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of certificates of indebtedness in an amount not to exceed \$12,000,000 for the purposes of highway related aspects of the bus improvement program, as expressed in the commission's bus service expansion report to the legislature of February 20, 1974, to which property taxes under this section have been pledged, provided that the principal and interest to come due on such obligations shall not exceed \$1,600,000 in any year. The certificates of indebtedness provided in this paragraph may be issued only after the commission has determined that alternative methods of finance are not available on the same or better terms. Nothing in this section shall be construed as providing funding for the preliminary engineering, studies, or construction for the automated fixed guideway system proposed in the 1972 transit development program of the commission.

Sec. 4. Minnesota Statutes 1971, Section 473A.111, Subdivision 4, is amended to read:

Subd. 4. [USE OF PROCEEDS.] (1) A portion of the proceeds of the tax described in this section shall be used to provide transit services, at no cost, between the hours of 9:00 AM and 3:30 PM, and from 6:30 PM until the last bus on Monday through Friday of each week, and all day Saturday and Sunday to all those persons 65 years of age or over holding a medicare card or a special golden age identification card issued by the commission, and to all those persons under the age of 18 who are students .

(2) Establish an express bus system to those areas within the

transit taxing district at the earliest practicable time over existing highways and streets in conjunction with the federal highway administration, the urban mass transportation administration, the Minnesota highway department, the metropolitan council, and other highway agencies."

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

"A bill for an act relating to mass transit; approving an accelerated bus improvement program and providing funds therefor; setting bus fares; amending Minnesota Statutes 1971, Sections 473A.09, by adding a subdivision; 473A.111, Subdivision 4; and Minnesota Statutes, 1973 Supplement, Section 473A.111, Subdivision 1."

And when so amended, H. F. No. 3035 will be identical to S. F. No. 3076 and further recommends that H. F. No. 3035 be given its second reading and substituted for S. F. No. 3076 and S. F. No. 3076 be indefinitely postponed.

Pursuant to Rule 49 the Committee recommends that H. F. No. 3571 be amended as follows:

Page 1, line 20, strike "act" and insert in lieu thereof "rule"

And when so amended, H. F. No. 3571 will be identical to S. F. No. 3494 and further recommends that H. F. No. 3571 be given its second reading and substituted for S. F. No. 3494 and S. F. No. 3494 be indefinitely postponed.

Pursuant to Rule 49 the Committee recommends that H. F. No. 3313 be amended as follows:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1971, Section 85A.03, Subdivision 4, is amended to read:

Subd. 4. As directed by the board, the director may establish a schedule of charges for admission to or the use of the Minnesota zoological garden or any related facility, provide for the sale of gifts, souvenirs, food and beverages, and grant concessions for the sale of such items. The granting of any concessions *relative to food, beverages, and transit* shall not be subject to the ~~terms and provisions of~~ competitive bidding procedures of Minnesota Statutes, Sections 16.06, 16.07, and 16.28 but shall remain subject to all other provision of Minnesota Statutes, Chapter 16. In other areas of concessions, ~~unless~~ the commissioner of administration may determine ~~determines~~ that it is not feasible and not in the public interest to award a contract for the operation of such concession to the highest responsible bidder.

Sec. 2. [EFFECTIVE DATE.] This act shall be effective the day following final enactment."

And when so amended, H. F. No. 3313 will be identical to S. F. No. 3234 and further recommends that H. F. No. 3313 be given its second reading and substituted for S. F. No. 3234 and S. F. No. 3234 be indefinitely postponed.

Pursuant to Rule 49 the Committee recommends that H. F. No. 1835 be amended as follows:

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

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

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

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

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

Subd. 4. "Public utility" means persons, corporations or other legal entities, their lessees, trustees, and receivers, now or hereafter operating, maintaining, or controlling in this state equipment or facilities for furnishing at retail natural, manufactured or mixed gas or electric service to or for the public or its members, or engaged in the production and retail sale thereof but does not include a municipality producing or furnishing natural, manufactured or mixed gas or electric service. Except as otherwise provided, the provisions of this act shall not be applicable to any sale of natural gas or electricity by a public utility to another public utility for resale. No person shall be deemed to be a public

utility if it presently furnishes its services only to tenants in buildings owned, leased or operated by such person. No person shall be deemed to be a public utility if it presently furnishes service to occupants of a mobile home or trailer park owned, leased, or operated by such person. No person shall be deemed to be a public utility if it presently produces or furnishes service to less than 25 persons.

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

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

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

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

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

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

Sec. 4. [STANDARD OF SERVICE.] Every public utility shall furnish safe, adequate, efficient, and reasonable service; provided that service shall be deemed adequate if made so within 90 days after a person requests service. Upon application by a public utility, and for good cause shown, the commission may extend the period for not to exceed another 90 days.

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

Subd. 2. Every public utility shall file with and as a part of the schedule all rules and regulations that, in the judgment of the commission, in any manner affect the service or product, or the rates charged or to be charged for any service or product, as well as any contracts, agreements or arrangements relating to the ser-

vice or product or the rates to be charged for any service or product to which the schedule is applicable as the commission may by general or special order direct.

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

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

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

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

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

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

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

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

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

Subd. 4. The commission may require any public utility to file annual reports in the form and content, having regard for the provisions of this section, as the commission may require, and special reports concerning any matter about which the commission is authorized to inquire or to keep itself informed. The commission may require the reports to be verified. The basic financial statements in the annual report of a public utility may, at the direction of the public service commission, be examined by an independent certified public accountant and his opinion thereof included in the annual report filed with the commission.

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

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

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

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

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

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

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

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

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

Sec. 16. [RATE CHANGES; PROCEDURE; HEARING.] Subdivision 1. Unless the commission otherwise orders, no public utility shall change any rate which has been duly established under this act, except after 30 days notice to the commission,

which notice shall include statements of facts, expert conclusions, substantiating documents, and exhibits, supporting the change requested, and further shall state the change proposed to be made in the rates then in force, and the time when the modified rates will go into effect. The commission shall give written notice of the proposed change to the governing body of each municipality and county in the area affected. All proposed changes shall be shown by filing new schedules or shall be plainly indicated upon schedules on file and in force at the time.

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

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

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

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

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

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

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

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

Subd. 3. The commission shall give the public utility and the complainant, ten days notice of the time and place when and where

the hearing will be held and such matters to be considered and determined. Both the public utility and complainant shall be entitled to be heard and be represented by counsel.

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

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

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

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

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

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

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

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

Subd. 2. If, after making the summary investigation, the commission becomes satisfied that sufficient grounds exist to warrant a formal hearing being ordered as to the matters investigated, it shall set a time and place for a hearing.

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

Sec. 22. [LAWFUL RATES; REASONABLE SERVICE.] Subdivision 1. Whenever upon an investigation made under the provisions of this act, the commission shall find rates, tolls, charges, schedules or joint rates to be unjust, unreasonable, insufficient or

unjustly discriminatory or preferential or otherwise unreasonable or unlawful, the commission shall determine and by order fix reasonable rates, tolls, charges, schedules or joint rates to be imposed, observed and followed in the future in lieu of those found to be unreasonable or unlawful.

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

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

Sec. 23. [CONSTRUCTION OF FACILITIES; COMMISSION APPROVAL.] Subdivision 1. The words "major utility facility" means: (1) electric generating plant and associated facilities designed for, or capable of, operation at a capacity of 50 megawatts or more; (2) an electric transmission line and associated facilities of a design capacity of 125 kilovolts or more; and (3) a gas transmission line and associated facilities designed for, or capable of, transporting gas at pressures in excess of 125 pounds per square inch; provided, however, that the words "major utility facility" shall not include electric or gas distribution lines and gas gathering lines and associated facilities as defined by the commission.

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

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

Sec. 24. [CHANGE; AMENDMENT; RECISION OF ORDERS.] The commission may at any time, on its own motion or upon motion of an interested party, and upon notice to the public utility and after opportunity to be heard, rescind, alter or amend any order fixing rates, tolls, charges or schedules, or any other order made by the commission, and may reopen any case following the issuance of an order therein, for the taking of further evidence or for any other reason. Any order rescinding, altering, amending or reopening a prior order shall have the same effect as an original order.

Sec. 25. [ORDERS; EFFECTIVE DATE.] Every decision made

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

Sec. 26. [REHEARINGS BEFORE COMMISSION; CONDITION PRECEDENT TO JUDICIAL REVIEW.] Subdivision 1. Within 20 days after the service by the commission of any decision constituting an order or determination, any party to the proceeding and any other person, aggrieved by the decision and directly affected thereby, may apply to the commission for a rehearing in respect to any matters determined in the decision. The commission may grant and hold a rehearing on the matters, or upon any of them as it may specify in the order granting the rehearing, if in its judgment sufficient reason therefor exists.

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

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

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

Subd. 5. It is hereby declared that the legislative powers of the state, insofar as they are involved in the issuance of orders and

decisions by the commission, have not been completely exercised until the commission has acted upon an application for rehearing, as provided for by this section and by the rules of the commission, or until the application for rehearing has been denied by implication, as above provided for.

Sec. 27. [SUBPOENA; WITNESSES; FEES; AND MILEAGE.] The commission and each commissioner, or the secretary of the commission may issue subpoenas and all necessary processes in proceedings pending before it; and each process shall extend to all parts of the state and may be served by any person authorized to serve processes of courts of record. Each witness who shall appear before the commission, or at a hearing before one of the individuals designated by it as provided in section 15 of this act, or whose deposition is taken, shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record.

Sec. 28. [OATHS; CONTEMPT; EXAMINER'S POWERS.] The commission and each of the commissioners or authorized examiner, for the purpose mentioned in this act, may administer oaths and examine witnesses. In case of failure on the part of any person to comply with any subpoena, or in the case of the refusal of any witness to testify concerning any matter on which he may be interrogated lawfully, any court of record of general jurisdiction or a judge thereof, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify therein.

Sec. 29. [DEPOSITIONS.] The commission or any party to the proceedings may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

Sec. 30. [TESTIMONY AND PRODUCTION OF RECORDS; PERJURY.] No person shall be excused from testifying or from producing any book, document, paper, or account in any investigation, or inquiry by, or hearing before, the commission or any commissioner, or person designated by it to conduct hearings, when ordered to do so, upon the ground that the testimony or evidence, book, document, paper, or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished, or subjected to any forfeiture or penalty for or on account of any act, transaction, matter, or thing concerning which he shall have been compelled under oath to testify or produce documentary evidence; provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

Sec. 31. [COPIES OF DOCUMENTS AS EVIDENCE.] Copies of official documents and orders filed or deposited according to law in the office of the commission, certified by a commissioner or by the secretary under the official seal of the commission to be true copies of the original shall be evidence in like manner as the

originals, in all matters before the commission and in the courts of this state.

Sec. 32. [ORDERS AND FINDINGS IN WRITING.] Every order, finding, authorization, or certificate issued or approved by the commission under any provisions of this act shall be in writing and filed in the office of the secretary of the commission. A certificate under the seal of the commission that any order, finding, authorization, or certificate has not been modified, stayed, suspended, or revoked, shall be received as evidence in any proceedings as to the facts therein stated.

Sec. 33. [PUBLIC RECORDS.] All decisions, transcripts, and orders of the commission shall be public records.

Sec. 34. [TRANSCRIBED RECORD TO BE KEPT.] A full and complete record shall be kept of all proceedings at any formal hearing had before the commission or any commissioner or hearing examiner and all testimony shall be taken down by a reporter appointed by the commission. A copy of the transcript shall be furnished on demand to any party to the proceedings upon payment of reasonable costs of reproduction.

Sec. 35. [FRANCHISES CONTINUED.] Any public utility furnishing the utility services enumerated in this act or occupying streets, highways, or other public property within a municipality may be required to obtain a license, permit, right or franchise in accordance with the terms, conditions, and limitations of regulatory acts of the municipality, including the placing of distribution lines and facilities underground, and under the license, permit, right, or franchise, the utility may be obligated by any municipality to pay to the municipality fees to raise revenue or defray increased municipal costs accruing as a result of utility operations, or both, including but not limited to a sum of money based upon gross operating revenues or gross earnings from its operations in the municipality so long as the public utility shall continue to operate in the municipality, unless upon request of the public utility it is expressly released from the obligation at any time by such municipality. All existing licenses, permits, franchises and other rights acquired by any public utility or municipality prior to the passage of this act including the payment of existing franchise fees, shall not be impaired or affected in any respect by the passage of this act, except with respect to matters of rate and service regulation and service area assignments that have been vested to the jurisdiction of the commission by this act. However, in the event that a court of competent jurisdiction determines, or the parties by mutual agreement determine, that an existing license, permit, franchise or other right has been abrogated or impaired by this act, or its execution, the municipality affected shall impose and the public utility shall collect an excise tax on the utility charges which from year to year yields an amount which is reasonably equivalent to that amount of revenue which then would be due as a fee, charges or other thing or service of value to the municipality under the franchise, license or permit. The authorization shall be over and above taxing limitations including, but not limited to those of section 477A.01, subdivision 18. Franchises granted pursuant to this section shall be

exempt from the provisions of Minnesota Statutes, 1973 Supplement, Chapter 80C.

Sec. 36. [ASSIGNED SERVICE AREAS; ELECTRIC UTILITIES.] Subdivision 1. [LEGISLATIVE POLICY.] It is hereby declared to be in the public interest that, in order to encourage the development of coordinated statewide electric service at retail, to eliminate or avoid unnecessary duplication of electric utility facilities, and to promote economical, efficient, and adequate electric service to the public, the state of Minnesota shall be divided into geographic service areas within which a specified electric utility shall provide electric service to customers on an exclusive basis.

Sec. 37. [DEFINITIONS.] For the purpose of sections 36 through 43 only, the following definitions shall apply:

Subdivision 1. "Person" means a natural person, a partnership, private corporation, a public corporation, a municipality, an association, a cooperative whether incorporated or not, a joint stock association, a business trust, any political subdivision or agency, or two or more persons having joint or common interest.

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

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

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

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

Subd. 6. "Assigned service area" means the geographical area in which the boundaries are established as provided in section 38 of this act.

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

Sec. 38. [ASSIGNED SERVICE AREAS.] Subdivision 1. On or before six months from the effective date of this section, or, when requested in writing by an electric utility and for good cause shown, and at a further time as the commission may fix by order, each electric utility shall file with the commission a map or maps showing all its electric lines outside of incorporated municipalities as they existed on the effective date of this section. Each electric utility shall also submit in writing a list of all municipalities in which it provides electric service on the effective date of this act. Where two or more electric utilities serve a single municipality, the commission may require each utility to file with the commission a map showing its electric lines within the municipality.

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

Subd. 3. To the extent that it is not inconsistent with the legislative policy stated in subdivision 1 of section 36, the boundaries of each assigned service area, outside of incorporated municipalities, shall be a line equidistant between the electric lines of adjacent electric utilities as they exist on the effective date of this section; provided that these boundaries may be modified by the commission to take account of natural and other physical barriers including, but not limited to, highways, waterways, railways, major bluffs, and ravines and shall be modified to take account of the contracts provided for in subdivision 4; and provided further that at any time after the effective date of the section, the commission may on its own or at the request of an electric utility make changes in the boundaries of the assigned service areas, but only after notice and hearing as provided for in sections 17 and 18.

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

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

Subd. 6. In those areas where, on the effective date of this section, the existing electric lines of two or more electric utilities are so intertwined that subdivisions 2 through 5 cannot reasonably be applied, the commission shall determine the boundaries of the assigned service areas for the electric utilities involved as will promote the legislative policy in section 36, subdivision 1.

Sec. 39. [EXCLUSIVE SERVICE RIGHTS.] Except as provided in section 41, each electric utility shall have the exclusive right to provide electric service at retail to each and every present and future customer in its assigned service area and no electric utility shall render or extend electric service at retail within the assigned service area of another electric utility unless the electric utility consents thereto in writing; provided that any electric utility may extend its facilities through the assigned service area of another electric utility if the extension is necessary to facilitate the electric utility connecting its facilities or customers within its own assigned service area.

Sec. 40. [EFFECT OF INCORPORATION, ANNEXATION, OR CONSOLIDATION.] After the effective date of this section, the inclusion by incorporation, consolidation, or annexation of any part of the assigned service area of an electric utility within the boundaries of any municipality shall not in any respect impair or affect the rights of the electric utility to continue and extend electric service at retail throughout any part of its assigned service area unless a municipality which owns and operates an electric utility elects to purchase the facilities and property of the electric utility as provided in section 43 of this act.

Sec. 41. [SERVICE EXTENSIONS IN CERTAIN SITUATIONS.] Subdivision 1. Notwithstanding the establishment of assigned service areas for electric utilities provided for in section 38, customers located outside municipalities and who require electric service with a connected load of 2,000 kilowatts or more shall not be obligated to take electric service from the electric utility having the assigned service area where the customer is located if, after notice and hearing, the commission so determines after consideration of following factors:

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

Subd. 2. Notwithstanding the provisions in section 38, any electric utility may extend electric lines for electric service to its own utility property and facilities.

Sec. 42. [HEARINGS; COMPLAINTS.] Upon the filing of an application under section 41 or upon complaint by an affected utility that the provisions of sections 38 through 41 have been violated, the commission shall hold a hearing, upon notice, within 15 days after the filing of the application of complaint, and shall render its decision within 30 days after said hearing.

Sec. 43. [SERVICE EXTENSIONS IN ANNEXED AREAS; MUNICIPAL PURCHASE.] Notwithstanding the provisions of sections 37 through 41 of this act, whenever a municipality which owns and operates an electric utility extends its corporate boundaries through annexation or consolidation, the municipality shall thereafter furnish electric service to the annexed area unless the area is already receiving electric service from an electric utility, in which event, the annexing municipality may purchase the facilities of the electric utility serving the annexed area. The municipality acquiring the facilities shall pay to the utility formerly serving the annexed area the appropriate value of its properties within the area which payment may be by exchange of other electric utility property outside the municipality on an appropriate basis giving due consideration to revenue from and value of the respective properties. In the event the municipality and the electric utility involved are unable to agree as to the terms of the payment or exchange, the municipality or the electric utility may file an application with the commission requesting that the commission determine the appropriate terms for the exchange or sale. After notice and hearing, the commission shall determine appropriate terms for an exchange, or in the event no appropriate properties can be exchanged, the commission shall fix and determine the appropriate value of the property within the annexed area, and the transfer shall be made as directed by the commission. In making that determination the commission shall consider the original cost of the property, less depreciation, loss of revenue to the utility formerly serving the area, expenses resulting from integration of facilities, and other appropriate factors. Until the determination by the commission, the facilities shall remain in place and service to the public shall be maintained by the owner. However, the electric utility being displaced, serving the annexed area, shall not extend service to any additional points of delivery within the annexed area if the commission, after notice and hearing, with due consideration of any unnecessary duplication of facilities, shall determine that the extension is not in the public interest.

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

Sec. 44. [MUNICIPAL PURCHASE OF PUBLIC UTILITY.] Any public utility operating in a municipality under a license, permit, right or franchise shall be deemed to have consented to the purchase by the municipality, for just compensation, of its property operated in the municipality under such license, permit, right or franchise. The municipality, subject to the provisions of this act, may purchase the property upon notice to the public utility as herein provided. Whenever the commission is notified by the municipality or the public utility affected that the municipality has, pursuant to law, determined to purchase the property of the public utility, and that the parties to the purchase and sale have been unable to agree on the amount to be paid and received therefor, the commission shall set a time and place for a public hearing, after not less than 30 days notice to the parties, upon the matter of just

compensation or the matter of the property to be purchased. Within a reasonable time the commission shall, by order, determine the just compensation for the property to be purchased by the municipality. In determining just compensation, the commission shall consider the original cost of the property less depreciation, loss of revenue to the utility, expenses resulting from integration of facilities and other appropriate factors. The order of the commission may be reviewed as provided in section 51 of this act. Commission expenses arising out of the exercise of its jurisdiction under this section shall be assessed to the municipality.

Sec. 45. [MUNICIPAL PROCEDURE; NOTICE; ELECTION.] Any municipality which desires to acquire the property of a public utility as authorized under the provisions of section 44 of this act may determine to do so by resolution of the governing body of the municipality taken after a public hearing of which at least 30 days published notice shall be given as determined by the governing body. The determination shall become effective when ratified by a majority of the qualified electors voting on the question at a special election to be held for that purpose, not less than 60 nor more than 120 days after the resolution of the governing body of the municipality.

Sec. 46. [ACQUISITION BY EMINENT DOMAIN.] Nothing in this act shall be construed to preclude a municipality from acquiring the property of a public utility by eminent domain proceedings; provided that damages to be paid in eminent domain proceedings shall include the original cost of the property less depreciation, loss of revenue to the utility, expenses resulting from integration of facilities, and other appropriate factors.

Sec. 47. [RELATIONS WITH AFFILIATED INTERESTS.] Subdivision 1. "Affiliated interests" with a public utility means the following:

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

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

(c) Every corporation five percent or more of whose voting securities is owned by any person or corporation owning five percent or more of the voting securities of such public utility or by any person or corporation in any such chain of successive ownership of five percent or more of voting securities.

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

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

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

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

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

Subd. 3. No contract or arrangement providing for the furnishing of management, supervisory, construction, engineering, accounting, legal, financial or similar services, and no contract or arrangement for the purchase, sale, lease or exchange of any property, right, or thing, or for the furnishing of any service, property, right, or thing, other than those above enumerated, made or entered into after the effective date of this act between a public utility and any affiliated interest as defined in this act, shall be valid or effective unless and until the contract or arrangement has received the written approval of the commission. It shall be the duty of every public utility to file with the commission a verified copy of the contract or arrangement, or a verified summary of the unwritten contract or arrangement, and also of all the contracts and arrangements, whether written or unwritten, entered into prior to the effective date of this act and in force and effect at that time. The commission shall approve the contract or arrangement made or entered into after that date only if it shall clearly appear and be established upon investigation that it is reasonable and consistent with the public interest. No contract or arrangement shall receive the commission's approval unless satisfactory proof is submitted to the commission of the cost to the affiliated interest of rendering the services or of furnishing the property or service described herein to each public utility. No proof shall be satisfactory within the meaning of the foregoing sentence unless it includes the original or verified copies of the relevant cost records and other relevant accounts of the affiliated interest, or an abstract or summary as the commission may deem adequate, properly identified and duly authenticated, provided, however, that the commission may, where reasonable, approve or disapprove the contracts or arrangements without the submission of cost records or accounts. The burden of proof to establish the reasonableness of the contract or arrangement shall be on the public utility.

Subd. 4. The provisions of this section requiring the written approval of the commission shall not apply to transactions with affiliated interests where the amount of consideration involved

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

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

Subd. 6. The commission shall have continuing supervisory control over the terms and conditions of the contracts and arrangements as are herein described so far as necessary to protect and promote the public interest. The commission shall have the same jurisdiction over the modifications or amendment of contracts or arrangement as are herein described as it has over such original contracts or arrangements. The fact that the commission shall have approved entry into such contracts or arrangements as described herein shall not preclude disallowance or disapproval of payments made pursuant thereto, if upon actual experience under such contract or arrangement it appears that the payments provided for or made were or are unreasonable.

Subd. 7. The provisions of this section shall not apply to cooperative electric associations.

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

Sec. 48. [SECURITIES.] Subdivision 1. For the purpose of this section, "security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; assumption of any obligation or liability as a guarantor, endorser, surety, or otherwise in the security of another person; certificate of interest or participation in any profit sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable shares; investment contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining right, title or lease or in payments out of production under an oil, gas, or mining right, title or lease; or, in general, any interest or instrument commonly known as a

security, or any certificate for, receipt for guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

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

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

Subd. 4. Upon the application of a public utility for approval of its capital structure prior to the issuance of any security or the encumbrance of any property for the purpose of securing the payment of any indebtedness, the commission may make such inquiry or investigation, hold such hearings, and examine such witnesses, books, papers, documents, or contracts, as in its discretion it may deem necessary. Prior to approval the commission shall ascertain that the amount of securities of each class which any public utility may issue shall bear a reasonable proportion to each other and to the value of the property, due consideration being given to the nature of the business of the public utility, its credit and prospects, the possibility that the value of the property may change from time to time, the effect which the issue shall have upon the management and operation of the public utility, and other considerations which the commission as a matter of fact shall find to be relevant. If the commission shall find that the proposed capital structure is reasonable and proper and in the public interest and will not be detrimental to the interests of the consumers and patrons affected thereby, the commission shall by written order grants its permission for the proposed public financing.

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

Subd. 6. The provisions of this section shall not apply to cooperative electric associations.

Sec. 49. [ACQUIRING PROPERTY; MERGER.] Subdivision 1. No public utility shall sell, acquire, lease, or rent any plant as an operating unit or system in this state for a total consideration in excess of \$100,000, or merge or consolidate with another public utility operating in this state, without first being authorized so to do by the commission. Upon the filing on an application for the approval and consent of the commission thereto the commission shall investigate, with or without public hearing, and in

case of a public hearing, upon such notice as the commission may require, and if it shall find that the proposed action is consistent with the public interest it shall give its consent and approval by order in writing. In reaching its determination the commission shall take into consideration the reasonable value of the property, plant, or securities to be acquired or disposed of, or merged and consolidated. The provisions of this section shall not be construed as applicable to the purchase of units of property for replacement or to the addition to the plant of the public utility by construction.

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

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

Sec. 50. [STOCK PURCHASE.] Subdivision 1. No public utility shall purchase voting stock in another public utility doing business in Minnesota without first having made application to and received the consent of the commission in writing or by order.

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

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

Sec. 51. [APPEALS.] Subdivision 1. Any party to a proceeding before the commission or any other person, aggrieved by a decision and order and directly affected thereby, shall be entitled to appeal from such decision and order of the commission. The proceedings shall be instituted by serving a notice of appeal personally or by registered mail upon the commission or one of its members or upon its secretary, and by filing the notice in the office of the clerk of the district court of the county of Ramsey or of the county in which the appellant resides or maintains his principal place of business, all within 30 days after the service of the order and decision of the commission or in cases where a rehearing is requested within 30 days after service of the order finally disposing of the application for the rehearing, or within 30 days after the final disposition by operation of law of the application for rehearing. The notice shall state the nature of the appellant's interest, the facts showing that the appellant is aggrieved and directly affected by the decision, and the grounds upon which the appellant contends that the decision should be reversed or modified. Copies of the notice shall be served, personally or by registered mail, not later than 30 days after the institution of the appeal, upon all parties who appeared before the commission in the proceeding in which the order sought to be reviewed was made. The commission and all parties to the proceeding before it, shall have the right to participate in the appeal. The court, in its discretion, may permit other interested parties to intervene.

Subd. 2. Every person served with a notice of appeal as provided

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

Subd. 3. Within 30 days after service of the notice of appeal upon the commission, or within a further time as the court may allow, the commission shall transmit to the court the original or a certified copy of the entire record of the proceedings in which the decision under appeal was made, including all pleadings, notices, testimony, exhibits, findings, decisions, orders, and exceptions; but by stipulation of all parties to the appeal the record may be shortened by eliminating any portion. The cost of preparing the transcript of the testimony, objections, rulings, and exceptions, shall be paid by the appellant to the official reporter of the commission. Any party, other than the commission, refusing to stipulate to limit the record may be taxed by the court for the additional costs.

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

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

Sec. 52. [SUSPENSION OF COMMISSION ORDERS.] The pendency of proceedings on appeal shall not of itself stay or suspend the operation of the order of the commission, but during the pendency of the proceedings the court in its discretion may stay or suspend, in whole or in part, the operation of the commission's order on terms it deems just, and in accordance with the practice of courts exercising equity jurisdiction, but no stay shall be granted without notice to the parties and opportunity to be heard by the court. Any party shall have the right to secure from the court in which an appeal of an order of the commission is sought an order suspending or staying the operation of an order of the commission, pending an appeal of the order, but no commission order relating to rates or rules and regulations shall be stayed or suspended absent a finding that great or irreparable damage would otherwise result to the party seeking the stay or suspension, and any order

staying or suspending a commission order shall specify the nature of the damage.

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

Sec. 53. [ACTIONS BY COMMISSION; ATTORNEY GENERAL TO INSTITUTE.] Whenever the commission shall be of the opinion that any person or public utility is failing or omitting or is about to fail or omit to do anything required of it by this act or by any order of the commission, or is doing anything or about to do anything, or permitting anything or about to permit anything to be done, contrary to or in violation of this act or of any order of the commission, it may direct the attorney general to commence an action or proceeding in the district court of Ramsey County, in the name of the state of Minnesota, for the purpose of having the violations stopped and prevented by injunction. The attorney general shall thereupon begin the action or proceeding by petition to the court alleging the violation or threatened violation complained of, and praying for appropriate relief by way of injunction. It shall thereupon be the duty of the court to specify a time, not exceeding 20 days after the service of the copy of the petition, within which the public utility or person complained of must plead, and in the meantime the public utility or person may for good cause shown be restrained. In case of default, the court shall immediately inquire into the facts and circumstances of the case. The corporations or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order, or writ effective, may be joined as parties. The final judgment in the action or proceeding shall either dismiss the action or proceeding or direct that an injunction issue or be made permanent as prayed for in the petition, or in a modified or other form which will afford appropriate relief. An appeal upon the record may be taken as in other civil actions.

Sec. 54. [PRIORITY OF ACTION.] All actions and proceedings under this act, and all actions or proceedings to which the commission or the state of Minnesota may be parties, and in which any question arises under this act, or under or concerning any order or decision of the commission, shall be preferred over all other civil causes, except election causes, irrespective of position on the calendar.

Sec. 55. [BURDEN OF PROOF.] In all proceedings before the commission in which the modification or vacation of any order of the commission is sought, the burden of proof shall be on the person seeking such modification or vacation.

Sec. 56. [PENALTIES.] Any person who knowingly and inten-

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

Sec. 57. [ACTS; OMISSION; FAILURE; CONSTRUCTION THEREOF.] In construing and enforcing the provision of this act relating to penalties, the act, omission, or failure of any officer, agent or employee of any person acting within the scope of his official duties of employment shall in every case be deemed to be also the act, omission, or failure of that person.

Sec. 58. [CONTINUING VIOLATIONS.] Every violation of the provisions of this act or of any lawful order of the commission, or any part or portion thereof by any person, is a separate and distinct offense, and in case of a continuing violation after a first conviction thereof each day's continuance thereof shall be deemed to be a separate and distinct offense.

Sec. 59. [PENALTIES CUMULATIVE.] All penalties accruing under this act shall be cumulative, and a suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture or be a bar to any criminal prosecution against any public utility or any officer, director, agent, or employee thereof or any person.

Sec. 60. [ACTIONS TO RECOVER PENALTIES.] Actions to recover penalties under this act shall be brought in the name of the state of Minnesota in the district court of Ramsey County.

Sec. 61. [COST OF EXAMINATION; ASSESSMENT OF EXPENSES; LIMITATIONS; OBJECTIONS.] Subdivision 1. Immediately after the passage and adoption of this act, the commission shall assess to all public utilities subject to the provisions of this act in proportion to their respective gross operating revenues, as hereinafter defined, during the preceding calendar year, the sum of \$300,000. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed, by registered mail, to the several public utilities, which shall constitute notice of said assessment and demand of payment thereof.

Subd. 2. Whenever the commission, in a proceeding upon its own motion, on complaint, or upon an application to it, shall deem it necessary, in order to carry out the duties imposed by this act, to investigate the books, accounts, practices, and activities of, or make appraisals of the property of any public utility, or to render any engineering or accounting services to any public utility, the public utility shall pay the expenses reasonably attributable to the investigation, appraisal, or service. The commission shall ascertain the expenses, and the department shall render a bill therefor to the public utility, either at the conclusion of the investigation, appraisal, or services, or from time to time during its progress, which bill shall constitute notice of the assessment and a demand for payment. The amount of the bills so rendered by the department shall be paid by the public utility into the state treasury within 30 days from the date of rendition. The total amount, in any one calendar year, for which

any public utility shall become liable, by reason of costs incurred by the commission within that calendar year, shall not exceed two-fifths of one percent of the gross operating revenue from retail sales of gas, or electric service by the public utility within the state in the last preceding calendar year. Where, pursuant to this subdivision, costs are incurred within any calendar year which are in excess of two-fifths of one percent of the gross operating revenues, the excess costs shall not be chargeable as part of the remainder under subdivision 3 of this section, but shall be paid out of the general appropriation to the department. In the case of public utilities offering more than one public utility service only the gross operating revenues from the public utility service in connection with which the investigation is being conducted shall be considered when determining this limitation.

Subd. 3. The department shall annually, within 90 days after the close of each fiscal year, ascertain the total of its expenditures to the performance of its duties relating to public utilities under this act, and shall deduct therefrom all amounts chargeable to public utilities under subdivision 2 of this section. The remainder shall be assessed by the commission to the several public utilities in proportion to their respective gross operating revenues from retail sales of gas or electric service within the state during the last calendar year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed to the several public utilities, which shall constitute notice of the assessment and demand of payment thereof. The total amount which may be assessed to the public utilities, under authority of this subdivision, shall not exceed one-eighth of one percent of the total gross operating revenues of the public utilities during such calendar year from retail sales of gas or electric service within the state.

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

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

Sec. 62. [INTEREST ON ASSESSMENTS.] The amounts assessed against any public utility not paid after 30 days after the mailing of a notice advising the public utility of the amount assessed against it, shall draw interest at the rate of six percent per annum, and upon failure to pay the assessment the attorney general shall proceed by action in the name of the state against the public utility to collect the amount due, together with interest and the cost of the suit.

Sec. 63. [ATTORNEY GENERAL TO REPRESENT COM-

MISSION.] The attorney general of the state shall, upon request of the commission, represent and appear for the commission in all actions and proceedings involving any question under this act, and shall aid in any investigation or hearing had under the provisions of this act. The attorney general shall perform all duties and services in connection with this act and the enforcement thereof as the commission may require. He shall also bring all actions to collect penalties herein provided. Nothing in this section shall prohibit the commission from employing counsel other than the attorney general to represent the public interest in any proceeding.

Sec. 64. Minnesota Statutes 1971, Section 216A.03, Subdivision 1, is amended to read:

216A.03. [COMMISSION.] Subdivision 1. [MEMBERS.] As of ~~May 26, 1967~~ *January 1, 1975* the public service commission shall consist of ~~the three members elected to the Minnesota railroad and warehouse commission; and each shall serve out the term for which he was elected as railroad and warehouse commissioner and shall, in accordance with applicable statutes, be eligible for re-election for one six-year term.~~ *five members, three of whom shall be the members then serving, who shall continue to serve for the balance of their elective or appointive terms. There shall be two additional commissioners appointed by the governor with the advice and consent of the senate, one for a term expiring December 31, 1975, and one for a term expiring December 31, 1977. Thereafter the terms of all subsequent members of the commission shall be six five years and until their successors have been appointed and qualified. Each commissioner shall be appointed by the governor by and with the advice and consent of the senate. Not more than two three commissioners shall belong to the same political party. The governor in his selection of commissioners shall give consideration to persons learned in the law or persons who have engaged in the profession of engineering, public accounting or property and utility valuation as well as being representative of the general public.*

Sec. 65. Minnesota Statutes 1971, Chapter 216A is amended by adding a section to read:

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

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

Sec. 66. [DEPARTMENT TO EMPLOY NECESSARY STAFF.] The department may employ experts, engineers, statisticians, accountants, inspectors, clerks, attorneys and employees it deems necessary to carry out the provisions of this act.

Sec. 67. [SEVERABILITY.] If any provision of this act, or any severable provision of a section of this act, or the application of any provision to any person or circumstances, shall be held invalid, the remainder of the act, or section, and the application of the provision to persons and circumstances other than those as to which it is held invalid, shall not be affected.

Sec. 68. [CONSTRUCTION.] This act is complete in itself and other Minnesota statutes are not to be construed as applicable to the supervision or regulation of public utilities by the commission. All acts and parts of acts in conflict with this act are repealed insofar as they pertain to the regulation of public utilities as defined herein.

Sec. 69. [AUTHORITY PRIOR TO EFFECTIVE DATE OF ACT.] The commission is authorized, upon the passage and adoption of this act, and prior to its effective date, to promulgate rules and regulations as provided herein; to take the steps necessary for the setting up of proper records and forms and the department is authorized to make necessary staff and clerical appointments as provided by law, and to do all things required for the effective and orderly administration of the duties imposed upon the commission pursuant to this act.

Sec. 70. [TITLE.] This act may be cited as the Minnesota public utilities act.

Sec. 71. [EFFECTIVE DATE.] This act shall become effective on January 1, 1975, except that sections 35 through 43, sections 61 through 63, and section 68 shall become effective on the day following final enactment."

Further, strike the title in its entirety and insert in lieu thereof the following:

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

And when so amended, H. F. No. 1835 will be identical to S. F. No. 1205 and further recommends that H. F. No. 1835 be given its second reading and substituted for S. F. No. 1205 and S. F. No. 1205 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. 3347 for comparison to companion Senate Files, reports the following House File was found to have no companion

Senate Files on Senate Calendars and is recommended to be referred to its respective Committee as follows:

H. F. No. 3347 to the Committee on Education.

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 HOUSE BILLS

H. F. Nos. 2950, 3102, 3030, 2333, 2554, 2011, 3143, 3230, 2186, 3544, 2349, 3340, 1931, 2608, 2710, 3090, 3276, 3321, 2967, 3313, 3279, 1834, 3035, 3571 and 1835 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Perpich, G. moved that S. F. No. 2059, No. 12 on the Calendar be stricken and returned to its author. The motion prevailed.

RECONSIDERATION

Mr. O'Neill moved that the vote whereby S. F. No. 3088 was passed by the Senate on Thursday, March 14, 1974, be now reconsidered. The motion prevailed. So the vote was reconsidered.

With the unanimous consent of the Senate, Mr. Anderson moved to amend S. F. No. 3088 as follows:

Page 27, line 19, after "enactment," insert "and section 15, which is effective August 1, 1974,"

The motion prevailed. So the amendment was adopted.

S. F. No. 3088: A bill for an act relating to courts, Ramsey and Chisago counties; amending Minnesota Statutes, 1973 Supplement, Sections 488A.18, Subdivisions 10 and 13; 488A.20, Subdivisions 1, 2, 4, and 6; 488A.22, Subdivision 3; 488A.281; 488A.283; 488A.285, Subdivisions 1 and 2; 488A.286; 488A.30, Subdivisions 1, 2, and 4; Minnesota Statutes 1971, Sections 484.18, Subdivision 3; 488A.18, Subdivision 11; 488A.19, Subdivision 6, 8, and 10; 488A.20, Subdivisions 3 and 7; 488A.21, Subdivision 1; 488A.23, Subdivision 1; 488A.26, Subdivisions 1, 3, 4, and 7; 488A.27, Subdivisions 3 and 7; 488A.30, Subdivision 3; 488A.31, Subdivisions 1 and 5; 488A.34, Subdivisions 2, 3, 4, 6, 9, and 12; repealing Minnesota Statutes 1971, Section 488A.23, Subdivisions 3 and 4.

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

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

And the roll being called, there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson
Arnold
Ashbach
Bang

Berg
Bernhagen
Borden
Brown

Chenoweth
Chmielewski
Conzemius
Davies

Dunn
Fitzsimons
Frederick
Gearty

Hansen, Baldy
Hansen, Mel
Hanson, R.
Hughes

Humphrey	Krieger	North	Perpich, A. J.	Spear
Jensen	Larson	Novak	Perpich, G.	Stokowski
Keefe, J.	Laufenburger	Ogdahl	Pillsbury	Tennessen
Keefe, S.	Lewis	Olhoft	Purfeerst	Thorup
Kirchner	Lord	Olson, A. G.	Renneke	Ueland
Kleinbaum	McCutcheon	Olson, J. L.	Schaaf	Wegener
Knutson	Milton	O'Neill	Sillers	Willet
Kowalczyk	Moe	Patton	Solon	

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

RECONSIDERATION

Mr. McCutcheon renewed his motion that the vote whereby S. F. No. 3120 failed to pass the Senate on Wednesday, March 13, 1974, be now reconsidered. The motion prevailed. So the vote was reconsidered.

CALL OF THE SENATE

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

Anderson	Fitzsimons	Kleinbaum	North	Renneke
Arnold	Gearty	Knutson	Novak	Schaaf
Bang	Hansen, Baldy	Kowalczyk	Ogdahl	Sillers
Berg	Hansen, Mel	Krieger	Olhoft	Solon
Bernhagen	Hanson, R.	Larson	Olson, A. G.	Spear
Borden	Hughes	Laufenburger	O'Neill	Stokowski
Brown	Humphrey	Lewis	Patton	Tennessen
Chenoweth	Jensen	Lord	Perpich, A. J.	Thorup
Conzemius	Josefson	McCutcheon	Perpich, G.	Ueland
Davies	Keefe, S.	Milton	Pillsbury	Wegener
Dunn	Kirchner	Moe	Purfeerst	Willet

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

S. F. No. 3120: A bill for an act relating to waters; creating the Battle Creek watershed district comprised of lands within the counties of Ramsey and Washington.

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

The question being taken on the passage of the bill,

Mr. McCutcheon moved that those not voting be excused from voting. The motion prevailed.

And the roll being called, there were yeas 30 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kleinbaum	Milton	Perpich, G.
Ashbach	Gearty	Larson	North	Schaaf
Bang	Humphrey	Laufenburger	Novak	Solon
Borden	Keefe, J.	Lewis	Olson, A. G.	Spear
Chenoweth	Keefe, S.	Lord	O'Neill	Stokowski
Conzemius	Kirchner	McCutcheon	Perpich, A. J.	Thorup

Those who voted in the negative were:

Arnold	Fitzsimons	Jensen	Ogdahl	Renneke
Berg	Frederick	Josefson	Olhoft	Sillers
Bernhagen	Hansen, Baldy	Knutson	Olson, H. D.	Ueland
Brown	Hansen, Mel	Kowalczyk	Olson, J. L.	Wegener
Chmielewski	Hanson, R.	Krieger	Fatton	Willet
Dunn	Hughes	Moe	Pillsbury	

So the bill failed to pass.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Jensen moved that his name be stricken as co-author to S. F. No. 3345. The motion prevailed.

Mr. Conzemius moved to take up the Senate Calendar at this time, remaining on the Order of Business of Motions and Resolutions. The motion prevailed.

SUSPENSION OF RULES

Mr. Conzemius moved that the Rules of the Senate be so far suspended as to waive the lie-over requirement on Senate Files on the Calendar. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 2924: A bill for an act relating to municipalities; requiring the Minnesota municipal commission to deny a petition for annexation if an underlying reason for the petition is to allow a municipality to acquire open iron ore pits for revenue purposes; amending Minnesota Statutes 1971, Section 414.031, Subdivision 4.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 3455: A bill for an act relating to taxation; exemption of certain taconite plant construction materials from the sales tax; amending Minnesota Statutes 1971, Section 297A.251.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1934: A bill for an act relating to health; state payments to counties and cities for public health nursing services; appropriating money; amending Minnesota Statutes 1971, Sections 145.08, Subdivision 1; 145.123, Subdivision 1; and 145.125.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 3244: A bill for an act creating a legislative commission to study the state banking laws for appropriate revision; appropriating money therefor.

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 58 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Brown voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 3433: A bill for an act relating to the board of pardons; the granting of a pardon extraordinary; authorizing application to a district court for an order setting aside the conviction and sealing the record; amending Minnesota Statutes 1971, Section 638.02, by adding subdivisions.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

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

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 3395: A bill for an act relating to elections; vacancies in the legislature; amending Minnesota Statutes 1971, Section 203.45, Subdivision 3.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 3190: A bill for an act relating to the metropolitan transit taxing district; establishing the outer limits as existing on October 31, 1973; amending Minnesota Statutes, 1973 Supplement, Section 473A.111, Subdivision 2.

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 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Chenoweth	Dunn	Hansen, Baldy
Arnold	Bernhagen	Chmielewski	Fitzsimons	Hansen, Mel
Ashbach	Borden	Conzemius	Frederick	Hansen, R.
Bang	Brown	Davies	Gearty	Hughes

Humphrey	Krieger	North	Patton	Spear
Jensen	Larson	Novak	Perpich, A. J.	Stokowski
Keefe, J.	Laufenburger	Ogdahl	Perpich, G.	Tennessee
Keefe, S.	Lewis	Olhoft	Pillsbury	Thorup
Kirchner	Lord	Olson, A. G.	Renneke	Ueland
Kleinbaum	McCutcheon	Olson, H. D.	Schrom	Wegener
Knutson	Milton	Olson, J. L.	Sillers	Willet
Kowalczyk	Moe	O'Neill	Solon	

Mr. Josefson voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 3422: A bill for an act relating to the establishment of a new route to the Minnesota trunk highway system to serve the Minnesota zoological garden in Dakota county, Minnesota; appropriating money therefor; establishing deadlines for construction thereof.

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 51 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kleinbaum	Ogdahl	Solon
Arnold	Fitzsimons	Knutson	Olhoft	Spear
Ashbach	Gearty	Kowalczyk	Olson, A. G.	Stokowski
Bang	Hansen, Mel	Larson	Olson, H. D.	Tennessee
Berg	Hanson, R.	Laufenburger	Olson, J. L.	Thorup
Borden	Hughes	Lewis	O'Neill	Ueland
Brown	Humphrey	Lord	Perpich, A. J.	Wegener
Chenoweth	Jensen	McCutcheon	Perpich, G.	
Chmielewski	Keefe, J.	Milton	Pillsbury	
Conzemius	Keefe, S.	Moe	Purfeerst	
Davies	Kirchner	North	Sillers	

Those who voted in the negative were:

Bernhagen	Hansen, Baldy	Krieger	Renneke	Willet
Frederick	Josefson	Patton	Schrom	

So the bill passed and its title was agreed to.

H. F. No. 3077: A bill for an act relating to labor; public employees; contracts; amending Minnesota Statutes 1971, Section 179.70, Subdivision 2.

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 20 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	McCutcheon	Perpich, A. J.
Arnold	Gearty	Kleinbaum	Novak	Solon
Chmielewski	Hughes	Laufenburger	Olhoft	Stokowski
Coleman	Humphrey	Lord	Olson, A. G.	Willet

Those who voted in the negative were:

Ashbach	Hansen, Baldy	Knutson	Ogdahl	Renneke
Berg	Hansen, Mel	Kowalczyk	Olson, H. D.	Schrom
Bernhagen	Hanson, R.	Larson	Olson, J. L.	Sillers
Conzemius	Jensen	Lewis	O'Neill	Spear
Dunn	Josefson	Milton	Perpich, G.	Tennessen
Fitzsimons	Keefe, J.	Moe	Pillsbury	Thorup
Frederick	Kirchner	North	Purfeerst	Ueland

So the bill failed to pass.

MOTIONS AND RESOLUTIONS—CONTINUED RECONSIDERATION

Mr. Perpich, A. J. moved that the vote whereby H. F. No. 3328 was passed by the Senate on Wednesday, March 13, 1974, be now reconsidered. The motion prevailed. So the vote was reconsidered.

With the unanimous consent of the Senate, Mr. Perpich, A. J. moved that the amendment made to H. F. No. 3328 by the Committee on Rules and Administration in the report adopted Monday, March 11, 1974, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 3328: A bill for an act relating to taxation, defining persons eligible for income tax credit to include certain blind, disabled and elderly persons; amending Minnesota Statutes, 1973 Supplement, Section 290.0601, Subdivision 6.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Perpich, A. J., Chairman of the Committee on Taxes and Tax Laws, designated H. F. No. 2883, No. 35 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 2883: A bill for an act relating to taxation, attached machinery aid; amending Minnesota Statutes, 1973 Supplement.

Sections 124.04; 273.138, Subdivision 6, and by adding a subdivision; and Laws 1973, Chapter 650, Article XXIV, Section 6.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kirchner	Novak	Sillers
Arnold	Dunn	Kleinbaum	Olhoft	Solon
Ashbach	Fitzsimons	Knutson	Olson, A. G.	Spear
Bang	Gearty	Krieger	Olson, J. L.	Stassen
Berg	Hansen, Baldy	Larson	Perpich, A. J.	Stokowski
Bernhagen	Hansen, Mel	Laufenburger	Perpich, G.	Tennessen
Brown	Hughes	Lord	Pillsbury	Thorup
Chenoweth	Humphrey	McCutcheon	Purfeerst	Ueland
Chmielewski	Jensen	Milton	Renneke	Wegener
Coleman	Josefson	Moe	Schaaf	Willet
Conzemius	Keefe, S.	North	Schrom	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved to take up the Calendar of Ordinary Matters at this time, remaining on the Order of Business of Motions and Resolutions. The motion prevailed.

SUSPENSION OF RULES

Mr. Coleman moved that the Rules of the Senate be so far suspended as to waive the lie-over requirement on House Files on the Calendar of Ordinary Matters. The motion prevailed.

CALENDAR OF ORDINARY MATTERS

H. F. No. 3289: A bill for an act relating to courts; county court witness and mileage fees; amending Minnesota Statutes 1971, Section 487.34.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Novak	Solon
Arnold	Fitzsimons	Kleinbaum	Olhoft	Spear
Ashbach	Gearty	Knutson	Olson, A. G.	Stassen
Bang	Hansen, Baldy	Kowalczyk	Olson, J. L.	Stokowski
Berg	Hansen, Mel	Krieger	Perpich, A. J.	Tennessen
Bernhagen	Hanson, R.	Larson	Perpich, G.	Thorup
Brown	Hughes	Laufenburger	Pillsbury	Ueland
Chenoweth	Humphrey	Lewis	Purfeerst	Wegener
Chmielewski	Jensen	Lord	Renneke	Willet
Coleman	Josefson	McCutcheon	Schaaf	
Conzemius	Keefe, J.	Moe	Schrom	
Davies	Keefe, S.	North	Sillers	

So the bill passed and its title was agreed to.

H. F. No. 2699: A bill for an act relating to the registration of title to real estate; charges on registration; amending Minnesota Statutes 1971, Section 508.74.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 3242: A bill for an act relating to the city of Minneapolis; increasing the membership of the city of Minneapolis housing and redevelopment authority, and providing terms therefor.

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 56 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olhoft	Spear
Ashbach	Gearty	Kowalczyk	Olson, A. G.	Stassen
Bang	Hansen, Baldy	Krieger	Olson, J. L.	Stokowski
Berg	Hansen, Mel	Larson	O'Neill	Tennessen
Bernhagen	Hanson, R.	Laufenburger	Perpich, A. J.	Thorup
Brown	Hughes	Lewis	Perpich, G.	Ueland
Chenoweth	Humphrey	Lord	Pillsbury	Wegener
Chmielewski	Jensen	McCutcheon	Purfeerst	Willet
Coleman	Josefson	Moe	Renneke	
Conzemius	Keefe, J.	North	Schaaf	
Dunn	Keefe, S.	Novak	Sillers	
Fitzsimons	Kleinbaum	Ogdahl	Solon	

Mr. Schrom voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 12 o'clock noon, Monday, March 18, 1974. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate.